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Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES*

Chapters:

12-4 Streets Generally
12-8 Street Cuts
12-12 Street Concrete Work
12-16 Street Thoroughfare Designations and Names
12-20 Building and House Numbers
12-24 Sidewalks Generally
12-28 Sidewalk Construction and Maintenance
12-32 Central Business Improvement District
12-36 Central Business District Sign Code
12-40 Central Business District Surface Parking Lots
12-44 Central Business Improvement District II
12-48 Common Mall Area
12-52 Parades and Public Assemblies
12-56 Poles, Wires and Conduits
12-60 Residential Corridors
12-64 Main Street Trolley System
12-68 Public Buildings and Property Use Regulations
12-72 Public Art
12-76 Airports and Aircraft
12-80 Railroads and Railroad Crossings
12-84 Park and Parkway Regulations
12-88 Mud Island River Park
12-92 Wharves and Landings
12-96 Motorboats

* Charter references—Building lines under eminent domain for street widening, §§ 126—136; street lighting on petition of property owners, §§ 388—404; street improvements §§ 546—565; sidewalks, §§ 571—575.

Chapter 12-4

STREETS GENERALLY

Sections:

12-4-1	**Street improvements generally.**
12-4-2	**Establishment of street grade prior to improvement of street.**
12-4-3	**Removal of improper materials under grading or paving contract.**
12-4-4	**Bus shelters.**
12-4-5	**Street obstructions.**
12-4-6	**Obstructing street lamps.**
12-4-7	**Defacing or injuring streets—Painting house numerals on curb.**
12-4-8	**Oil not to be spilled on asphalt pavements.**
12-4-9	**Curb service.**
12-4-10	**Gas and water pipes under streets and sidewalks.**
12-4-11	**Flashing lights projecting revolving beam upon or in view of streets—Removal when interfering with traffic.**
12-4-12	**Notice of excavation or site preparation work in utility easements.**

Sec. 12-4-1 Street improvements generally.

Streets and public thoroughfares shall be paved and otherwise improved in such manner and with such materials as the city council may prescribe by ordinance or resolution. If any improvement is made on the front foot or district improvement plan, the provisions of the statutes authorizing such improvements shall be strictly followed, and each and every officer of the city shall follow the provisions of such statutes governing his or her powers and duties. (Code 1985 § 34-1; Code 1967 § 36-1)

Charter references—Improvements under front-foot assessment law, T.C.A., §§ 503—545; improvements under district plan, §§ 546-565.

Sec. 12-4-2 Establishment of street grade prior to improvement of street.

The city engineer shall fix the official grade of any street or public thoroughfare in the city before such thoroughfare may be improved, or before an ordinance or resolution providing for such improvement may be passed. In such event, he or she shall deposit in the records of his or her office a copy of the survey or plan establishing such grade, and thenceforward the grade so established shall be conclusively held to be the official or established grade of such street or public thoroughfare. (Code 1985 § 34-2; Code 1967 § 36-2)

Sec. 12-4-3 Removal of improper materials under grading or paving contract.

All contracts for grading and paving any street or wharf shall contain a provision that if the contractor or any other person shall bring, or cause to be brought, on the street or wharf, any materials which do not strictly conform to the contract or city ordinances, the city engineer, or other proper officer of the city, shall, on behalf of the city, have the right to order the same to be removed forthwith from such street or wharf. In case of neglect or refusal of the contractor, or those employed by him or her, to remove such material, then the engineer may cause such material to be removed at the expense of the contractor, and to deduct the expense of such removal, and all other expenses thereon, from the account of the contractor. (Code 1985 § 34-3; Code 1967 § 36-3)

Sec. 12-4-4 Bus shelters.

The purpose of this section and legislation is to establish the procedure for the approval of site locations for bus shelters to be constructed on sidewalks by any company or companies contracting with the city or MATA to provide such shelters ("government contractor"). Any shelter(s) meeting the criteria set forth below shall be approved by the city engineer. If there is any dispute regarding a particular shelter's location, the government contractor shall, after exhaustion of its appeal to the CAO, have the right to appeal to the Memphis city council transportation committee. The Memphis city council transportation committee shall review the matters presented and may, at its option, adopt a recommendation of Memphis city council action. The appeal will then be submitted to the Memphis city council for a final and binding decision by a simple majority of those members present. The site approval procedure for any bus shelter constructed entirely on a city sidewalk is as follows:

A. MATA will determine which proposed transit shelters are acceptable for construction in accordance with MATA's routes, and the criteria set forth below. MATA will deliver approved lists, of not more than twenty (20) shelters each week, to the city engineering division. For each approved site location, the government contractor will also submit a detailed schematic diagram which shows major site features, distances from adjacent driveways and intersections, etc., as prescribed by MATA's administrative procedures memorandum.

B. The city engineering division will have five working days to accept or reject MATA's list of approved site locations. If the city engineering division has not responded at the end of five days, the locations will be deemed to have been approved by the city engineering division. At the government contractor's request and upon payment of the fee, the city engineering division will immediately issue a sidewalk cut permit to the government contractor for each approved site location.

C. For any location properly rejected in compliance herewith by the city engineering division, the city engineering division will highlight the rejected locations and send a copy of the highlighted list to MATA, the government contractor, and the CAO along with the reasons why each shelter has been rejected. Within five working days from receipt of such rejection, the CAO will make a written determination of whether or not the disputed site locations are approved.

D. If the CAO is unable to act within five working days because of vacation or other absences from the office, the CAO's secretary will notify MATA, the government contractor and the engineering division of such absence, and will specify a date for a decision not more than five days after his or her return to the office. If MATA does not receive a written decision from the CAO within the time specified, the locations will be deemed to have been approved. At the government contractor's request and upon payment of the fee, the city engineering division will immediately issue a sidewalk cut permit to the government contractor for each approved site location.

E. If dissatisfied with the decision of the CAO, the government contractor shall have the right to appeal to the Memphis city council transportation committee. The Memphis city council transportation committee shall review the matters presented and may, at its option, adopt a recommendation of Memphis city council action. The appeal will then be submitted to the Memphis city council for a final and binding decision by vote of a simple majority of those present.

F. The city engineer shall follow the criteria listed below to determine the site locations which should be approved for bus shelters pursuant to this title:

1. Following receipt of MATA's approval of a site at a signalized public intersection, the city engineer shall approve a shelter located within twenty-five (25) feet of the approved MATA site at a signalized intersection. Irrespective of such approval, the city engineer may require that additional traffic control devices be installed at such intersection where necessary for public safety. Such installation shall be at the expense of the government contractor; provided, however, that the city engineer may approve a distance greater than twenty-five (25) feet from the originally MATA approved site, if any only if MATA also approves the greater distance.

2. Any existing MATA shelter shall be approved for retrofitting, including movement at the site, by the government contractor, although such shelter may not be moved more than twenty-five (25) feet from its existing location; provided, however, that the city engineer may approve a distance greater than twenty-five (25) feet from the originally MATA approved site, if and only if MATA also approves the greater distance.

3. In the event that the placement of a shelter is near a private drive or access point, the shelter shall be placed outside the required site triangle prescribed in the current Memphis and Shelby County subdivision landscape requirements.

4. If any shelter herein is or may be partially or totally constructed on private property, the shelter may be approved for construction by the city engineer if the Memphis and Shelby County office of construction code enforcement determines the shelter to be in compliance with applicable ordinances of the city and Shelby County. (Ord. 4364 § 1, 10-10-95; Code 1985 § 34-4)

Sec. 12-4-5 Street obstructions.

A. It is unlawful to obstruct the public streets, alleyways or right-of-way with boxes, barrels, or any other thing, or any kind of obstruction whatsoever, or permit trees, shrubs or other foliage to project into the street or alleyway so as to impair the vision or passage of motorists.

B. It shall be a misdemeanor to place, or cause to be placed, any manner of buildings, erections, depositories, overhanging banners, temporary barriers marking off portions of streets, or other obstructions, with any sort of permanency for private use, benefit, or profit, upon any part or portion of the public grounds, thoroughfares, or passageways of the city, except for emergencies arising or repairs being made by city forces, without approval of the city treasurer, and issuance of a permit by the city treasurer, or his or her designee. (Ord. 4352 § 7, 8-15-95; Code 1985 § 34-5; Ord. 837 § 3, 1-12-71; Code 1967 § 36-5)

Sec. 12-4-6 Obstructing street lamps.

It shall be a misdemeanor for any person to place any sign or other thing so as to obstruct the light from any street lamp. Failure to remove any such obstruction within five days after notice by the police to do so shall constitute a separate offense. (Code 1985 § 34-6; Code 1967 § 36-5.1)

Sec. 12-4-7 Defacing or injuring streets—Painting house numerals on curb.

It is unlawful for any person to disturb, deface, injure, damage or alter the face of any street, thoroughfare or public place unless he or she shall have first obtained a permit from the city engineer as provided for by Section 12-8-1 of this code; provided, further, that painting of numerals of the legally assigned house number on the curb immediately in front of a building or structure shall not be an act prohibited in this section when conforming to the following specifications: no deviation shall be allowed from use of standard block Arabic numerals, and no other embellishments, background coloring (other than white, immediately beneath numerals in an area not to exceed five inches in height and twenty-four (24) inches in length), nor any script lettering shall accompany the numerals.

In the event the city should inadvertently or advertently remove or deface numerals so placed on street curbs, the city assumes no responsibility for the replacement or maintenance of such numbering and all maintenance or replacement remains the responsibility of the owner/occupant. (Ord. 3590 § 1(1), 9-2-86; Code 1985 § 34-7; Ord. 3164 § 1, 10-6-81; Code 1967 § 36-6)

Sec. 12-4-8 Oil not to be spilled on asphalt pavements.

It is unlawful for any person to permit oil to drip, spill or fall upon any asphalt pavement of the city. (Code 1985 § 34-8; Code 1967 § 36-7)

Sec. 12-4-9 Curb service.

The serving of food and drinks and the sale of other merchandise to passengers in vehicles in streets is prohibited. (Code 1985 § 34-9; Code 1967 § 36-8)

Sec. 12-4-10 Gas and water pipes under streets and sidewalks.

A. It is unlawful to lay down any new water or gas pipes within the limits of the city less than three feet below the base of sidewalks. The city engineer shall furnish a certificate of the grade. No pipes shall be put down under the pavement or roadbed, except when necessary to connect with pipes already laid.

B. All water and gas connection pipes, from mains in the streets of the city to the connection with buildings, shall be of a type approved by the light, gas and water division.

C. Whenever a street is to be paved, the gas and water companies are required to put in house connection pipes every twenty-five (25) feet to prevent the taking up of the streets after they are paved. (Code 1985 § 34-10; Code 1967 § 36-9)

Sec. 12-4-11 Flashing lights projecting revolving beam upon or in view of streets—Removal when interfering with traffic.

The director of police services is authorized and directed to determine whether any existing flashing light interferes with vehicular traffic on any street so as to constitute a traffic hazard. When such determination is made in the affirmative, the director of police services shall notify the owner or operator thereof to remove such light within ten (10) days thereafter. Each and every day's continued operation of such light after the expiration of such ten (10) day period shall constitute a new and separate offense hereunder. (Code 1985 § 34-11; Code 1967 § 36-11)

Sec. 12-4-12 Notice of excavation or site preparation work in utility easements.

All persons, including all public and private utilities, doing land site preparations within recorded utility easements where such site preparation involves dirt moving and grading for residential, commercial or industrial developments, shall file with the city engineer and the city light, gas and water division right-of-way department a notice of the proposed excavation or site preparation, including the exact location thereof, and a general description of the work proposed, which notice shall be given at least twenty (20) days prior to the commencement of work. Street work done in accordance with engineering plans submitted to and reviewed by the city engineer shall be excepted from this notification requirement. Such notice shall be registered and records kept in the city engineer's office showing information concerning the exact location of such excavation or site preparation and the general purpose for which it is made. (Code 1985 § 34-12; Ord. 3047 § 1(1), 8-12-80; Ord. 2413 § 1, 4-27-76; Code 1967 § 36-12)

Chapter 12-8

STREET CUTS

Sections:

12-8-1	**Permit required.**
12-8-2	**Records relative to permits.**
12-8-3	**Work to be performed diligently—Expiration of permit if work not begun in ninety days.**
12-8-4	**Intersections to be kept open.**
12-8-5	**Warnings to be displayed.**
12-8-6	**Refilling of trench.**
12-8-7	**Notice when opening is repaired and ready for traffic.**
12-8-8	**Liability of permit holder for damages.**
12-8-9	**Standards of workmanship for repairing surfaces.**
12-8-10	**Period for which repairs must be maintained—Costs of permits.**

Sec. 12-8-1 Permit required.

It is unlawful for any public or private utility, individual, or city or county department to cut or dig into or open any pit or trench, or to grade or excavate any pavement, gutter, sidewalk, lawn strip, neutral strip or any other portion of any city rights-of-way or easement, or for any railroad company having tracks upon, along or across any city rights-of-way or easement to repair such tracks or any of the appurtenances thereto, or for any pole company having pole lines upon the rights-of-way or easement or any company having conduits, mains or pipes under the surface of the rights-of-way or easement, to do any work in connection therewith by which any parts of any surface of a city right-of-way or easement is to be cut or disturbed, without having first obtained from the city engineer a permit to do such work. A copy of the permit shall be posted as the site of the work and be maintained until the work has been inspected and approved by the city engineer or his or her representative. (Ord. 4196 § 1, 8-24-93; Code 1985 § 34-51; Ord. 3047 § 1(3), 8-12-80; Code 1967 § 36-38)

Sec. 12-8-2 Records relative to permits.

A. The city engineer shall provide in his or her office a well-bound book so designed as to form a record of applications for permits to make openings in the pavements, sidewalks, gutters, lawn strips, neutral strips and other portions of the streets and all other thoroughfares and a history by inspection of such opening during the period of construction and maintenance hereinafter provided for. This book shall show the serial number of the application, name of applicant, the street number at the point where the opening is to be made, or in the absence of a number, the distance to the nearest intersecting street shall be given, and the distance from the curb or from the property line, the kind of surface to be cut, the character of foundation, the size of opening to be made, the number of the permit, the completion date and the date that the maintenance period expires during which time the utility responsible shall maintain such street cut.

B. The caption of each page of the book shall be such that the applicant agrees, in applying for a permit, to carefully observe the provisions of this chapter and to save the city harmless from any claim for damages by reason of the cut or opening in the surface of the thoroughfare.

C. This book shall be a public record and shall be kept open for inspection by interested persons during office hours. (Code 1985 § 34-52; Ord. 1061 § 1, 9-28-71; Code 1967 § 36-39)

Sec. 12-8-3 Work to be performed diligently—Expiration of permit if work not begun in ninety days.

The holder of a permit required by this chapter shall perform the work provided for therein with due regard to the public convenience and safety and as expeditiously as possible. Such permits shall expire automatically thereunder unless the work is begun within ninety (90) days after its issuance. Any permit not used within ninety (90) days shall be returned for cancellation or renewal. (Code 1985 § 34-53; Code 1967 § 36-40)

Sec. 12-8-4 Intersections to be kept open.

All intersections shall be kept open to vehicular and pedestrian traffic at all times by persons performing work authorized by permit issued under this chapter. (Code 1985 § 34-54; Code 1967 § 36-41)

Sec. 12-8-5 Warnings to be displayed.

Barricades, lights and signs shall be provided and erected to adequately direct traffic and protect the public from the construction site. Signs shall be provided indicating who is in responsible charge of work being done pursuant to a permit issued under this chapter. (Code 1985 § 34-55; Code 1967 § 36-42)

Sec. 12-8-6 Refilling of trench.

The holder of a permit under this chapter shall, as soon as practicable after finishing the work causing such opening, carefully refill the trench and properly fill the same

according to specifications on file in the office of the city engineer. (Code 1985 § 34-56; Code 1967 § 36-43)

Sec. 12-8-7 Notice when opening is repaired and ready for traffic.

Immediately upon completing the tamping, filling and properly paving the permitted opening, the utility who made such opening shall notify the city engineer's office in writing that the opening has been properly repaired and opened for traffic, stating the number of the permit and location of the opening. (Code 1985 § 34-57; Ord. 1061 § 1, 9-28-71; Code 1967 § 36-44)

Sec. 12-8-8 Liability of permit holder for damages.

The permit holder, while making the repairs, shall use every precaution required as to barricades, lights and devices for the safety of the public. This section shall not relieve the holder of the permit from responsibilities for accidents, should any occur. It shall be distinctly understood, and the application and permit shall state, that all permit holders making openings shall hold the city and its employees harmless from all damages which may be recovered by reason of injuries received to persons or property on account of such openings. (Ord. 4196 § 1, 8-24-93; Code 1985 § 34-58; Ord. 1061 § 1, 9-28-71; Code 1967 § 36-45)

Sec. 12-8-9 Standards of workmanship for repairing surfaces.

A. All work of repairing surfaces which have been cut or opened shall be done in accordance with the specifications and standards of workmanship of the city engineer and shall be inspected by the city engineer.

B. Should any cut or trench not be refilled in accordance with this chapter, the city engineer may cause such opening to again be excavated and refilled to his or her satisfaction at the expense of the permit holder.

C. The permit holder shall be responsible for total street failure, including changes in sub-base and supporting area, resulting from a water main breakage or from a sewer line breakage that was directly caused by a previous excavation of the permit holder. (Ord. 4196 § 1, 8-24-93; Ord. 3590 § 1(2), 9-2-86; Code 1985 § 34-59; Ord. 1061 § 1, 9-28-71; Code 1967 § 36-46)

Sec. 12-8-10 Period for which repairs must be maintained—Costs of permits.

A. Surfaces shall be kept in repair by the permit holder responsible for one year from the date of the notice of completion by the permit holder.

B. The city engineer shall cause bills for proper cost of all permits, covering the city's administrative, inspection or other expense, to be sent to all indebted individuals at the end of each month after all work on the opening is complete and the exact number of square yards of street opening is determined. The cost of each permit shall be on a linear foot basis, and determined by the city engineer, and such costs shall be reviewed annually.

C. Should they fail to make settlement for same within thirty (30) days, the accounts shall be placed in the hands of the city attorney for collection. The city engineer shall send a copy of each bill to the city comptroller. (Ord. 4196 § 1, 8-24-93; Code 1985 § 34-60; Ord. 1061 § 1, 9-28-71; Code 1967 § 36-47)

Chapter 12-12

STREET CONCRETE WORK

Sections:

12-12-1	**Compliance required.**
12-12-2	**Worker's bond—Required—Amount—Conditions.**
12-12-3	**Worker's bond—Renewal.**
12-12-4	**Worker's bond—Breach of conditions.**
12-12-5	**Job permit.**
12-12-6	**When work to be commenced and concluded.**
12-12-7	**Inspection of work—Certificate of approval.**
12-12-8	**Notices to property owners to contain warning.**

Sec. 12-12-1 Compliance required.

It is unlawful for any person to engage in the business of laying, constructing or building concrete sidewalks, steps, coping or other form of concrete work in or upon the streets, alleys, highways or public places of the city, except in compliance with the terms of this chapter. (Code 1985 § 34-31; Code 1967 § 36-20)

Sec. 12-12-2 Worker's bond—Required—Amount—Conditions.

Any person desiring to engage in the business described in Section 12-12-1 shall file with the city a bond in the amount of five thousand dollars ($5,000.00), with some surety company authorized to do business in this state, as surety, conditioned as follows:

Concrete Worker's Bond

Know all men by these presents, that we, _____, as principal, and _____, a surety company authorized to do business in the State of Tennessee, as surety, acknowledge ourselves to be held and truly bound to the City of Memphis in the sum of five thousand dollars ($5,000.00), for the payment of which sum well and truly to be made, we bind ourselves, our representatives, successors and assigns, firmly by these presents.

But the condition of the above obligation is such that:

Whereas the above bounden principal is desirous of engaging in the business of doing concrete work in or upon the streets, alleys, public places or ways in the City of Memphis for a period of one year from the date hereof; now, if the said principal shall during the term of one (1) year faithfully observe the following regulations of the City of Memphis, to wit:

Shall observe the lines, grades and widths given by the City Engineer, shall not proceed to do any concrete work in the streets, alleys and places in the City of Memphis without specific instruction from the City Engineer, or his authorized subordinates limited to their particular duties; shall do no work until a permit shall have been obtained therefor from the City Engineer, shall cover no stop boxes, valves or meter boxes belonging to any firm, company or individual; shall surround no poles, posts or other objects rightfully occupying the sidewalks unless the same are in their regularly appointed locations adjacent to the curb or edge stone; shall mix or deposit no material loose on the surface of any pavement; shall clear away all rubbish and all forms and materials from the location of the work within twenty-four (24) hours after the proper completion thereof; and shall do all work so that the same shall have the thickness, proportion, qualities, material and texture called for by the specifications for such work, which may be in force in the City of Memphis; and shall in all other respects observe the terms and regulations of the ordinances of the City of Memphis regulating the work of doing any concrete work in or upon any street, alley, public place or way in the City of Memphis and shall, within ten (10) days after written notice by the City Engineer, remedy any defects that may appear within one year of completion of work, then this obligation shall be void; otherwise to remain in full force and effect.

Witness the hands and seals of the parties hereto, this the ___ day of _____, 20____.

(Seal)

_____

Principal

(Seal)

_____

Surety

(Code 1985 § 34-32; Ord. 3047 § 1(2), 8-12-80; Code 1967 § 36-21)

Sec. 12-12-3 Worker's bond—Renewal.

The bond required by this chapter shall be renewed annually. This renewal shall be filed within three days of the expiration of any bond on file with the city engineer. (Code 1985 § 34-33; Code 1967 § 36-22)

Sec. 12-12-4 Worker's bond—Breach of conditions.

Upon the failure to abide by the terms and conditions of the bond required by Section 12-12-2, the person engaged in such business shall pay to the city such sum as is necessary to repay any injuries done by the nonobservance of the bond and shall immediately place the work in such condition as shall be directed and approved by the city engineer. The city attorney shall, in case of a failure to comply with this section, at once institute proceedings against the principal and surety upon the bond. (Code 1985 § 34-34; Code 1967 § 36-23)

Sec. 12-12-5 Job permit.

A. Any person desiring to do concrete work governed by this chapter shall, after having filed the required plans and bond, apply in such instance in which it is desired to do work to the city engineer for a permit to do so. This permit shall be issued, provided the bond of the person has not been impaired by previous breaches of the conditions therein contained, and provided, further, that, no sidewalk permits shall be issued for streets or parts thereof until the area proposed to be covered shall have been graded to the true and lawful grade established for such street. The permit shall be posted in plain sight at the job location and shall be maintained until the work is completed, inspected and approved by the city engineer or his or her representative.

B. Whenever any person engaged in concrete work shall have, by breaches of the conditions of the bond required by this chapter, incurred an obligation to the city, to the extent that the bond has been impaired to the sum of one hundred dollars ($100.00), such person in default shall not be granted any further permit to do concrete work until a satisfactory bond has been filed conditioned as provided in Section 12-12-2 for the full penalty therein prescribed. (Code 1985 § 34-35; Code 1967 § 36-24)

Sec. 12-12-6 When work to be commenced and concluded.

When a permit is granted under this chapter, the work therein specified shall be commenced within three days from the date of the permit, and carried to conclusion in a reasonable time. (Code 1985 § 34-36; Code 1967 § 36-25)

Sec. 12-12-7 Inspection of work—Certificate of approval.

A. When concrete work governed by this chapter has been completed, it shall be inspected by the city engineer or his or her representative. If such work is found to meet the requirements of all city ordinances regulating such work, the city engineer, on application, shall issue his or her certificate that the work has been inspected and approved as in accordance with provisions of this code and the terms of the required bond.

B. A property owner, receiving notice requiring concrete work to be done in or about any public place, shall not be held to have complied with such notice until the certificate provided for in this section has been issued to such owner. (Code 1985 § 34-37; Code 1967 § 36-26)

Sec. 12-12-8 Notices to property owners to contain warning.

Every notice to property owners with reference to concrete work in and about public places required to be done by such property owners, shall contain a warning to the effect that concrete workers are required to be under bond to the city, to observe faithfully the provisions of this chapter, and that, having faithfully observed all city regulations, they are entitled to receive from the city engineer a certificate to that effect. (Code 1985 § 34-38; Code 1967 § 36-27)

Chapter 12-16

STREET THOROUGHFARE DESIGNATIONS AND NAMES

Sections:

12-16-1	**Designating alleys.**
12-16-2	**Method of naming and renaming.**
12-16-3	**North and South prefixes.**
12-16-4	**East and West prefixes.**
12-16-5	**Thoroughfares on same line to bear same name—Exception.**
12-16-6	**Official map showing names.**
12-16-7	**Reports to post office of changes in names.**

Sec. 12-16-1 Designating alleys.

Thoroughfares less than thirty (30) feet in width may be designated as alleys. (Code 1985 § 34-76; Code 1967 § 36-60)

Sec. 12-16-2 Method of naming and renaming.

When the city shall acquire any street or other thoroughfare by purchase or dedication, the city engineer shall file with the director of public works his or her recommendation of a suitable name for such street or thoroughfare. It shall be the duty of the city council to select a suitable name for such new street. The official name adopted for a street or other public thoroughfare shall not be changed except by ordinance duly passed. (Code 1985 § 34-77; Ord. 3047 § 1(4), 8-12-80; Code 1967 § 36-62)

Sec. 12-16-3 North and South prefixes.

Thoroughfares abutting or intersecting Madison Avenue shall carry the prefix "South" for the thoroughfare, or part thereof, lying south of Madison Avenue, and the prefix "North" for the thoroughfare, or part thereof, lying north of Madison Avenue. (Code 1985 § 34-78; Code 1967 § 36-63)

Sec. 12-16-4 East and West prefixes.

Thoroughfares abutting or intersecting Florida Street or Meridian A, as defined in Section 12-20-2, shall carry the prefix "East," if lying east of this meridian, and the prefix "West," if lying west of this meridian. (Code 1985 § 34-79; Code 1967 § 36-64)

Sec. 12-16-5 Thoroughfares on same line to bear same name—Exception.

Thoroughfares lying on approximately the same line shall have the same name unless the intervening space between the separate parts shall be greater than two thousand (2,000) feet. (Code 1985 § 34-80; Code 1967 § 36-65)

Sec. 12-16-6 Official map showing names.

A map of the city showing streets, alleys, avenues, boulevards, lanes, places, parkways and other thoroughfares, and the official names assigned to each, prepared under the supervision of the city engineer, authenticated by him or her, shall be published, from time to time. All streets, avenues, alleys, lanes, boulevards, parkways, places and other thoroughfares in the city shall be known by the name allocated to each on this official map, and such later additions and changes as may be provided by the city council. (Ord. 3590 § 1(3), 9-2-86; Code 1985 § 34-81; Code 1967 § 36-66)

Sec. 12-16-7 Reports to post office of changes in names.

It shall be the duty of the city engineer to report to the postmaster of the city any change in the names of streets or other public thoroughfares which shall from time to time occur. (Code 1985 § 34-82; Code 1967 § 36-67)

Chapter 12-20

BUILDING AND HOUSE NUMBERS

Sections:

12-20-1	**Required.**
12-20-2	**Meridians described.**
12-20-3	**Method of numbering on north and south streets.**
12-20-4	**Method of numbering on east and west streets.**
12-20-5	**Method of numbering two entrances.**
12-20-6	**Method of numbering on streets not at right angles with meridians.**
12-20-7	**Application for number—Issuance of certificate.**
12-20-8	**Attaching, stenciling or painting number on building.**
12-20-9	**Display of incorrect number.**

Sec. 12-20-1 Required.

Every main entrance to every building and every lot fronting upon any street within the limits of the city shall bear, and be known by, a certain street number to be fixed by the light, gas and water division. (Code 1985 § 34-96; Code 1967 § 36-78)

Sec. 12-20-2 Meridians described.

The street number required by this chapter shall be ascertained and fixed with reference to the distance and direction of such main entrance or lot, from two certain meridian lines, which lines are now described and established as follows:

A. Meridian A for east and west streets: beginning at the intersection of the south boundary line of the city and the center of Florida Street, running thence north along the center of Florida Street and with the center line of such street projected to an intersection with the west line of Tennessee Street; thence northwardly along the west line of such street to an intersection with the north line of Beale Street; thence northwardly parallel to that part of Second Street north of Beale Street to the city limits.

B. Meridian B for north and south streets: beginning at a point where Meridian A would intersect the center line of Madison Avenue if same were extended westwardly, thence east along the center of Madison Avenue, and the projection eastwardly of such center line to the center line of the Memphis and State Line Railway; thence offsetting to the south along the center line of such railway one thousand one hundred forty (1,140) feet; thence eastwardly to the intersection of Poplar Avenue and Lafayette Street; thence eastwardly to the intersection of the center lines of Walnut Grove Road and Highland Avenue; thence east along the center line of such road to the east city limits. (Code 1985 § 34-97; Code 1967 § 36-79)

Sec. 12-20-3 Method of numbering on north and south streets.

Where the main entrance or lot is situated on a street running in a north and south direction, the number shall be fixed with reference to the distance north or south from Meridian B, each street number taking up a frontage of twenty (20) feet. The odd numbers shall be on the west side of the street, and the even numbers on the east side. For example: a main entrance on Second Street one thousand (1,000) feet north of Madison Avenue would be No. 100 North Second Street if situated on the east side of the street, and No. 99 North Second Street if situated on the west side of the street. (Code 1985 § 34-98; Code 1967 § 36-80)

Sec. 12-20-4 Method of numbering on east and west streets.

Where the main entrance or lot is situated on a street running east and west, the number shall be fixed with reference to the distance from Meridian A, each street number taking up a frontage of twenty (20) feet, the odd numbers being on the south side and the even numbers on the north side of the street. For example: a main entrance or lot on Union Avenue seven thousand (7,000) feet east of Meridian A would be No. 700 Union Avenue if situated on the north side of the street, and No. 699 Union Avenue if situated on the south side of the street. (Code 1985 § 34-99; Code 1967 § 36-81)

Sec. 12-20-5 Method of numbering two entrances.

Where there is more than one main entrance within a twenty (20) foot frontage on any street in the city, the first main entrance shall bear the proper number for this frontage. The other main entrance in such twenty (20) foot frontage shall bear the same number followed by the capital letter A, B, etc. For example: 100, 100A, 100B. (Code 1985 § 34-100; Code 1967 § 36-82)

Sec. 12-20-6 Method of numbering on streets not at right angles with meridians.

Where streets do not run at right angles with the meridians, the frontage of each street number shall be increased so as to make the number on that street correspond with the street numbers on other streets in the same block,

which do run at right angles to the meridian. (Code 1985 § 34-101; Code 1967 § 36-83)

Sec. 12-20-7 Application for number—Issuance of certificate.

The owner of any house or building fronting on any street shall apply to the light, gas and water division for his or her street number. The light, gas and water division shall issue a certificate designating the number to be used on any house or building, upon the payment of a fee of five dollars ($5.00) for each certificate. The fee for a duplicate certificate shall be two dollars and fifty cents ($2.50). Fees shall be turned over to the city treasurer for the use of the city. This section does not apply to numbers for buildings in the rear. (Code 1985 § 34-102; Ord. 3024 § 1, 6-9-80; Code 1967 § 36-84)

Sec. 12-20-8 Attaching, stenciling or painting number on building.

Every person owning or occupying any house or building fronting on any street in the city, and not bearing the proper street number for each main entrance, shall, within ten (10) days after the beginning of such occupancy, have the proper number attached to, stenciled or painted on the front part of such house or building, over, on, or by each main entrance in such manner that the number shall be plainly visible from the street. Such street number shall conform with this chapter and be the number designated by the light, gas and water division. If, because of the setback of the house or building, or for any other reason, the number cannot readily be seen from the street, then the occupant shall, in addition to the provisions above, position the numbering so that it is clearly visible from the street. This section shall be enforced by the office of planning and development. (Code 1985 § 34-103; Ord. 2286 § 1, 7-29-75; Code 1967 § 36-85)

Sec. 12-20-9 Display of incorrect number.

It is unlawful for any person to display any false or incorrect house or lot number knowingly and wilfully or with the intention to deceive another person. (Code 1985 § 34-104; Code 1967 § 36-87)

Chapter 12-24

SIDEWALKS GENERALLY

Sections:

12-24-1	**Definitions.**
12-24-2	**Obstructions generally.**
12-24-3	**General duty of property owner to build, repair and clean.**
12-24-4	**Work on sidewalks by tenants.**
12-24-5	**To be kept free of mud, weeds and grass.**
12-24-6	**To be kept free of ice and snow—Exceptions.**
12-24-7	**Time and method of sweeping.**
12-24-8	**Wood and brick sidewalks to be kept in repair.**
12-24-9	**Slippery walks to be made safe.**
12-24-10	**Use for storage, display or sale of merchandise prohibited.**
12-24-11	**Drainage.**
12-24-12	**Foliage and tree limbs projecting over sidewalks.**
12-24-13	**Metal drains across sidewalks.**
12-24-14	**Openings to be covered.**
12-24-15	**Obstructing gutters adjoining sidewalks.**
12-24-16	**Letters and numbers in sidewalks.**
12-24-17	**Gates and doors not to swing over walks—Exception.**
12-24-18	**Water not to drain on sidewalks.**
12-24-19	**Location of meter boxes and cut-off valves.**
12-24-20	**Base of poles set in sidewalks to be concreted.**
12-24-21	**When sidewalks to be relaid—Concrete to be used.**
12-24-22	**Compliance with Chapter 12-12.**

Sec. 12-24-1 Definitions.

As used in this chapter and Chapter 12-28, the following terms shall have the indicated meaning:

"Street" means the entire width between right-of-way lines plus any pedestrian/sidewalk easement of every way, publicly maintained when any part thereof is open to the use of the public for the purpose of vehicular and/or pedestrian travel.

"Walkway" means that portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent lines or pedestrian/sidewalk easement lines, intended for use of pedestrians. (Ord. 4196 § 1, 8-24-93; Code 1985 § 34-116; Ord. 894 § 1, 4-6-71; Code 1967 § 36-96)

Sec. 12-24-2 Obstructions generally.

It shall be a misdemeanor to obstruct any sidewalk or walkway with boxes, barrels, or other things interfering with the free passageway of the public or which may render such sidewalk or walkway unsafe for public travel. (Code 1985 § 34-117; Ord. 894 § 1, 4-6-71; Code 1967 § 36-104)

Sec. 12-24-3 General duty of property owner to build, repair and clean.

A. The owner or every lot and parcel of land abutting on any street, avenue, parkway, boulevard or other public street of the city, for which an established grade has been lawfully fixed and curbs and gutters are in place, is required to provide and maintain adjacent to his or her property a sidewalk in accordance with the specifications set out in this chapter and Chapter 12-28 when so ordered by the city engineer or his or her authorized representative.

B. It shall be the duty of every owner of property, whether vacant or occupied, within the limits of the city abutting on or adjacent to, any street, avenue, parkway, or other public street of the city, to keep clean and open for public passage all public sidewalks or walkways abutting on or adjacent to such property, and to keep such sidewalks or walkways in good repair and condition.

C. On streets, avenues, parkways or other public streets, for which an established grade has not been lawfully fixed, and curbs and gutters are not in place, the owners of abutting and adjacent property to such streets are required to keep the space provided for walkway or passageway for pedestrian traffic adjacent to their property in a safe condition, free from all obstructions, excavations, high grass, weeds, trash, debris, or other substances or material which may interfere with the free use of such passageway by the public. The abutting or adjacent owner may be required to lay a gravel, asphalt or cinder walkway of an approximate minimum width of three feet abutting his or her property. (Ord. 3590 § 1(5), 9-2-86; Code 1985 § 34-118; Ord. 1635 § 3, 3-13-73; Ord. 894 § 1, 4-6-71; Code 1967 § 36-105)

Sec. 12-24-4 Work on sidewalks by tenants.

The duties and obligations imposed by this chapter and Chapter 12-28 on the owners of property abutting on any public street to build, repair, and keep clean and open for public passage, public sidewalks and walkways, shall also devolve upon the tenant or other person occupying the premises adjacent to such sidewalks. Notice to such tenant

or occupant in the manner hereinbefore specified shall be sufficient to compel him or her to do the things specified in such notice; provided, that whenever any tenant or occupant shall be required under the provisions of this chapter and Chapter 12-28 to build, repair, and keep clean and open for public passage any sidewalk or walkway abutting his or her premises, such tenant or occupant shall have a lien on such property occupied for reimbursement and reasonable attorney's fees, if the primary obligation to do such was on the landlord. This lien may be enforced by attachment proceedings in any court of competent jurisdiction and the tenant or occupant may, when so entitled under the general principles of law of set-off, use such claims against his or her liability for rent, all in accordance with the provisions of Section 1 of Chapter 163 of the Acts of the General Assembly of the State of Tennessee for 1889. (Code 1985 § 34-119; Ord. 894 § 1, 4-6-71; Code 1967 § 36-106)

Sec. 12-24-5 To be kept free of mud, weeds and grass.

Every owner, tenant, lessee or occupant of any building or lot, whether vacant or occupied, within the city, shall keep, or cause to be kept, the sidewalks or walkways adjacent to or abutting such property free from mud, weeds, grass, noxious growth, obstructions, encumbrances, trash, debris and foreign substances of every kind. (Code 1985 § 34-120; Ord. 894 § 1, 4-6-71; Code 1967 § 36-107)

Sec. 12-24-6 To be kept free of ice and snow—Exceptions.

All sidewalks shall be kept free from ice or snow; provided, however, that tightly adhering ice may be sprinkled with sawdust, ashes or sand, so as to make the uses of the sidewalk by pedestrians safe. (Code 1985 § 34-121; Ord. 894 § 1, 4-6-71; Code 1967 § 36-108)

Sec. 12-24-7 Time and method of sweeping.

Sidewalks adjacent to businesses premises shall not be swept or cleaned, except in cases of necessity, between the hours of seven-thirty a.m. and seven-thirty p.m. Sidewalks shall be carefully cleaned or swept so as not to unnecessarily raise or spread dust, dried sputum or other substances which may carry the germs of infectious or contagious diseases. (Code 1985 § 34-122; Ord. 894 § 1, 4-6-71; Code 1967 § 36-109)

Sec. 12-24-8 Wood and brick sidewalks to be kept in repair.

It shall be a misdemeanor to permit any wood or brick sidewalks now laid to become out of repair, or in such condition as to become dangerous or annoying to pedestrians or those lawfully using such sidewalks. (Code 1985 § 34-123; Ord. 894 § 1, 4-6-71; Code 1967 § 36-110)

Sec. 12-24-9 Slippery walks to be made safe.

It is unlawful for any person to permit to remain on or in any sidewalk adjacent to or adjoining his or her property, dwelling house, store building or other property, any tile or other material which may, through use, become slippery or unsafe for public travel. It shall be the duty of the city engineer and his or her duly authorized representatives to order existing sidewalks which have become slippery or unsafe to be removed or made safe, and sidewalks according to the specifications set out in this chapter and Chapter 12-28 to be laid. The notice and remedies of the city for the failure of any such person to obey such lawful order shall be the same as prescribed in the preceding sections of this chapter. (Ord. 3590 § 1(6), 9-2-86; Code 1985 § 34-124; Ord. 894 § 1, 4-6-71; Code 1967 § 36-111)

Sec. 12-24-10 Use for storage, display or sale of merchandise prohibited.

A. It shall be a misdemeanor for any person, or a public or private agency, to use any part of any sidewalk between the private property line and curb or within a pedestrian/sidewalk easement for the storage of goods, merchandise or other material or for the purpose of displaying goods or articles for sale or barter, or for the parking of vehicles, or to place on the sidewalk any sign or device for advertising purposes.

B. It is unlawful for any person, or public or private agency, to rent, lease or let to another any portion of the sidewalks or walkways of the city for the purpose of selling fruits, vegetables, magazines, or any class of merchandise thereon. (Ord. 4196 § 1, 8-24-93; Code 1985 § 34-125; Ord. 894 § 1, 4-6-71; Code 1967 § 36-112;)

Sec. 12-24-11 Drainage.

It shall be a misdemeanor to permit any sidewalk to remain which does not properly drain storm water, or which permits water to lie upon the surface thereof. (Code 1985 § 34-126; Ord. 894 § 1, 4-6-71; Code 1967 § 36-113)

Sec. 12-24-12 Foliage and tree limbs projecting over sidewalks.

It shall be a misdemeanor to permit shrubbery, hedges, or foliage of any kind to project over sidewalks or walkways so as to interfere with the free use of such sidewalks or walkways by pedestrians. All trees upon or near sidewalks or walkways shall be so trimmed that the lower branches thereof are not less than eight feet above the

sidewalks. (Code 1985 § 34-127; Ord. 894 § 1, 4-6-71; Code 1967 § 36-114)

Sec. 12-24-13 Metal drains across sidewalks.

It shall be a misdemeanor to permit any iron or metal drain to remain across a sidewalk, unless the top of such drain shall be roughened in an approved manner, and be level or flush with the surface of the walk and securely bolted, riveted or welded to the body of such drain. (Code 1985 § 34-128; Ord. 894 § 1, 4-6-71; Code 1967 § 36-115)

Sec. 12-24-14 Openings to be covered.

A. It shall be a misdemeanor to leave open or unguarded any cellar or vault door or grating on any sidewalk, or to permit any unguarded well, cistern, coal hole or other opening to remain open and uncovered in any sidewalk.

B. Every opening in the paved sidewalk leading into an area or vault beneath the surface of such sidewalk, or into a cellar or basement, shall be fitted with an iron grating or roughened metal cover, flush with the surface of the walk and securely bolted, riveted or welded so as to remain in place. (Code 1985 § 34-129; Ord. 894 § 1, 4-6-71; Code 1967 § 36-116)

Sec. 12-24-15 Obstructing gutters adjoining sidewalks.

It shall be a misdemeanor to obstruct any gutter with dirt, gravel, sand or other substance, bridge or thing which will prevent the free and unobstructed flow of water in such gutter. (Code 1985 § 34-130; Ord. 894 § 1, 4-6-71; Code 1967 § 36-117)

Sec. 12-24-16 Letters and numbers in sidewalks.

It shall be a misdemeanor for any person to erect on, in or about any sidewalk, or to permit on, in or about any sidewalk adjacent to his or her premises, any character, device, letters or numbers of any material so constructed as to interfere with the free and safe use of any sidewalk. It shall be a misdemeanor for any person maintaining in any sidewalk any such character, device, letter or number to permit same to become slippery or otherwise dangerous to those using the sidewalk. (Code 1985 § 34-131; Ord. 894 § 1, 4-6-71; Code 1967 § 36-118)

Sec. 12-24-17 Gates and doors not to swing over walks—Exception.

It shall be a misdemeanor to permit any gate or door to open outwardly upon or across a sidewalk or driveway except where required by statute. (Code 1985 § 34-132; Ord. 894 § 1, 4-6-71; Code 1967 § 36-119)

Sec. 12-24-18 Water not to drain on sidewalks.

No person, whether owner, lessee, tenant or occupant, of an house or building, shall permit any water or other liquid to run or drip from or out of his or her building upon or across any sidewalk. If such water or other liquid is carried to the street, it shall be confined in pipe, tile or other enclosed passageway, which shall be constructed of suitable strength and material underneath the surface of such sidewalk, and shall at all times be kept in repair and adequate to handle the waters or other liquids flowing into such street. No water, liquid or ice shall be allowed to gather, remain or drip upon the upper surface of such sidewalk or passageway. No storm water shall be allowed to fall through downpipes from any building upon the sidewalks or street, or across any sidewalk, but shall be conducted by downpipe or gutter under the sidewalk to the street gutter; provided, however, that it shall be lawful for such storm waters, when conducted to alleys, to be conducted on the surface of such alleys. (Code 1985 § 34-133; Ord. 894 § 1, 4-6-71; Code 1967 § 36-120)

Sec. 12-24-19 Location of meter boxes and cut-off valves.

Whenever possible, meter boxes, cut-off valves and like instrumentalities shall be placed in the grass plot between the sidewalk and curb, but where no grass plot exists, such meter boxes, cut-off valves and other like instrumentalities shall be placed adjacent to the curb. (Code 1985 § 34-134; Ord. 894 § 1, 4-6-71; Code 1967 § 36-121)

Sec. 12-24-20 Base of poles set in sidewalks to be concreted.

It shall be a misdemeanor to set or install in any concrete sidewalk any pole or post without properly concreting around the base of same within thirty (30) days after installation. The area immediately around such pole or post shall be neatly isolated from the adjacent sidewalk by the placement of minimum one-half inch thick, full-depth expansion joint material forming a square or rectangular isolated sidewalk slab. (Code 1985 § 34-135; Ord. 894 § 1, 4-6-71; Code 1967 § 36-122)

Sec. 12-24-21 When sidewalks to be relaid—Concrete to be used.

Whenever it becomes necessary to relay sidewalks or when any sidewalks are lawfully ordered to be made, and are laid or repaired on all streets, avenues, parkways or other public streets of the city, on which stone, concrete or granite curbs have been set, or on streets which have been brought to the established grade, such sidewalks shall be laid or repaired with concrete in accordance with lines and

grades furnished and established by the city engineer, and in strict accordance with the specifications set out in this chapter and Chapter 12-28, except as specifically approved by the city engineer. (Code 1985 § 34-136; Ord. 894 § 1, 4-6-71; Code 1967 § 36-123)

Sec. 12-24-22 Compliance with Chapter 12-12.

It shall be a misdemeanor to do or permit work to be done on any granolith, stone or cement sidewalk unless the person doing the work shall comply with the provisions of Chapter 12-12, and shall have on file, in the office of the city engineer, the concrete worker's bond required by Section 12-12-2. (Code 1985 § 34-137; Ord. 894 § 1, 4-6-71; Code 1967 § 36-124)

Chapter 12-28

SIDEWALK CONSTRUCTION AND MAINTENANCE

Sections:

12-28-1	Work permit.
12-28-2	Sidewalk construction in developing areas.
12-28-3	Sidewalks required on existing improved streets—When construction to begin.
12-28-4	Sidewalk inspector.
12-28-5	Notice to property owner to build, repair or clean.
12-28-6	Failure of property owner to comply with notice.
12-28-7	City engineer to furnish grades and lines.
12-28-8	Driveway openings.
12-28-9	City engineer to accept and inspect work.
12-28-10	Width, location of walks.
12-28-11	Thickness and material to be used in concrete sidewalks.
12-28-12	Tennessee One Call to be notified of laying sidewalks.
12-28-13	Cement—Materials, preparation, placement, treatment and curing.
12-28-14	Cuts and repairs.
12-28-15	Sidewalks surrounding buildings.
12-28-16	Contractor's responsibilities.

Sec. 12-28-1 Work permit.

A. It shall be a misdemeanor for any person to lay, construct, build or repair a sidewalk, hire others to work upon, or knowingly permit work to be done on any part of a sidewalk or street from the curb to the property line, without first obtaining a permit from the city engineer to do such work. The fee for such permit shall be twenty-four cents ($0.24) per square foot of sidewalk and driveway abutting property used for residential purposes, and forty-eight cents ($0.48) per square foot of sidewalk and driveway abutting property used for commercial or industrial purposes, provided a minimum fee shall be twenty dollars ($20.00) for each permit. On any sidewalk which the city has to lay and charge to the property owner, the cost of the proper work permit shall be added to the bill of costs and recovered in the same manner as are costs for such laying. All sidewalk work shall be done under the conditions and pursuant to the directions contained in the permit. The work permit shall be conspicuously posted at the work site and maintained until such work is completed and inspected by the city engineer or his or her representative.

B. The permit shall state the place where the work is to be done, the nature of the work, and the material with which such work is to be constructed.

C. The work embraced in this section shall not be held to include the removal of grass, weeds, trash, debris or other obstructions which can be done without damage to the surface of such sidewalk, or which can be done without endangering the safety of persons lawfully using such sidewalk. (Ord. 5110 § 1, 2005; Ord. 3747 § 1, 5-3-88; Code 1985 § 34-138; Ord. 3024 § 1, 6-9-80; Ord. 894 § 1, 4-6-71; Code 1967 § 36-125)

Sec. 12-28-2 Sidewalk construction in developing areas.

A. Sidewalks shall be constructed along the public street frontages of all lots in developing areas that have curbs and gutters installed along the public streets abutting and within the development, in accordance with the specifications, standards and grades established by the city engineer with the following exceptions:

1. The lot frontages on culs-de-sac with twenty-five (25) or less dwelling units;
2. The lot frontages on loop streets and "L" streets with fifty (50) or less dwelling units;

such exceptions to be determined by the city engineer based on the definitions of the street classifications established in the subdivision regulations.

B. It shall be the duty and responsibility of the contractor/builder to whom the building permit for the lot is issued to obtain a permit from the city engineer and to install the required sidewalk across the street frontage(s) of the lot. The building official shall advise the city engineer in a timely manner of the issuance of all such building permits. The sidewalk shall be installed by the contractor/builder, and inspected by the city engineer, prior to the final inspection of the structure by the building official and prior to any use or occupancy of the structure on the lot.

C. It shall be a misdemeanor for the contractor/builder to permit any use to commence on any lot, or occupancy to commence in any structure on any lot within a new development, prior to the installation, inspection and acceptance of the sidewalks required by this chapter and Chapter 12-24.

D. The lot owner shall assume the responsibility of installation, maintenance and repair of the required sidewalks along the lot frontage(s) upon occupying the structure on the lot.

E. The city engineer reserves the right to include the installation of required sidewalks within a standard development contract for nonresidential developments, street dedication contracts, and streets abutted by reverse frontage lots and/or unbuildable common open space lots. (Ord. 4196 § 1, 8-24-93; Ord. 3590 § 1(7), 9-2-86; Code 1985 § 34-151; Ord. 1635 § 1, 3-13-73; Ord. 969 § 1, 6-1-71; Ord. 894 § 1, 4-6-71; Code 1967 § 36-97)

Sec. 12-28-3 Sidewalks required on existing improved streets—When construction to begin.

A. On existing streets improved prior to the effective date of this section, sidewalks shall be required, provided that at least twenty-five (25) percent of the sidewalks already exist. These sidewalks shall be constructed immediately upon receipt of notice from the city engineer. For topographic reasons, the city engineer may waive this requirement on all or any portion of any street, parkway, boulevard, avenue or other public street of the city for which an established grade has been lawfully fixed.

B. A "street" is defined as that portion composing one city block, both sides of the street, unless, in the opinion of the city engineer, a natural neighborhood dividing line would cause such street to be either shorter or longer than one block. (Ord. 3590 § 1(8), 9-2-86; Code 1985 § 34-152; Ord. 3047 § 1(b), 8-12-80; Code 1967 § 36-97.1)

Sec. 12-28-4 Sidewalk inspector.

The city engineer shall employ an inspector to be known as the sidewalk inspector. It shall be his or her duty to enforce the provisions of this chapter and Chapter 12-24, under the direction of the city engineer. (Ord. 4196 § 1, 8-24-93; Ord. 3590 § 1(11), 9-2-86; Code 1985 § 34-155; Ord. 894 § 1, 4-6-71; Code 1967 § 36-98)

Sec. 12-28-5 Notice to property owner to build, repair or clean.

A. Whenever it is made to appear to the city engineer, or his or her lawfully authorized representative, that there has been a failure on the part of the owner of property to build, repair, or keep clean and open for public passage any sidewalk or walkway abutting on or adjacent to such property, the city engineer, or his or her duly authorized deputy, shall give notice to such owner, or his or her duly authorized agent, of the failure of such owner to build, repair, or keep clean and open for public passage such sidewalk or walkway.

B. Such notice may be given either by personal service on the owner or his or her duly authorized agent, or by certified letter addressed to the last known place of residence of such owner, or his or her duly authorized agent, and proof of the mailing of such registered letter by the city engineer, or his or her duly authorized deputy, shall be a complete compliance with this provision.

C. In the cases of nonresident or unknown owners, a publication of the notice by one insertion in a daily newspaper published in the city shall be a complete compliance with the provisions of this section as to notice.

D. The notice in each case shall specify what is required of the owner with respect to the sidewalk. The notice shall advise the owner that unless the requirement is carried out within thirty (30) days of the date of service, mailing or publication of the notice, the necessary work will be done by the city at the expense of the owner. (Ord. 3590 § 1(12), 9-2-86; Code 1985 § 34-156; Ord. 894 § 1, 4-6-71; Code 1967 § 36-99)

Charter reference—Authority to compel property owners to build, repair and clean sidewalks, §§ 571, 572.

Sec. 12-28-6 Failure of property owner to comply with notice.

A. Failure to comply with the provisions of this chapter and Chapter 12-24 shall be a misdemeanor subject to punishment as provided in Section 1-24-1 of this code.

B. Further, upon the failure, refusal or neglect of any person notified to comply with the terms and orders of a notice given pursuant to Section 12-28-5, the city engineer is authorized to build, repair, and keep clean and open for public passage any sidewalk or walkway abutting on or adjacent to the property of the person owning or controlling it. The cost of such work shall be a lien on such property, and may be enforced by suit in any court of competent jurisdiction.

C. As an additional and cumulative remedy, the city engineer may certify to the city treasurer the cost of such work. It shall be the duty of the city treasurer to place the amount so certified on the bill for city taxes assessed against the property abutting on or adjacent to the sidewalk or walkway laid. It shall be the duty of the city treasurer to collect, as a special tax, the amount so certified, which is declared to be a special improvement tax on the property abutting on, or adjacent to, such side-

walks or walkways. This special tax may be collected in the same manner as other general taxes are collected by the city. (Ord. 4196 § 1, 8-24-93; Ord. 969 § 1, 6-1-71; Ord. 894 § 1, 4-6-71; Code 1985 § 34-157; Code 1967 § 36-100)

Sec. 12-28-7 City engineer to furnish grades and lines.

The city engineer shall furnish, to every person ordered or required to construct, pave or repair sidewalks, the proper grades and lines for such sidewalks, and such work shall be done in accord with the lines and grades so furnished. (Ord. 3590 § 1(13), 9-2-86; Code 1985 § 34-158; Ord. 894 § 1, 4-6-71; Code 1967 § 36-101)

Sec. 12-28-8 Driveway openings.

A. All driveway openings constructed for use by vehicular traffic to single-family and duplex residential land shall be six inches thick and composed of Portland cement concrete, proportioned, mixed and laid as specified in this chapter and Chapter 12-24 and in accordance with the construction standards of the city.

B. All driveway openings constructed for use by vehicular traffic to multifamily residential, commercial and/or industrial land use shall be eight inches thick and composed of Portland cement concrete, proportioned, mixed and laid as specified in this chapter and Chapter 12-24 and in accordance with the construction standards of the city.

C. All openings in the curb for driveways shall be approved by the city engineer prior to actual construction.

D. Driveway openings providing access to streets where curbs and gutters are not in place shall be constructed of asphalt pavement in accordance with the design and material standards established by the city engineer, and shall include a drainage pipe of adequate size as required to accommodate roadside drainage. Any person desiring to construct such a driveway opening shall obtain a permit from the city engineer prior to actual construction.

E. The design, number and location of all driveway openings providing access to a lot and/or land use are subject to the approval of the city engineer.

F. If the land use and/or the on-site improvements on a lot are modified, altered or changed, the design, number and location of all driveway openings providing access to the lot shall be submitted to the city engineer for review and approval. (Ord. 4196 § 1, 8-24-93; Ord. 3590 § 1(13A), 9-2-86; Code 1985 § 34-159; Ord. 1635 § 2, 3-13-73; Code 1967 § 36-102)

Sec. 12-28-9 City engineer to accept and inspect work.

The laying of all sidewalks and driveway openings and the material and component parts thereof shall be under the inspection and subject to the acceptance of the city engineer or his or her authorized deputy. (Ord. 4196 § 1, 8-24-93; Ord. 3590 § 1(14), 9-2-86; Code 1985 § 34-160; Ord. 894 § 1, 4-6-71; Code 1967 § 36-103)

Sec. 12-28-10 Width, location of walks.

A. All walks shall not be less than five feet wide, unless otherwise especially provided in the permit or by this section.

B. The normal location of walks shall be such that the edge of the walk farthest from the curb shall be on the property line. At the discretion of the city engineer, the normal location of walks may be varied within the city's right-of-way. In the event a walk is located adjacent to the back edge of the curb, the width of such walk shall not be less than six feet as measured from the back edge of the curb, subject to the exception hereinafter noted, so as to avoid interference by poles, fire plugs, meters or any such obstruction capable of preventing free passage along such walk. Should the city not have sufficient right-of-way for a walk to be not less than six feet wide, where such walk is adjacent to the curb, then in such event, the walk shall be full width, from the back edge of the curb to the property line.

C. Sidewalks installed on residential minor streets, culs-de-sac, and loop streets shall not be less than four feet wide and normally placed adjacent to the property line. Those sidewalks placed adjacent to the curb shall not be less than six feet wide.

D. Sidewalks may be installed behind the property line (on private property) if an appropriate pedestrian/sidewalk/utility easement has been granted as part of an approved final plat of a subdivision. In such cases, sidewalks shall not be less than four feet in width and normally located with the edge of the walk farthest from the curb against the easement line located farthest from the curb. Sidewalks located adjacent to the curb shall have a width of not less than six feet. (Ord. 3590 § 1(15), 9-2-86; Code 1985 § 34-171; Ord. 894 § 1, 4-6-71; Code 1967 § 36-127)

Sec. 12-28-11 Thickness and material to be used in concrete sidewalks.

Walks shall be a minimum of four inches thick and composed of monolithic Portland cement concrete, proportioned, mixed and cured in accordance with the specifications of the city engineer. (Ord. 3590 § 1(16), 9-2-86;

Code 1985 § 34-172; Ord. 894 § 1, 4-6-71; Code 1967 § 36-128)

Sec. 12-28-12 Tennessee One Call to be notified of laying sidewalks.

It shall be the duty of every person about to lay a sidewalk or driveway opening, or permitting such work to be done in his or her behalf, to give Tennessee One Call, underground utility location service, not less than three working days notice in advance of the beginning of work. (Ord. 4196 § 1, 8-24-93; Code 1985 § 34-173; Ord. 894 § 1, 4-6-71; Code 1967 § 36-129)

Sec. 12-28-13 Cement—Materials, preparation, placement, treatment and curing.

All materials, preparation, placement, treatment and curing of Portland cement concrete used in sidewalk and driveway opening construction shall be in accordance with the specifications of the city engineer and the standard construction specifications of the city. (Ord. 4196 § 1, 8-24-93; Ord. 3590 § 1(20), 9-2-86; Code 1985 § 34-180; Ord. 894 § 1, 4-6-71; Code 1967 § 36-136)

Sec. 12-28-14 Cuts and repairs.

Not less than a five-foot by five-foot block shall be constructed in replacing or repairing sidewalk except in replacing squares around objects in the sidewalk which have previously been separated with expansion joints. (Code 1985 § 34-184; Ord. 894 § 1, 4-6-71; Code 1967 § 36-140)

Sec. 12-28-15 Sidewalks surrounding buildings.

When a building permit is issued for the construction of new buildings or the remodeling of old buildings, the sidewalk, curb and driveway, if any, shall be left in first class condition upon completion of the building construction; and if damaged during the course of the demolition or construction of a building, it shall be restored to first class condition. (Ord. 4196 § 1, 8-24-93; Code 1985 § 34-186; Ord. 894 § 1, 4-6-71; Code 1967 § 36-142)

Sec. 12-28-16 Contractor's responsibilities.

The contractor will be held responsible for all injury and damage to curbs, walks, pipelines, utility stretches and all other public and private property that may occur due to his or her operation while carrying out his or her work, and all repair or replacement costs, if and where necessary, shall be borne by him or her. The contractor, at his or her own expense, shall erect and maintain all necessary walkways, barricades, and warning signs to assure safety of the public in the work area. (Code 1985 § 34-188; Ord. 894 § 1, 4-6-71; Code 1967 § 36-144)

Chapter 12-32

CENTRAL BUSINESS IMPROVEMENT DISTRICT

Sections:

12-32-1	**Created.**
12-32-2	**District boundaries.**
12-32-3	**Required and permissible improvements.**
12-32-4	**Estimate of overall cost.**
12-32-5	**Assessments to pay for improvements.**
12-32-6	**Board of assessment commissioners.**
12-32-7	**Preliminary approval or disapproval of designs and improvements.**
12-32-8	**Authority to establish zoning regulations, building code or sign code.**

Sec. 12-32-1 Created.

There is created the Memphis central business improvement district. (Code 1985 § 7-36; Ord. 1556 § 1, 1-23-73; Code 1967 § 10 1/2 -1)

Sec. 12-32-2 District boundaries.

A. The central business improvement district created by this chapter shall be comprised of that area located in the city within the following boundaries:

> A line commencing at the point of intersection of the south line of McCall Avenue with the west line of Wagner Street running thence eastwardly with such south line of McCall Avenue and continuing across Main Street eastwardly with an extension of the south line of McCall to the east line of Third Street; thence northwardly with the east line of Third Street to the point of intersection of such line with the south line of Union Avenue; thence northeastwardly to the intersection of the north line of Union Avenue with the east line of the first alley east of Third Street; thence northwardly with the east line of said alley to the north line of Exchange Avenue; thence westwardly with the north line of Exchange Avenue to the east line of Third Street; thence northwardly with the east line of Third Street to the south boundary of the Interstate 40 right-of-way; thence westwardly with such south side of Interstate 40 right-of-way and continuing along the boundary thereof in irregular lines to the point of intersection of such south side of Interstate 40 with the east line of Riverside Drive; thence southwardly with the east line of Riverside Drive to the point of its intersection with the south line of Union Avenue; thence east with the south line of Union Avenue to the point of its intersection with the west line of Wagner Street; thence southwardly with the west line of Wagner Street to the point of beginning.

B. The following area shall be included within the boundaries of the central business improvement district only for the purposes of applicability and enforcement of the zoning, building and sign codes established by Section 12-32-8:

> Beginning at a point, said point being the intersection of the southerly right-of-way line of Peabody Place (McCall Avenue) with the westerly right-of-way line of Wagner Street, thence westwardly along a westward projection of the southerly right-of-way line of Peabody Place (McCall Avenue) to its intersection with the mid-stream of the main channel of the Mississippi River; thence northwardly with the mid-stream of the main channel of the Mississippi River to its intersection with a westward projection of the northerly right-of-way line of Auction Avenue; thence eastwardly along said westward projection and the northerly right-of-way line of Auction Avenue to its intersection with the easterly right-of-way line of North Second Street; thence southwardly along the easterly right-of-way line of North Second Street to its intersection with the south boundary of the Interstate 40 right-of-way; thence westwardly with such south side of Interstate 40 right-of-way and continuing along the boundary thereof in irregular lines to the point of intersection of such south side of Interstate 40 with the east line of Riverside Drive; thence southwardly with the east line of Riverside Drive; to the point of its intersection with the south line of Union Avenue; thence east with the south line of Union Avenue to the point of its intersection with the west line of Wagner Street; thence southwardly with the west line of Wagner Street to the point of beginning.

(Ord. 4268 § 1, 7-26-94; Code 1985 § 7-37; Ord. 1556 § 2, 1-23-73; Code 1967 § 10 1/2 -2)

Sec. 12-32-3 Required and permissible improvements.

The improvements to be constructed in the central business improvement district created by this chapter shall include:

A. A mall extending down Main Street from the south line of McCall Avenue to the south line of Exchange Avenue. Such mall may be constructed to include new decorative and ornamental sidewalk and street paving, pylons for street lighting, drinking fountains, trash receptacles, directional signs, telephones, decorative planting and trees, and such other attractive facilities and/or items as may, in the opinion of the architects, be deemed desirable.

B. North Court Avenue and South Court Avenue between Main Street and Second Street may be closed to traffic and abolished as vehicle carrying arteries upon order of the mayor as of the date that construction on the improvements herein in this chapter and Chapters 12-36 and 12-40 authorized is begun.

C. Court Square may be expanded from its present perimeters to the edge of the buildings presently fronting on the south side of South Court Avenue and the north side of North Court Avenue. Such mall shall include new and decorative planting and full and adequate lighting at pedestrian height throughout the entire Court Square area, it being the intention of the city council that the Court Square area, as expanded, shall be brilliantly lighted for the safety and convenience of the citizens who use it.

D. New and decorative lighting shall, to the extent practicable, be installed on the following streets between Front Street and Third Street: McCall Avenue, Gayoso Avenue, Union Avenue, Monroe Avenue, Madison Avenue, Court Avenue, Jefferson Avenue, Adams Avenue, Poplar Avenue, Exchange Avenue and along the exit and entrance ramps on the south side of Interstate I-40.

E. Streets and sidewalks shall, to the extent practicable, be repaired or replaced with new and decorative pavement between Front Street and Third Street along the following streets: McCall Avenue, Gayoso Avenue, Union Avenue, Monroe Avenue, Madison Avenue, Court Avenue, Jefferson Avenue, Adams Avenue, Poplar Avenue and Exchange Avenue. The new paving is not considered to be to the full extent a portion of the improvements incidental to the creation of the Memphis Central Business Improvement District, but is, rather, an obligation of the city in conjunction with others, and the director of the division of public works is directed to prepare, and at the appropriate time after consultation with the architects hereafter to be employed by the city for the design of the Main Street Mall, an estimate of the costs of such cross-street improvements and a proposal for the sources of funds for such street improvements and a recommendation for the year or years in which such street improvements should take place. (Code 1985 § 7-38; Ord. 1556 § 3, 1-23-73; Code 1967 § 10 1/2 -3)

Sec. 12-32-4 Estimate of overall cost.

The overall cost of the improvements herein authorized, including interest and all other costs itemized in Section 7-84-401, Tennessee Code Annotated, is estimated at three million dollars ($3,000,000.00). (Code 1985 § 7-39; Ord. 1556 § 3, 1-23-73; Code 1967 § 10 1/2 -5)

Sec. 12-32-5 Assessments to pay for improvements.

A. The sum of two million, nine hundred eighty-three thousand, one hundred and eighty-eight dollars ($2,983,188.00) shall be the cost of the improvements herein ordered and ordained which shall be paid by special assessments against all parcels of real property within the Memphis central business improvement district as authorized by Section 7-84-401, Tennessee Code Annotated; provided, however, that no assessments shall be levied against property belonging to the governments of the United States, the state, the county and the city.

B. Upon the completion of the construction of all improvements in the Memphis central business improvement district herein authorized, the board of assessment commissioners, hereinafter created, shall apportion the sum of two million, nine hundred eighty-three thousand, one hundred and eighty-eight dollars ($2,983,188.00), including interest, upon the various properties located within such district in accordance with the benefits to each property thereon by such improvements conferred; provided, however, that a portion of the costs of the sidewalk and street improvements authorized under Section 12-32-3(E) shall be borne in the manner and in an amount later to be determined by the city council. Interest shall be computed in an amount sufficient to provide for amortization of all other such costs in twenty (20) approximately equal payments of principal and interest on the assumption that each payment is applied first to payment of interest on the unpaid principal balance at the rate of five percent per annum, and the balance to reduction of principal, and on the assumption that the first payment is made one year after due date.

C. All special assessments levied against property within the Memphis central business improvement district shall be made as of and become effective on January 10th in the calendar year following the ordinance levying such assessments. Any affected property owner may pay such assessment in full within sixty (60) days after the effective date of such ordinance, in which event the entire portion of interest attributable to such assessment shall abate and be deducted therefrom. If such assessment is not so paid, then it shall be paid in twenty (20) equal annual installments, the first being due and payable in the calendar year when such ordinance becomes effective at the same time city ad valorem real property taxes are due and payable, and subsequent installments being due and payable in the same manner during the following nineteen (19) years. (Code 1985 § 7-40; ; Ord. 2817 § 1, 12-5-78; Ord. 1556 § 6, 1-23-73; Code 1967 § 10 1/2 -6)

Sec. 12-32-6 Board of assessment commissioners.

There is created a Memphis board of assessment commissioners for the central business improvement district created by this chapter. Such board shall consist of five members to be appointed by the mayor of the city, by and with the consent of the city council. The qualifications of such members shall be as contained in Section 7-84-303, Tennessee Code Annotated, and such commissioners shall perform all acts prescribed by Chapter 84 of Title 7, Tennessee Code Annotated. (Code 1985 § 7-41; Code 1967 § 10 1/2 -7)

Sec. 12-32-7 Preliminary approval or disapproval of designs and improvements.

The preliminary designs for the mall and other improvements generally described in Section 12-32-3 shall be submitted to the city council for approval. After the selection of architects and appointment of the center city commission, the architects and the commission shall enter into such consultations between themselves and with other interested parties as the commission may deem advisable. Upon completion of preliminary designs, the council shall be notified, and a date shall be set for a hearing on the proposed design, and all property owners in the central business improvement district shall have at least ten (10) days' written notice by mail of the hearing. After the hearing, the council may approve the preliminary design by resolution, or may reject the same and determine at that time what further steps shall be taken with respect to modifications which the council may deem desirable. This section is enacted pursuant to the general governmental powers of the council. (Code 1985 § 7-42; Ord. 2555 § 2, 2-22-77; Ord. 1556 § 8, 1-23-73; Code 1967 § 10 1/2 -8)

Sec. 12-32-8 Authority to establish zoning regulations, building code or sign code.

The city council may establish zoning regulations, building code or sign code for the central business improvement district created by this chapter, as will best promote the overall district plan, notwithstanding any other portions of this code. (Code 1985 § 7-43; Ord. 2318 § 1, 10-14-75; Ord. 1556, 1-23-73; Code 1967 § 10 1/2 -9)

Chapter 12-36

CENTRAL BUSINESS DISTRICT SIGN CODE*

Sections:

12-36-1	**Established.**
12-36-2	**Definitions.**
12-36-3	**Design regulations—Purpose.**
12-36-4	**Design regulations—Areas affected.**
12-36-5	**Design regulations—Review procedure.**
12-36-6	**Design regulations—Sign standards—General CBID sign standards.**
12-36-7	**Design regulations—Sign standards—Special provisions for general districts.**
12-36-8	**Existing nonconforming signs.**
12-36-9	**Permits.**

* Editor's note: according to Section 2-84-14 of the code, this chapter is to be repealed upon the adoption by the commission of rules and regulations pursuant to Section 12-44-7(E).

Sec. 12-36-1 Established.

There is established a uniform sign code of the central business improvement district which shall read as set forth in this chapter. (Code 1985 § 7-51; Ord. 4750 § 1, 3-7-00)

Sec. 12-36-2 Definitions.

As used in this chapter:

"Above roof sign" means a sign which is displayed above the highest projection of the roof.

"Banner" means a sign having the characters, letters, illustrations or ornamentation applied to cloth, paper or fabric of any kind with only such material for a backing.

"CBID" means the central business improvement district.

"CCC" means the center city commission.

"Central business improvement district" means the central business improvement district No. II created by Chapter 12-44.

"Construction sign" means a temporary graphic placed on a construction site listing such information as contractor, engineer or architect.

"DRB" means the design review board.

"Design review board" means the Memphis center city design review board created pursuant to Section 12-44-7(F).

"Doorway" means area set back from the public right-of-way enclosed or surrounded by show windows or walled sides of show windows, but not inside the establishment itself.

"Expressway" means a limited access highway to which access is restricted except by ramps and interchanges.

"Graphic" means any letter, symbol, number, or combination of these that can be seen from the public right-of-way.

"Graphic element" means any syllable, abbreviation, number, or geometric shape.

"Ground sign" means a display sign supported by uprights or braces in or upon the ground surface.

"Informational signs" means a graphic giving direction or information without advertising.

"Item of information" means any of the following: a syllable; an abbreviation; a number; a symbol; a geometric shape.

"Marquee" means a permanent roofed structure projecting over public property, attached to and supported by a building.

"Marquee sign" means a display sign attached to or hung from a marquee canopy or other covered structure projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.

"Off-premise sign" means a sign which attracts attention to a product, service, commodity or entertainment which primarily is conducted, sold, produced or offered off the premises where the sign is located.

"Primary sign" means permanent signs that are highly visible to pedestrian and vehicular traffic and do not include roof signs, rooftop signs, sandwich boards, or window graphics. Ground signs and projecting signs are also considered primary signs.

"Primary wall sign" means a primary sign no higher than the second floor windowsills of the building to which it is attached.

"Projecting sign" means a display sign which is attached directly to the building wall and which extends more than eighteen (18) inches from the face of the wall.

"Real estate sign" means a temporary graphic erected by the owner, or his or her agent, advertising the real property upon which the sign is located, for rent, for lease, or for sale.

"Roof graphic" means a sign that is displayed above the eaves and under the highest projection of the roof.

"Roof line" means either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette and, where a building has several roof

levels, such roof or parapet shall be the roof level belonging to that portion of the building where the sign is to be located.

"Sign" includes any announcement, declaration, or demonstration, display, illustration or insignia used to advertise or promote the intent of any person when the same is placed for the view of the general public.

"Signable area" means an area of the facade of the building below the roof line which is free of windows, doors or major architectural details and not higher than the lowest of the following: twenty-five (25) feet above the adjoining sidewalk, the bottom of the window sills of the second story, or the highest part of the building under the roof as illustrated in Exhibit 1 set out at the end of this section.

"Temporary sign" means any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallpaper, or light material with or without frames, intended to be displayed for a limited period of time only.

"Wall sign" means a sign that is painted on or attached directly to the building wall and not more than eighteen (18) inches from the face of the wall.

"Window graphic" means a sign that is attached to or visible through a window. (Code 1985 § 7-52; Ord. 4750 § 1, 3-7-00)

Sec. 12-36-3 Design regulations—Purpose.

Signs are a vital component of a community's streetscape and good commercial signage can make a significant contribution to the physical appearance and to the economic prosperity of a community. The design regulations outlined herein are intended to insure that property owners in downtown and the central business improvement district have available to them a palette of street graphics that enhances and celebrates the character of the center city that is indescribably Memphis. (Code 1985 § 7-53(a); Ord. 4750 § 1, 3-7-00)

Sec. 12-36-4 Design regulations—Areas affected.

A. The following design regulations apply to any property located within the central business improvement district (CBID). The CBID is generally bound by the Wolf River on the north, Crump Boulevard on the south, the Tennessee state line on the west and Danny Thomas on the east, with an extension between Poplar and Linden to Watkins encompassing the medical center as shown in Exhibit 2 set out at the end of this section.

B. For the purposes of these guidelines, the CBID has been divided into thirteen (13) general categories of review. The downtown core standards and the medical district standards modify the general CBID sign standards. The remaining ten (10) areas, shown in Exhibit 3, set out at the end of this section, address further modifications to the downtown core sign standards.

1. General CBID sign standards.

a. Downtown core sign standards.

i. Main Street Mall sign standards.

ii. Gayoso-Peabody/Cotton Row sign standards.

iii. Beale Street sign standards.

iv. South Main/warehouse district sign standards.

v. Pinch sign standards.

vi. Greenlaw and Bickford-Bearwater sign standards.

vii. Victorian Village sign standards.

viii. Riverfront sign standards.

ix. Ballpark District sign standards.

x. Peabody Place entertainment district sign standards.

b. Medical district sign standards.

C. Standards for the downtown core, Main Street Mall, Gayoso-Peabody/Cotton Row, South Main/ warehouse district, Pinch, Victorian Village, Greenlaw and Bickford-Bearwater, Beale Street, ballpark district, Peabody Place entertainment district, medical district, and the Riverfront are intended to strengthen the character of each of the individual areas and to enhance the pedestrian-scale quality of Memphis' urban center. In some cases, they may be more restrictive than the general CBID sign standards. Any property that is located within the areas outlined on the following maps is subject to review relative to its geography or district. In addition, alterations to properties located within a city historic district must also be reviewed by the Memphis landmarks commission. (Code 1985 § 7-53(b); Ord. 4750 § 1, 3-7-00)

Sec. 12-36-5 Design regulations—Review procedure.

The design review board shall implement the sign code for the central business improvement district set forth in this chapter as follows:

A. Pre-Design Conference. Before an application for review can be submitted to the DRB, a pre-design conference must be scheduled with the CCC staff to help accelerate the approval process by acquainting applicants with design standards, submittal requirements and application procedures.

B. Application. After the pre-design conference, an application for formal review and all information regarding the project must be submitted to the center city com-

mission director of planning. The following materials must be submitted for all sign applications:

1. Photo(s) of the building(s) in question;

2. Thirteen (13) copies of drawings that are to scale (not to exceed eleven (11) inches x seventeen (17) inches in size) of the proposed sign(s) with size and dimensions. The drawings should show the front and side views of the sign and may require additional drawings if the proposal is not adequately illustrated in those drawings;

3. A description of letter style and size to be used on the sign;

4. A drawing or photo indicating where the sign(s) will be located on the building/site along with dimensions/measurements that are descriptive of the building or sign location;

5. A description of the type of sign, colors, installation/mounting and materials of the proposed sign, including any proposed lighting.

The CCC staff shall have the right to waive the requirement that any of such material shall be submitted.

C. Review of Applications. At each monthly meeting of the design review board, the CCC staff will present all applications that have been received by the director of planning no later than two weeks prior to the meeting. All meetings of the design review board are open to the public. Applicants or their representative should attend the meeting to answer any questions the design review board may have regarding the application. After reviewing each case, the design review board shall vote on the proposal.

D. Post-Review. For approved applications, the CCC staff shall mail a letter stating the conditions of the approval to the applicant and to the city construction code enforcement division. For denied application, the CCC staff may make recommendations to the applicant about changes that could be made to the application to warrant approval. Amendments to the application shall be considered at a future meeting of the DRB.

E. Appeal. Appeals must be made in writing to the chairperson of the center city commission within five business days of the date of the meeting at which the application was denied. Applicants may present the appeal at the regular CCC monthly board meeting. A representative of the design review board may be present and the CCC may outline the reasons for the denial. A final appeal may be made to the Memphis city council after a decision has been issued by the center city commission. (Code 1985 § 7-53(c); Ord. 4750 § 1, 3-7-00)

Sec. 12-36-6 Design regulations—Sign standards—General CBID sign standards.

All signs in the CBID shall adhere to the following guidelines and size limitations except in cases where outstandingly creative design solutions are offered. In such cases, if a proposal incorporates unique or high quality materials (such as neon, hand painting, some metals, or well-crafted wood), exterior lighting (such as floodlighting), unique shapes, and outstanding graphic composition, a sign exceeding the limits stated in this chapter may be approved. All signs should, however, be appropriately scaled to fit their context, should complement the building on which they are located, and should not intrude upon any architectural detail.

A. Identification. All signs within the CBID are encouraged to utilize creative approaches to property and business identification; however, signs should be used for identification only, not for the advertisement of services or products available within a building or site. The only exception to this is off-premise advertising.

1. Removal. When a business closes or relocates, its sign shall be removed within three months of the date of close. If the sign has not been removed after six months, the property owner will be notified that the sign is noncompliant and will be formally requested to remove the sign. Unless the owner can provide a reason acceptable to the design review board that the sign should be retained, the sign shall be removed immediately. If the sign has not been removed within one year of the close of the building or business, it can be removed by the city or the center city commission at the owner's expense.

2. Disrepair. When a sign (designated for identification or off-premise advertising) falls into disrepair or is abandoned, the CCC staff may notify the property owner that the sign is noncompliant and request that the sign be removed. Unless the owner can provide a reason acceptable to the design review board that the sign should be retained, the sign shall be removed immediately. If the sign has not been removed within one year following notification, it can be removed by the city or the center city commission at the owner's expense.

B. Graphic Elements. All signs should contain no more than ten (10) graphic elements.

1. If a name of a business consists of more than four syllables, it is counted only as four graphic elements.

2. The property's legal street address shall only count as one graphic element.

C. Number of Signs. Any ground floor business is allowed two primary signs facing a public right-of-way; however, the area of the signs may not exceed the allowable size requirements as outlined in following sections.

D. Upper Floor Tenants. Each ground floor leasable unit is considered separately for signage; however, upper floor tenants are not allowed signs at the ground level unless they have a separate entrance at the ground level fronting onto a public right-of-way. Upper floor tenants in all cases are allowed, as established below, window or door graphics on the ground level and window graphics at the floor on which they are located.

E. Multitenant Buildings. Multitenant buildings may incorporate a designation sign at the ground level that identifies all of its tenants.

F. Size of Signs. The size of a sign will be determined by the smaller of the following two measurements: (1) the area of a rectangle enclosing all elements of a sign, including any sign cabinet or edges of a cabinet; or (2) the sum total of all areas of all elements of a sign.

G. Ground Signs. Ground signs are freestanding elements, and include pole-mounted signs and shorter monument signs. Any activity that is set back from the street or public right-of-way by at least thirty-five (35) feet may display one ground sign within the allowable size limits set forth below:

1. Pole signs shall be no taller than twenty (20) feet and shall be no closer than three hundred (300) feet from any other pole sign. The size of the sign cabinet on top of the pole shall not exceed forty-five (45) square feet.

2. Monument signs shall not exceed thirty-five (35) square feet. The height of a monument sign shall not exceed six feet. Monument signs should be designed and located so that they do not create security hazards or visual barriers to traffic.

3. Changeable copy signs of any type are not allowed. This includes individual cabinets as part of a pole sign or portable readerboard signs.

H. Wall Signs. Wall signs may be attached flat to or pinned away from the wall and may not project from the wall by more than eighteen (18) inches. In no case should a wall sign obscure architectural details, window openings, or other open area within a building facade.

1. Any activity may display one wall sign on each side of the building that fronts onto a public right-of-way.

2. The size of an individual wall sign will be no more than forty (40) percent of the signable area of any building.

3. If an activity in a building of two or more stories is a place of entertainment, a place of assembly for two hundred (200) or more people, a hospital, a hotel, or a majority tenant of the building, a sign may be placed on the wall near the roof line. In such cases, there is generally an area near the roof that is free of architectural detail; this area will be considered the signable area and no sign should exceed forty (40) percent of that area. Such signs are not considered primary signs and therefore do not count against the size limitations of lower, primary wall signs.

I. Projecting Signs. Any activity may display one projecting sign on each public right-of-way frontage. A projecting sign may not extend above the roof of the structure to which it is attached.

1. Projecting signs shall be mounted at right angles to the building facade except if the building is a corner building. On corner buildings, a projecting sign may be mounted at a forty-five (45) degree angle to the building; however, in such cases, the sign at a forty-five (45) degree angle would be the only projecting sign allowed for the activity.

2. Projecting signs must clear the sidewalk by at least eight feet and shall project no more than four feet from the building face or one-third of the sidewalk width (whichever is less). Marquee graphics are excluded from this constraint.

3. The vertical axis of a projecting sign will be no more than twenty-five (25) percent of the height of the building to which it is attached if the building is seventy-five (75) feet tall or less, as shown in Exhibit 4 set out at the end of this section. If the height of the building to which the projecting sign is attached is greater than seventy-five (75) feet, then the vertical axis of the sign cannot exceed twenty (20) feet. The overall size of a projecting sign must adhere to Table 1 below.

Table 1

Length of Frontage on Public Right-of Way	Total Allowable Signage (square feet)
Less than 30'	20
30' to 49' 11"	30
50' to 69' 11"	40
70' to 99' 11"	50
100' and greater	60

J. Above-Roof Wall Signs. Wall signs above the roof are allowed only in three situations: on hotels, on hospital buildings, and when the tenant identified by the sign is a majority tenant within the building.

1. An above-roof wall sign may be attached to or pinned away from permanent portions of the building's structure that extend above what is traditionally considered to be the roofline of the building and may not project more than eighteen (18) inches from the wall to which it is attached. This type of sign should not extend above the highest projection of the roof, including elevator penthouses and mechanical enclosures. The size of the sign will be limited by the roof structure to which the sign is attached and will be no larger than forty (40) percent of its signable area.

2. Above-roof wall signs are allowed only on buildings that are taller than fifty (50) feet in height.

K. Rooftop Signs. Signs above the highest projection of the roof are not allowed except as outlined in the standards for the ballpark district and Peabody Place entertainment district.

L. Marquee Signs. Marquees are allowed only on theaters, other entertainment establishments featuring live performances, and places of assembly of two hundred (200) or more people (including restaurants and bars).

1. As a permanent structure attached to and projecting from a building, a marquee is very much a part of a building's overall design and must be integrated into the facade design. A marquee can project the entire width of the sidewalk, assuming there are not obstructions, but must clear the sidewalk by at least eight feet.

2. Only individual letters or symbols should be placed on or attached to marquees. The area reserved for changeable copy should be no more than eighty-five (85) percent of each side of a marquee. Changeable copy displayed on marquees is not included in the items of information calculation for the building or tenant.

3. If an activity is eligible for a marquee, it may not have any other projecting sign.

M. Window Signs. Permanent window signs shall be affixed to the window and limited to twenty-five (25) percent of the total area of the window in which they are displayed. Temporary window signs shall be limited to fifteen (15) percent of the total window area.

N. Designation Signs. An industrial park, shopping center, or multitenant building can display a designation sign that indicates the name of multiple activities. These signs are subject to the above limitations regarding items of information and size. Designation signs shall not be taller than ten (10) feet when a ground sign is allowed. Wall designation signs must adhere to the standards for wall signs.

1. Directional signage is allowed only for purposes of wayfinding and may not be used for advertising.

2. Directional signage must be kept to a minimum necessary to locate the intended destination.

3. The DRB will review all directional signage with regard to its integration with the overall signage package for the intended project.

O. Directional Signs. Directional signs do not count toward the allowable sign limit per activity. These signs can be vehicular or pedestrian oriented, but in no case, should they exceed a size of six square feet if oriented toward vehicles or three square feet if oriented toward pedestrians or a height of four feet. Directional signs should not be designed or situated as to provide a traffic or security hazard. In no case shall they be located within a public right-of-way.

P. Off-Premise Advertising. Permitted off-premise signs fall within only one of two categories: wall painted signs and sponsored artwork. No other off-premise signs shall be permitted within the CBID.

1. Off-premise advertising attached to bus shelters and trolley kiosks is exempt from these standards.

2. Wall painted signs are allowed only in the following districts: South Main/warehouse, the Pinch, and Beale Street. Wall painted signs must be on the sides of buildings and must follow the guidelines and size restrictions for wall signs, subsection F of this section. When allowed, they are permitted only on buildings between two and fifteen (15) stories tall, not within two hundred (200) feet of any other wall painted off-premise sign and should not project from the face of the building wall.

3. A current certificate of use and occupancy is required before an off-premise identification sign can be installed.

4. When allowed, all off-premise wall signs must be hand painted unless the sign has been approved and designated by the design review board as sponsored art.

5. Sponsored artwork involves graphics which do not necessarily identify a particular product, place or event in their imagery; but include identification of a sponsor that may be a business enterprise or other entity; e.g. a private business may install a painted mural on the side of a building depicting a historic streetscape and include the name of its business as the provider of the mural.

6. For the purposes of these guidelines, sponsored art is considered to be only two-dimensional graphics or other types of signboards/sign cabinets; these standards are by no means intended to address three-dimensional sculpture or other types of artwork.

7. All sponsored art must adhere to size and placement guidelines outlined above regarding the particular type of artwork: wall art, projecting art, etc. The size of

the identification of individual or group sponsors shall be limited to ten (10) percent of the overall area of the piece of art.

Q. Awnings. Awnings can greatly enhance the appearance of a building, can provide shade and shelter, and can provide an alternative means of tenant identification. As extensions of the building to which they are attached, they must be carefully considered for their appropriateness of design in relation to the building's architectural character.

1. Buildings of historic character should have awnings that respect and complement the architecture. Contemporary building designs may accept a wider range of awning styles. Buildings or storefronts with 19th or early 20th century facades should, typically, have simple, sloped awnings rather than curved or rounded awnings or one of more modern design.

2. Awnings should fit the openings of the building on which they are attached and not overlap the opening or multiple openings.

3. Awnings should not obscure any significant architectural detail such as ornamental metal, glass or woodwork.

4. Lettering on awnings can be placed on the vertical valance flap or on the sloped portion of the awning. Any lettering that is larger than three inches in height will be counted against the allowable amount of primary signage for the activity or property. In such cases, the area of the graphic will be determined by measuring the area of the smallest rectangle that encloses all of the elements of the graphic. The maximum signable area for awnings is thirty (30) percent of the awning's face.

5. The recommended material for awnings shall be canvas, particularly on historic buildings; however, vinyl-type awnings may be allowed on more contemporary buildings, except as stated elsewhere relative to each district's guidelines.

6. Illumination of awnings is allowed; however, the illumination must be directed or focused toward the ground, not upward creating the effect of an oversized illuminated sign. Lighting external to the awning is also allowed.

R. Canopies. Canopies can be constructed of canvas, well-crafted wood, or metal and are generally supported by vertical supports along their length. For the purposes of this sign code, however, a canopy that is of differing construction and that projects out from a building and/or is supported from above also falls under the guidelines outlined in this section.

1. Canopies are integral parts of buildings, and as such, require great sensitivity in order to make certain that they complement the design and character of the building.

2. Lettering on canvas or other fabric-type canopies should not be greater than six inches in height and should be located only on vertical surfaces and not on sloped or curved sections of the canopy. The front piece of a canopy may present an opportunity to prominently display a graphic symbol or logo with lettering no greater than six inches in height. Illumination of fabric-type canopies is allowed from the exterior or from within only if it is directed downward to the ground.

3. Larger identification or signage on canopies made of wood, metal or other permanent material may be allowed if it is compatible with the design of the canopy. Such signs may be internally illuminated, but in such cases, the background color must be darker than the color of the graphics.

S. Temporary Signs. Temporary signs may be installed for a predetermined length of time and must be removed at the end of that time period. The predetermined length of time must be approved by the design review board. Temporary signs may be wall signs, window signs, or banners, but in no case should a temporary sign obscure any architectural detail of a building. Temporary signs shall be installed in an unobtrusive manner so that their removal does not damage a building facade.

1. For sale and for lease signs do not require approval of the design review board if they are limited to one sign for each available space or building frontage and are five square feet or smaller.

2. Tethered signs such as blimps or balloons must be reviewed by the DRB for appropriateness and compatibility with surrounding establishments. Tethered signage must not drift into space above public rights-of-way or across surrounding property lines.

T. Sandwich Boards. One sandwich board sidewalk sign is allowed for each building and can identify multiple tenants on one sign. All such signs shall be designed to be folding in nature and must be removed at the close of business each day. The size of each face of a sandwich board shall not exceed twelve (12) square feet and the overall sign shall be no taller than four feet. A sandwich board within the public right-of-way must be such that at least a five-foot unobstructed sidewalk width remains between the curb and the building front.

U. Banners. Banners on streetlights are allowed throughout the CBID. Banners attached to buildings are allowed only within the downtown core. Standards for building banners are included within the individual district sections of this sign code.

1. Street banners are permitted only for nonprofit organizations or governmental entities. No for-profit, commercial enterprises will be allowed to hang banners to advertise or to promote their businesses, merchandise, products or services.

2. Banners should generally be event-oriented. For events lasting one week or longer, banners may be installed thirty (30) days prior to the event. All banners must be removed within fourteen (14) days of the conclusion of the event. If banners are not removed within the required time frame, and if city crews perform removal, the organization will be assessed the cost and may be denied future banner requests.

3. The name of a for-profit sponsor organization or event may appear at the bottom of a banner in letters no more than one inch high and occupying no more than ten (10) percent of the overall area of the banner. Logos may be permitted within that area.

4. Banners shall be a maximum of five feet in length and thirty (30) inches wide. The minimum distance from the bottom of the banner to the top of the curb shall be twelve (12) feet, unless it is installed on an existing mechanism that is currently part of the public infrastructure.

5. Coordination with the city engineer is necessary before any banner is installed on a street light.

6. Installation and removal of banners is the responsibility of the sponsoring organization, but must be performed by a licensed sign company with proof of adequate liability insurance.

7. Maintenance and replacement of damaged or missing banners is the responsibility of the sponsoring organization for the duration of the banners' display and shall be addressed in a timely manner.

V. Illumination. Internally illuminated signs in which the background color is darker than the color of the graphics is encouraged. Exterior illumination, such as floodlights or spotlights, shall be positioned so that none of the light shines onto an adjoining property or in the eyes of motorists or pedestrians. For the purposes of these guidelines, neon-type lighting is considered external illumination.

1. Signs with marquee or bare bulb illumination shall not be located within sixty (60) feet of any other similar sign or within five hundred (500) feet of any single, two-, three-, or four-family detached residential building. Exposed fluorescent tubes are not permitted.

2. There are no limits on neon tube illumination as a part of a sign and such lighting is strongly encouraged. Decorative neon accents intended to illuminate a building should be utilized only on nonhistoric structures and should not obscure any architectural details.

3. Signs are not required to be lit but in the event illumination is added, it must conform to this sign code.

W. Mechanization. Mechanized signs that incorporate moving elements shall not be located within sixty (60) feet of another similar sign or within five hundred (500) feet of any single-, two-, three-, or four-family detached residential building.

X. Vehicles. Any sign painted or adhered to a vehicle that remains parked in front of any business establishment for the purposes of permanent advertising in the CBID is subject to review by the design review board. Such identification must meet the standards for identification and graphic elements explained above. (Code 1985 § 7-53(d)(1); Ord. 4750 § 1, 3-7-00)

Sec. 12-36-7 Design regulations—Sign standards—Special provisions for general districts.

A. Downtown Core. All signs within the downtown core, notwithstanding the general CBID sign standards, shall adhere to the following guidelines and limitations:

1. Area Defined. The area included within the downtown core, for the purposes of this sign code, is bound by Auction Street, Riverside Drive, Linden Avenue and Danny Thomas Boulevard as shown in Exhibit 5 set out at the end of this section.

2. Ground Signs. No pole signs are allowed within the downtown core unless they are utilized for a public surface parking lot, in which case they shall only identify the parking lot, management company, and rate information. Ground signs shall not be allowed for any off-premise business.

3. Signs on Parking Structures. Structured parking is a particular land use that requires immediate identification by users in order to strengthen the overall viability and success of an urban center. As such, these types of facilities may incorporate signs that exceed the size limitations established previously; however, in no case shall a sign attached to a parking structure cover any portion of a window opening or open area of the facade. One primary sign shall be allowed on each side of a parking facility that fronts onto a public right-of-way. The allowable size of signs under this section differs from the general CBID sign standards in the following ways: a wall sign may be sixty (60) percent of the signable area; a projecting sign may be no taller than thirty-five (35) percent of the overall height of the parking structure if the parking structure is less than eighty-five (85) feet tall, although it may not extend above the second highest

level of parking. If the parking structure exceeds eighty-five (85) feet in height, then the projecting sign is limited to a vertical axis of thirty (30) feet. The size of a projecting sign is limited to the allowable square footage in Table 1 set out in Section 12-36-6(J).

B. Main Street Mall. All signs on the Main Street Mall, notwithstanding the general CBID and downtown core sign standards, shall adhere to the following guidelines and limitations:

1. Area Defined. The area included within the Main Street Mall, for the purposes of this sign code, is bound by Adams Avenue, the mid-block between Main Street and Front Street, Peabody Place Avenue and the mid-block between Main Street and Second Street as shown in Exhibit 6 set out at the end of this section.

2. Ground Signs. No ground sign will be allowed within the Main Street Mall area except for temporary and portable sandwich board/sidewalk signs. These types of signs must be reviewed by the design review board prior to their use.

3. Projecting Signs. Projecting signs on the mall shall not project more than five feet and shall not extend above the second floor windowsills of the building to which they are attached.

4. Illumination. If lit, all signs within the Main Street Mall must be externally illuminated.

5. Awnings. All awnings shall be of a canvas or other durable cloth material.

C. Gayoso-Peabody/Cotton Row. All signs within the Gayoso-Peabody/Cotton Row area, notwithstanding the general CBID and downtown core sign standards, shall adhere to the following guidelines and limitations:

1. Area Defined. The area included within the Gayoso-Peabody/Cotton Row area, for the purposes of this sign code, is bound by Riverside Drive, the mid-block between Monroe Avenue and Madison Avenue, the mid-block between South Main Street and South Second Street, the mid-block between Monroe Avenue and Union Avenue, the mid-block between Second Street and Third Street, Union Avenue, Hernando Avenue, mid-block between Union Avenue and Gayoso Avenue, Second Street and mid-block between Gayoso Avenue and Peabody Place Avenue as shown in Exhibit 7 set out at the end of this section.

2. Ground Signs. No ground sign will be allowed within the Gayoso-Peabody/Cotton Row except for temporary and portable sandwich board/sidewalk signs.

3. Projecting Signs. Projecting signs in Gayoso-Peabody/Cotton Row shall not extend above the second floor windowsills of the building to which they are attached.

4. Illumination. If lit, all signs within Gayoso-Peabody/Cotton Row must be externally illuminated.

5. Awnings. All awnings within Gayoso-Peabody/Cotton Row shall be of a canvas or other durable cloth material.

D. Beale Street. All signs within the Beale Street district, notwithstanding the general CBID and downtown core design standards, shall adhere to the following guidelines and limitations:

1. Area Defined. The area included within the Beale Street District, for the purposes of this sign code, is bound by Wagner Place, the mid-block between Beale Street and Peabody Place Avenue, South Fourth Street and Linden Avenue as shown in Exhibit 8 set out at the end of this section.

2. Size of Signs. There are no size limits for signs in the Beale Street district except that the scale and character of the building to which the sign is attached must be considered and respected.

3. Illumination. All types of illumination will be allowed in the Beale Street district while still insuring that vehicular traffic can be safely maintained.

E. South Main/Warehouse; The Pinch. All signs within the South Main/warehouse district and the Pinch, notwithstanding the general CBID and downtown core design standards, shall adhere to the following guidelines and limitations:

1. Area Defined. The area included within the South Main/warehouse district, for the purposes of this sign code, is bound by Riverside Drive, Linden Avenue, South Second Street and Calhoun Avenue as shown in Exhibit 9 set out at the end of this section. The area included within the Pinch district, for the purposes of these guidelines, is bound by Front Street, Auction Avenue, Third Street and Interstate 40 as shown in Exhibit 10 set out at the end of this section.

2. Ground Signs. No pole sign will be allowed within South Main/warehouse district and the Pinch unless they are utilized for a public surface parking lot. When allowed, they shall be not taller than twenty (20) feet.

3. Illumination. If lit, all signs within the South Main/warehouse district and the Pinch must be externally illuminated.

4. Awnings. All awnings within the South Main/warehouse district and the Pinch shall be of a canvas or other durable cloth material.

F. Greenlaw/Bickford-Bearwater; Victoria Village. All signs within the Greenlaw/Bickford-Bearwater and Victorian Village areas, notwithstanding the general

CBID and downtown core design standards, shall adhere to the following guidelines and limitations:

1. Area Defined. The area included within the Greenlaw/Bickford-Bearwater area, for the purposes of this sign code, is bound by Front Street, Hickory Street, Second Street, Marble Street, Danny Thomas Avenue and Auction Street as shown in Exhibit 11 set out at the end of this section. The area included within the Victorian Village area, for the purposes of these guidelines, is bound by west property lines of parcels aligned with Neely, the alley north of Washington Avenue, mid-block between Orleans and Manassas and Avant as shown in Exhibit 12 set out at the end of this section.

2. Ground Signs. No pole sign will be allowed within Greenlaw/Bickford-Bearwater and Victorian Village areas.

3. Projecting Signs. Projecting signs in the Greenlaw/Bickford-Bearwater and Victorian Village areas shall not exceed thirty (30) square feet and should not extend above the second floor windows of the building to which they are attached.

4. Illumination. If lit, all signs within the Greenlaw/Bickford-Bearwater and Victorian Village areas must be externally illuminated. In this case external illumination excludes neon lighting.

5. Awnings. All awnings within the Greenlaw/Bickford-Bearwater and Victorian Village areas shall be of a canvas or other durable cloth material.

G. Riverfront. All signs within the Riverfront area, notwithstanding the general CBID and downtown core design standards, shall adhere to the following guidelines and limitations:

1. Area Defined. The area included within the Riverfront area, for the purposes of this sign code, is bound by Island Drive, Auction Street, Riverside Drive, the railroad alignment, the Mississippi River and the Wolf River as shown in Exhibit 13 set out at the end of this section.

2. Size of Signs. No sign within the Riverfront area shall be larger than thirty (30) square feet.

3. Wall Signs. Wall signs within the Riverfront area shall be no larger than thirty (30) percent of the signable area.

4. Wall Signs Above the Roof. Wall signs above the roof are not allowed.

5. Ground Signs. No pole sign will be allowed within the Riverfront area. Only monument-type signs no taller than six feet in height shall be allowed.

6. Projecting Signs. Projecting signs in the Riverfront area will be no larger than thirty (30) square feet.

7. Off-Premise Signs. Off-premise signs are not allowed along the riverfront.

8. Illumination. If lit, all signs within the Riverfront area must be externally illuminated.

9. Awnings. All awnings within the Riverfront area shall be of a canvas or other durable cloth material.

H. Baseball District. All signs within the ballpark district, notwithstanding the general CBID and downtown core design standards, shall adhere to the following guidelines and limitations:

1. Area Defined. The area included within the ballpark district, for the purposes of this sign code, is bound by the mid-block between Madison Avenue and Court Avenue, Fourth Street, Madison Avenue, Danny Thomas Boulevard, mid-block between Union Avenue and Gayoso Avenue, Hernando Avenue, Union Avenue and the mid-block between Third Street and Second Street as shown in Exhibit 14 set out at the end of this section.

2. Ballpark. The ballpark itself is excluded from this district, as all new and amended signage will have to come before the design review board for approval.

3. Banners. The name of a for-profit sponsor organization or event may appear at the bottom of a banner occupying no more than twenty-five (25) percent of the overall area of the banner. Logos may be permitted within that area. Banners shall be a maximum of eight feet in length and either twenty-four (24) inches, thirty (30) inches or thirty-six (36) inches wide. The minimum distance from the bottom of the banner to the top of the curb must be at least twelve (12) feet, unless it is installed on an existing mechanism that is currently part of the public infrastructure.

4. Rooftop Signs. Signage projecting above the highest point of the roof or rooftop structure is permitted within the ballpark district on buildings that exceed forty (40) feet in height. Signs must identify the name of the property or the majority tenant. Signage must face the direction of the ballpark and must be visible from the interior of the ballpark. Signage must consist of individual lettering attached to a minimally visible frame. The horizontal length of the sign shall not exceed fifty (50) percent of the length of the roof on the side of the building where the sign is located. The total area of the sign shall not exceed three hundred fifty (350) square feet.

I. Peabody Place Entertainment District. All signs within the Peabody Place entertainment district, notwithstanding the general CBID and downtown core design standards, shall adhere to the following guidelines and limitations:

1. Area Defined. The area included within the Peabody Place entertainment district, for the purposes of this

sign code, is bound by Fourth Street, Peabody Place Avenue, Third Street, the mid-block between Peabody Place Avenue and Beale Street, the mid-block between Second Street and Main Street, the mid-block between Peabody Place Avenue and Gayoso Avenue, Second Street and the mid-block between Gayoso Avenue and Union Avenue as shown in Exhibit 15 set out at the end of this section.

2. Size of Signs. There are no size limits for signs in the Peabody Place entertainment district except that the scale and character of the building to which the sign is attached must be considered and respected.

3. Height and Placement. There are no limits for height and placement of signs in the Peabody Place entertainment district except that the scale and character of the building to which the sign is attached must be considered and respected.

4. Illumination. All types of illumination will be allowed in the Peabody Place entertainment district while still insuring that vehicular traffic can be safely maintained.

J. Medical District. All signs within the medical district, notwithstanding the general CBID design standards, shall adhere to the following guidelines and limitations:

1. Area defined. The area included within the medical district, for the purposes of this sign code, is bound by Union Avenue, Dunlap Street, Poplar Avenue and Claybrook Street as shown in Exhibit 16 set out at the end of this section.

2. Ground Signs. No pole signs are allowed within the medical district unless they are utilized for a public surface parking lot, in which case they shall only identify the parking lot, management company, and rate information.

3. Signs on Parking Structures. Structured parking is a particular land use that requires immediate identification by users in order to strengthen the overall viability and success of an urban center. As such, these types of facilities may incorporate signs that exceed the size limitations established previously; however, in no case shall a sign attached to a parking structure cover any portion of a window opening or open area of the facade. One primary sign shall be allowed on each side of a parking facility that fronts onto a public right-of-way. The allowable size of signs under this section differs from standards earlier established in the following ways: a wall sign may be sixty (60) percent of the signable area; a projecting sign may be no taller than thirty-five (35) percent of the overall height of the parking structure if the parking structure is less than eighty-five (85) feet tall, although it may not extend above the second highest level of parking. If the parking structure exceeds eighty-five (85) feet in height, then the projecting sign is limited to a vertical axis of thirty (30) feet. The size of a projecting sign is limited to the allowable square footage in Table 1 set out in Section 12-36-6(J). (Code 1985 § 7-53(d)(2); Ord. 4750 § 1, 3-7-00)

Sec. 12-36-8 Existing nonconforming signs.

A. Any sign in existence on the effective date of this sign code which violates or does not conform to the current provisions but was constructed, erected or maintained in accordance with the requirements of previously existing ordinances or regulations, shall be regarded as a nonconforming sign.

B. No nonconforming sign shall be changed or altered in any manner which would increase the degree of its nonconformity; be expanded; structurally altered to prolong its useful life; or removed in whole or in part to any other location where it would be nonconforming. (Code 1985 § 7-54; Ord. 4750 § 1, 3-7-00)

Sec. 12-36-9 Permits.

A. Requirements. No sign shall be erected, altered or relocated within the central business improvement district without a permit, except as provided herein.

B. Application. Applications for permits shall be filed with the division of construction code enforcement.

C. DRB Approval. No permit shall be issued unless the design review board shall have issued a letter of approval for such sign as provided in Sections 12-36-3 through 12-36-7 or such sign is approved on appeal from the design review board. (Code 1985 § 7-55; Ord. 4750 § 1, 3-7-00)

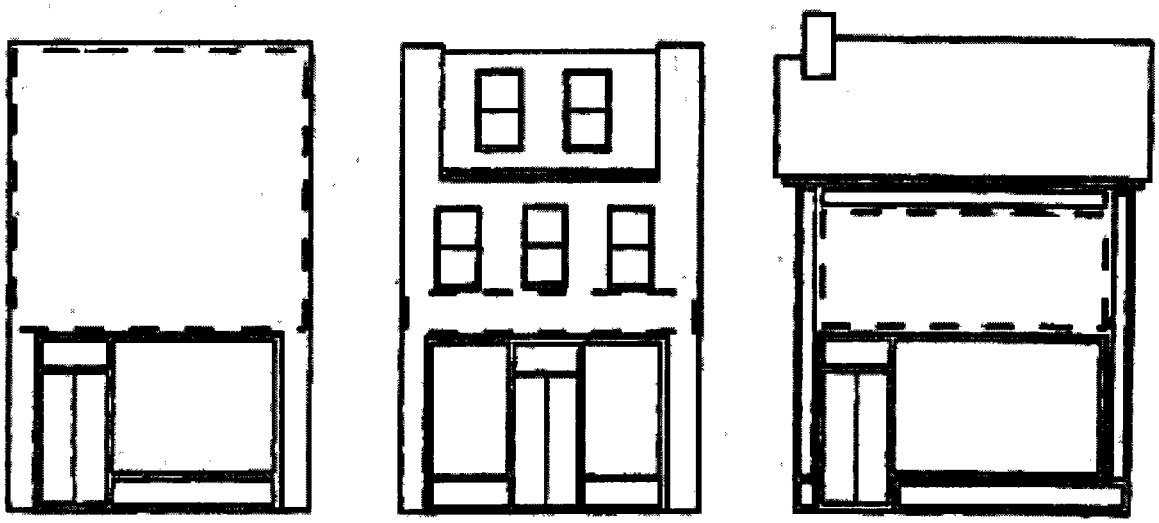
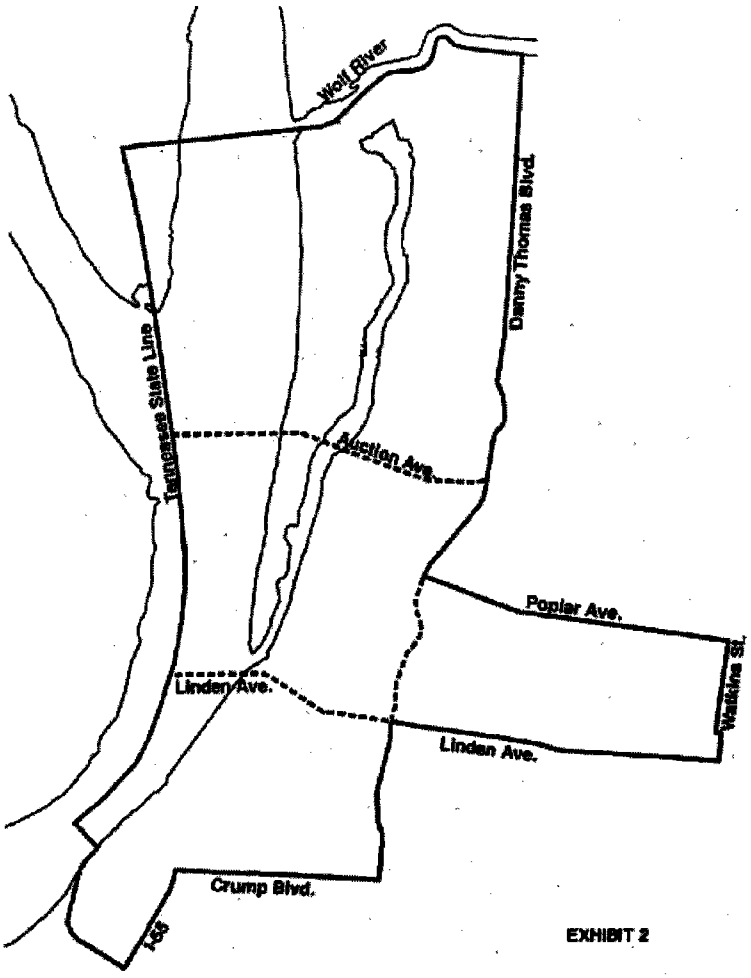


Exhibit 1 Determining the signable area of a building

Central Business Improvement District Boundaries



Review Districts in the CBID

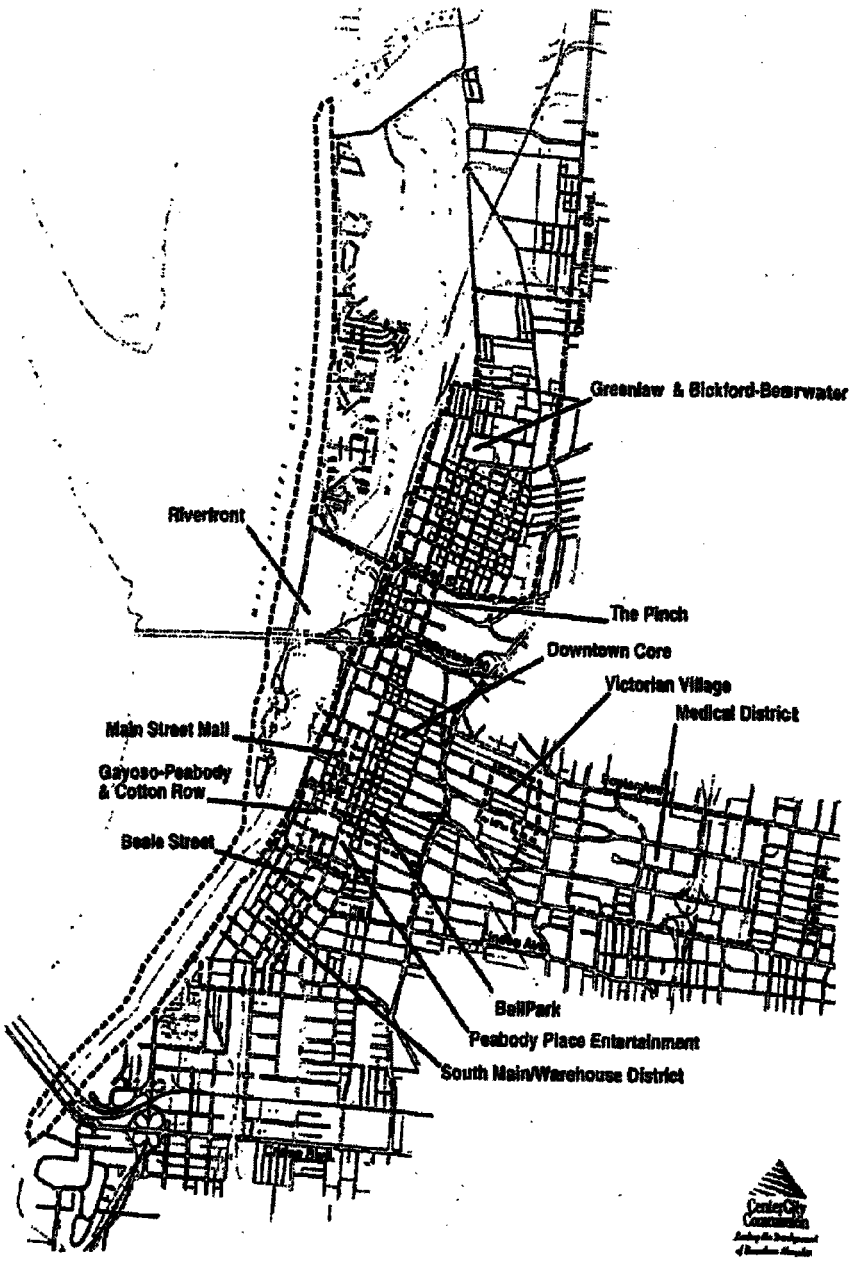
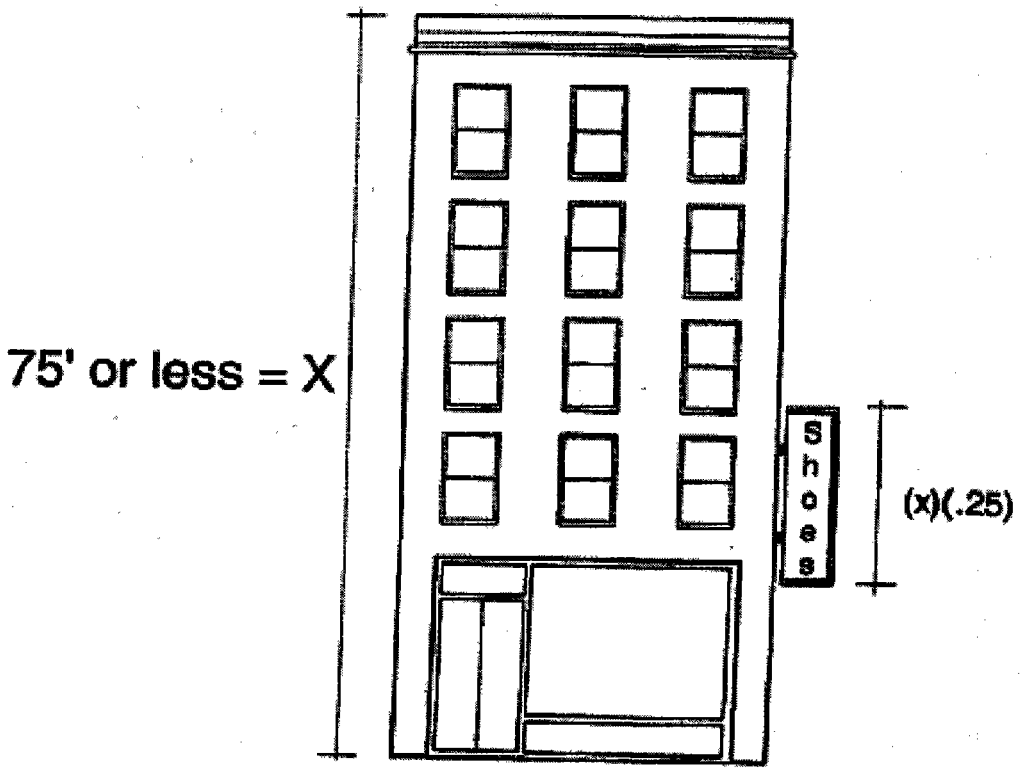


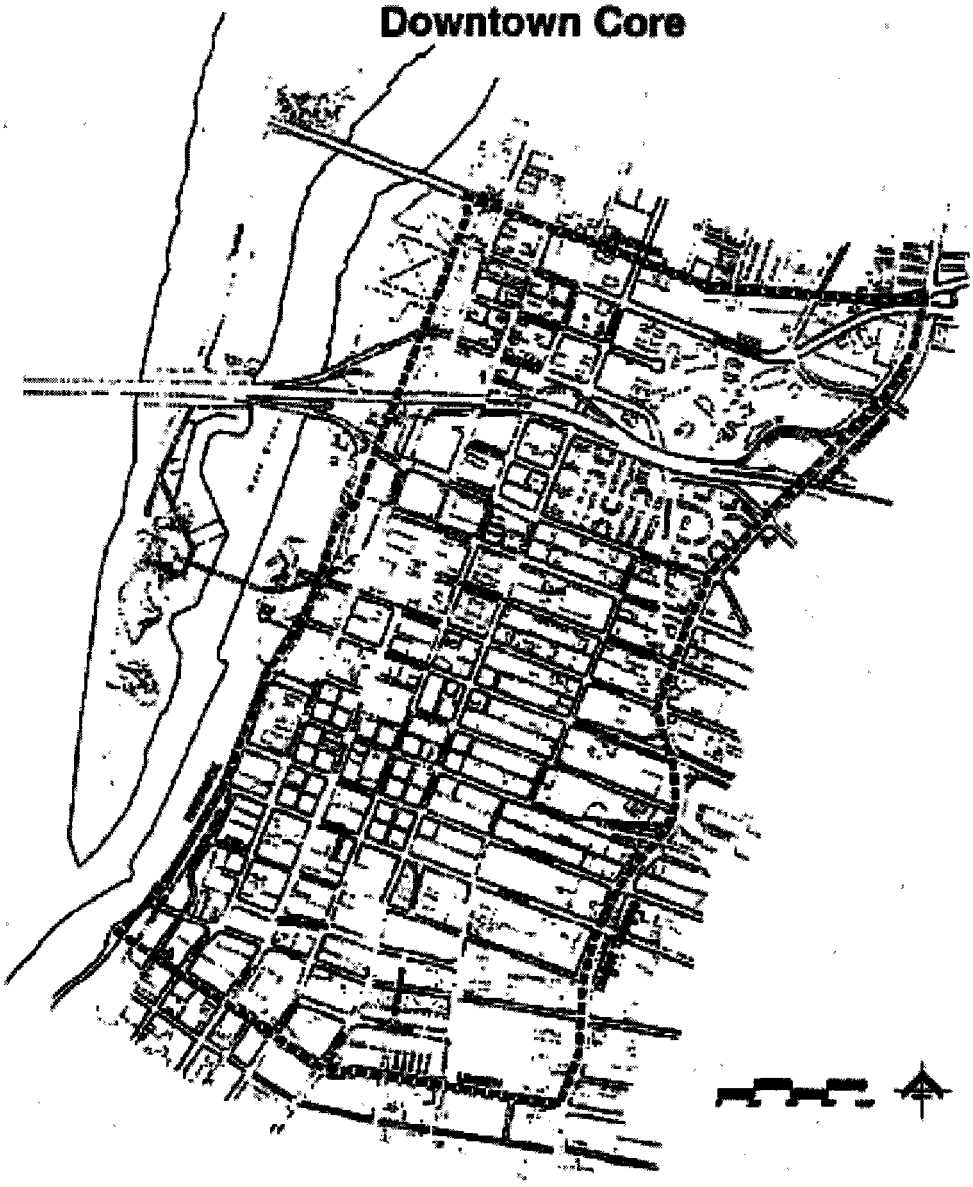
EXHIBIT 3

Exhibit 4



Determining the height of a projecting sign

Exhibit 5



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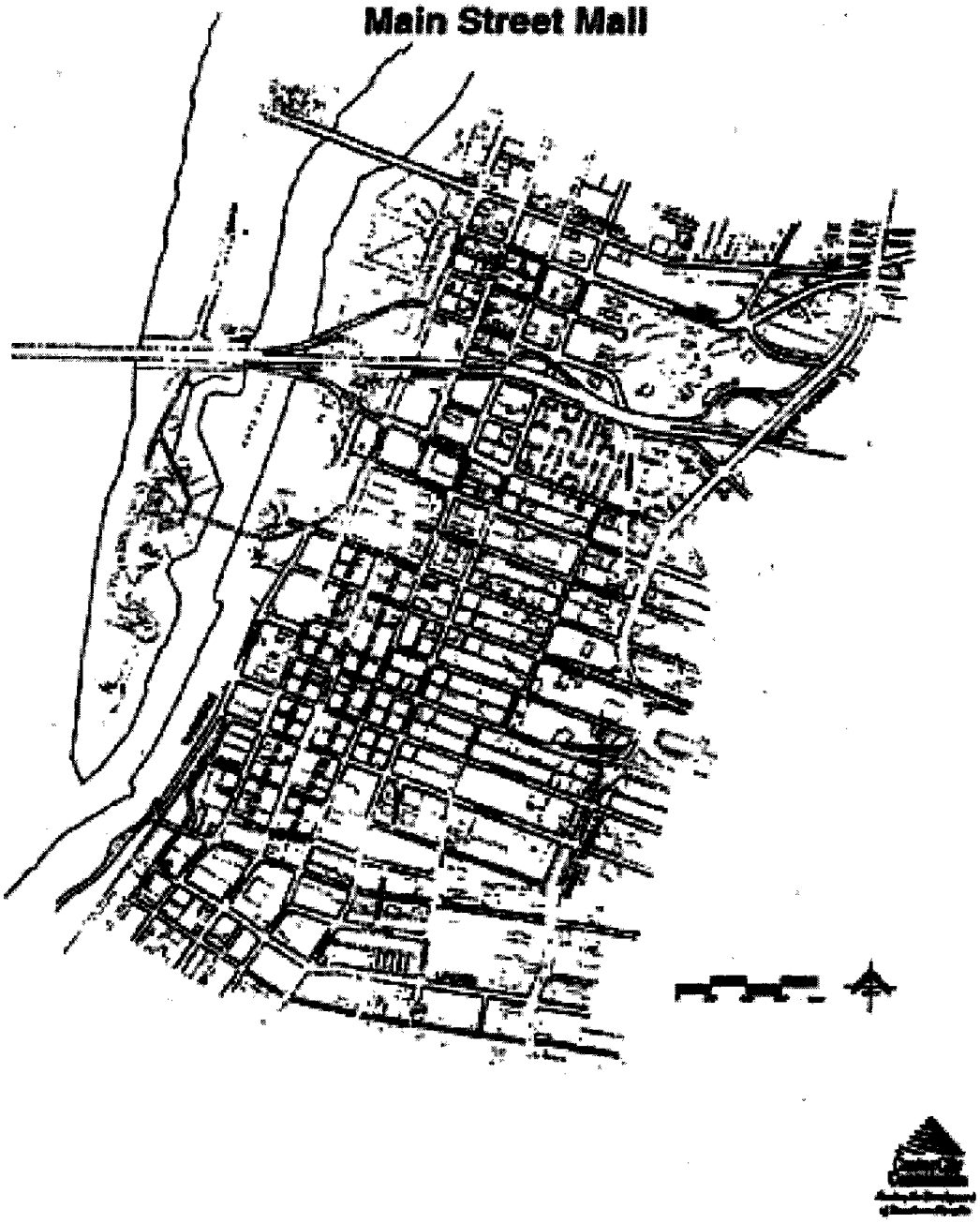
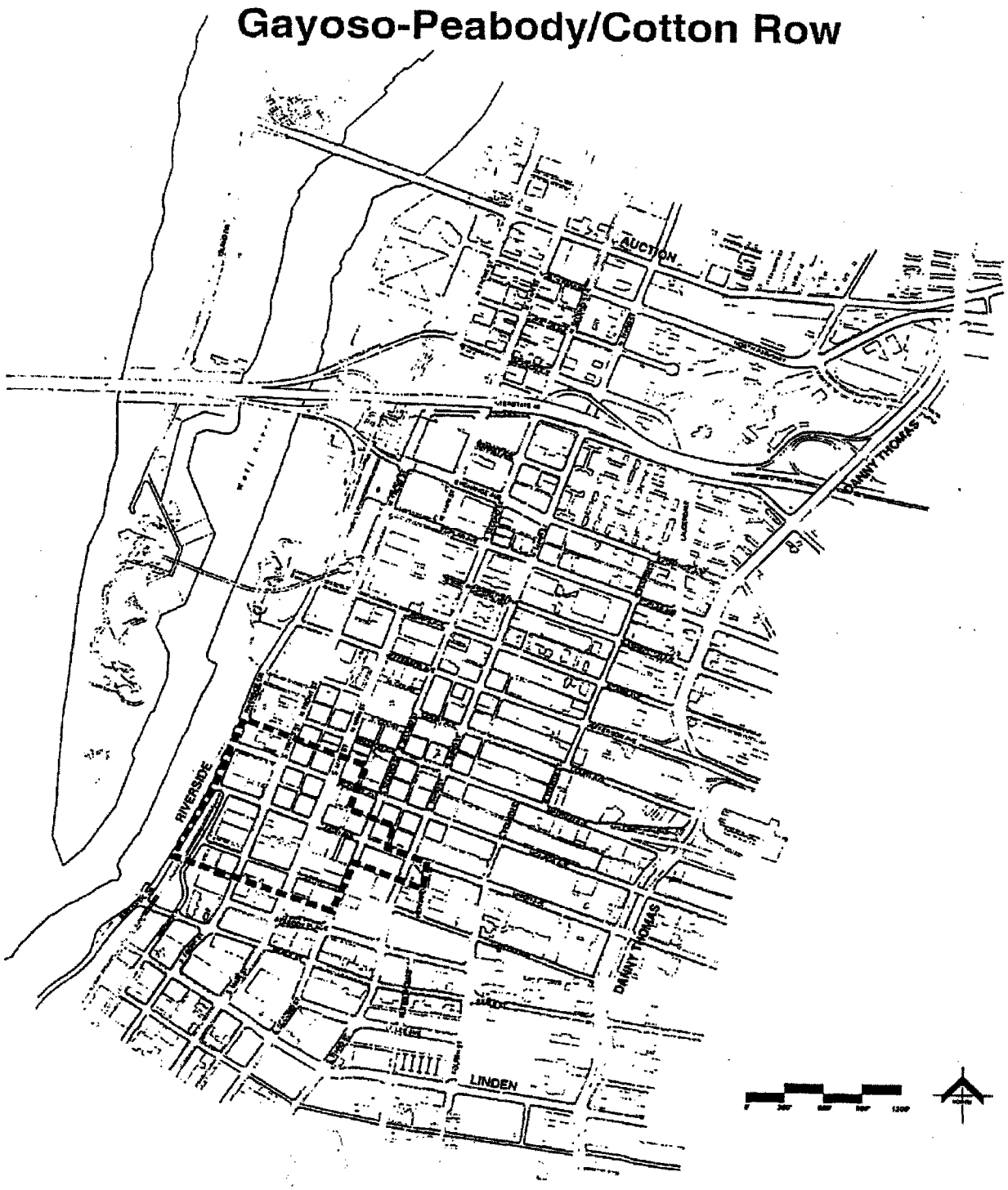


EXHIBIT 6

Exhibit 7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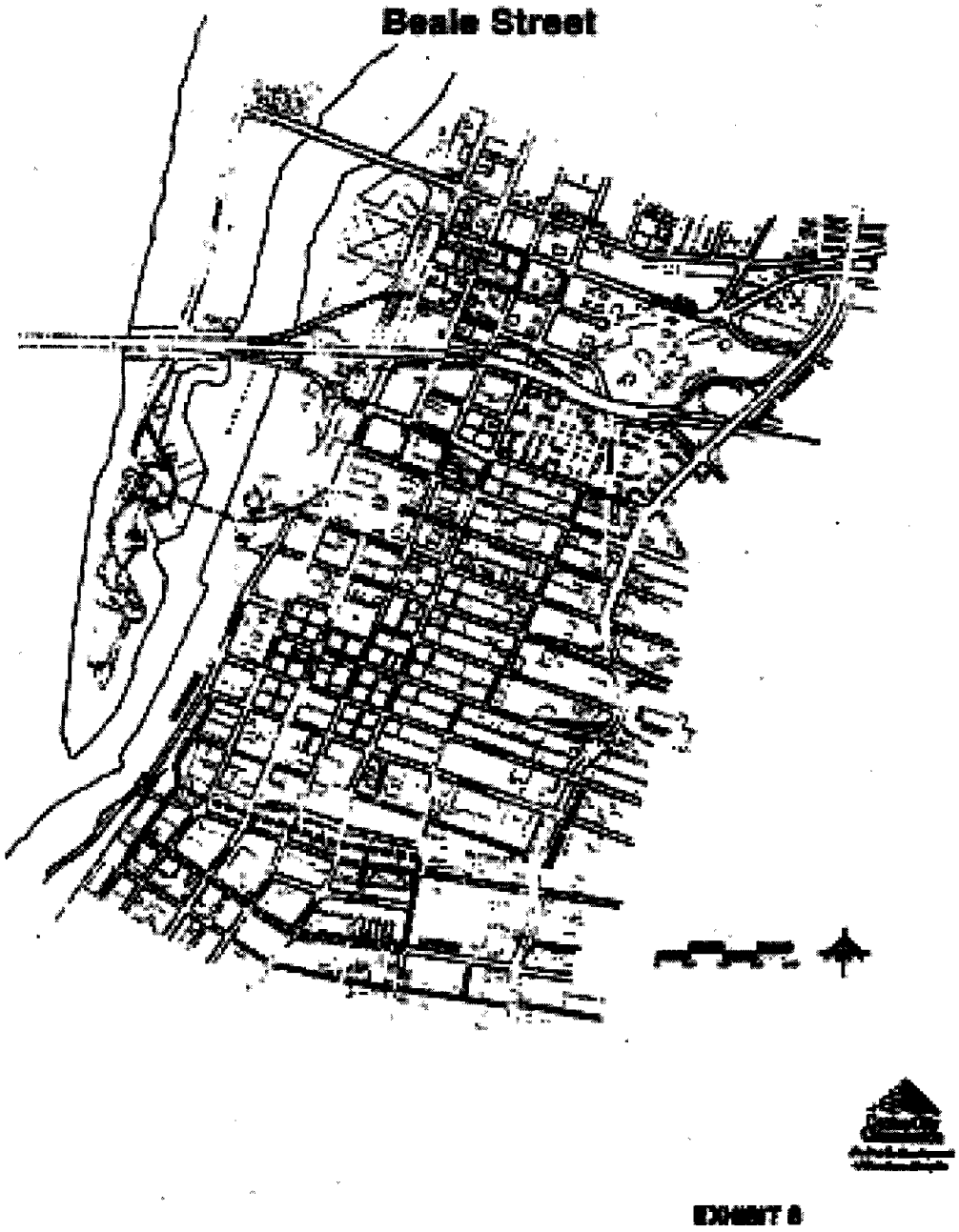
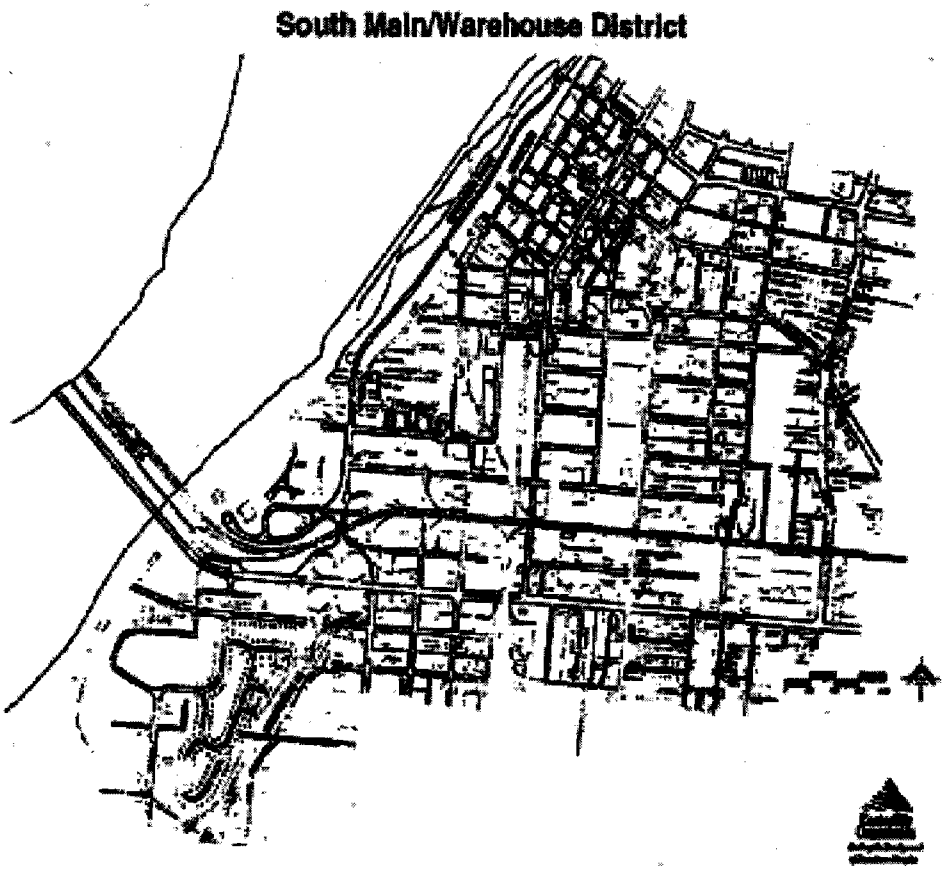
AUCTION
DANNY THOMAS
RIVERSIDE
DANNY THOMAS
LINDEN


Beale Street
EXHIBIT 8



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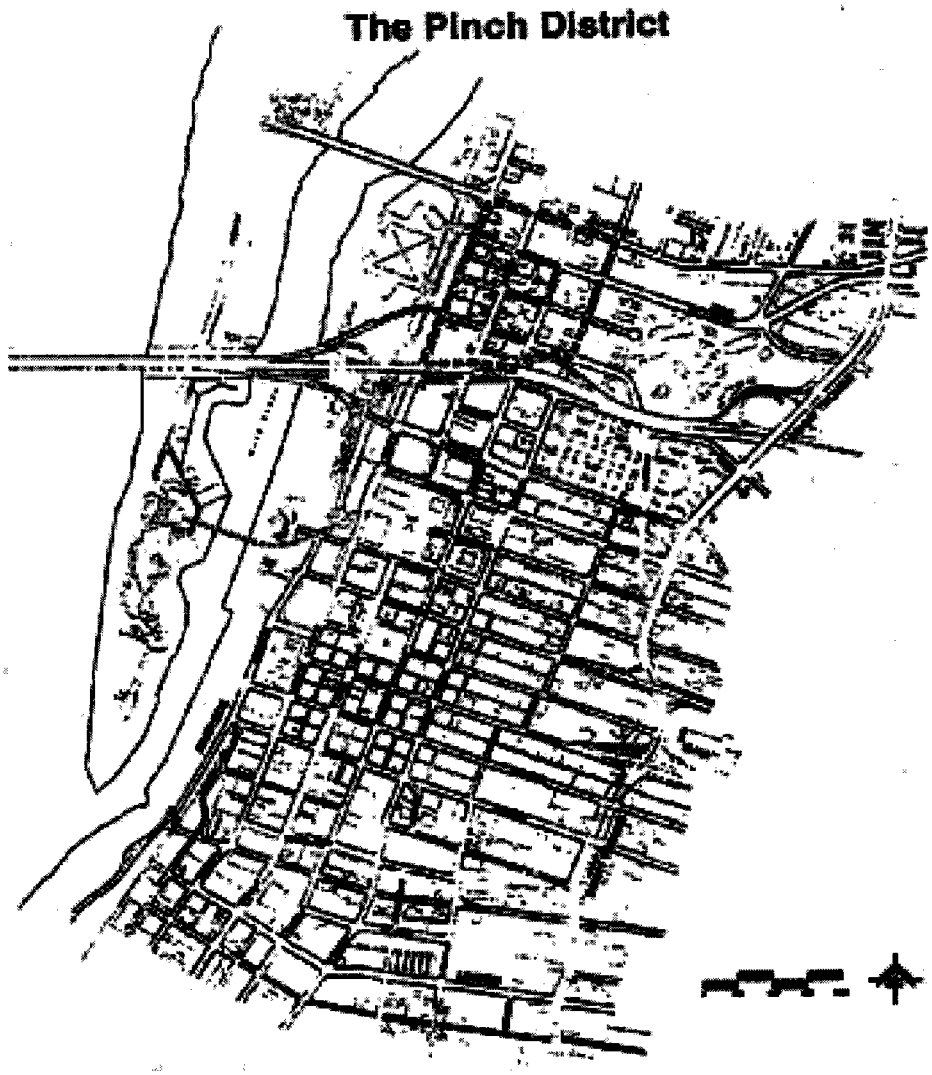

The Pinch District

Greenlaw/Bickford-Bearwater

EXHIBIT 11

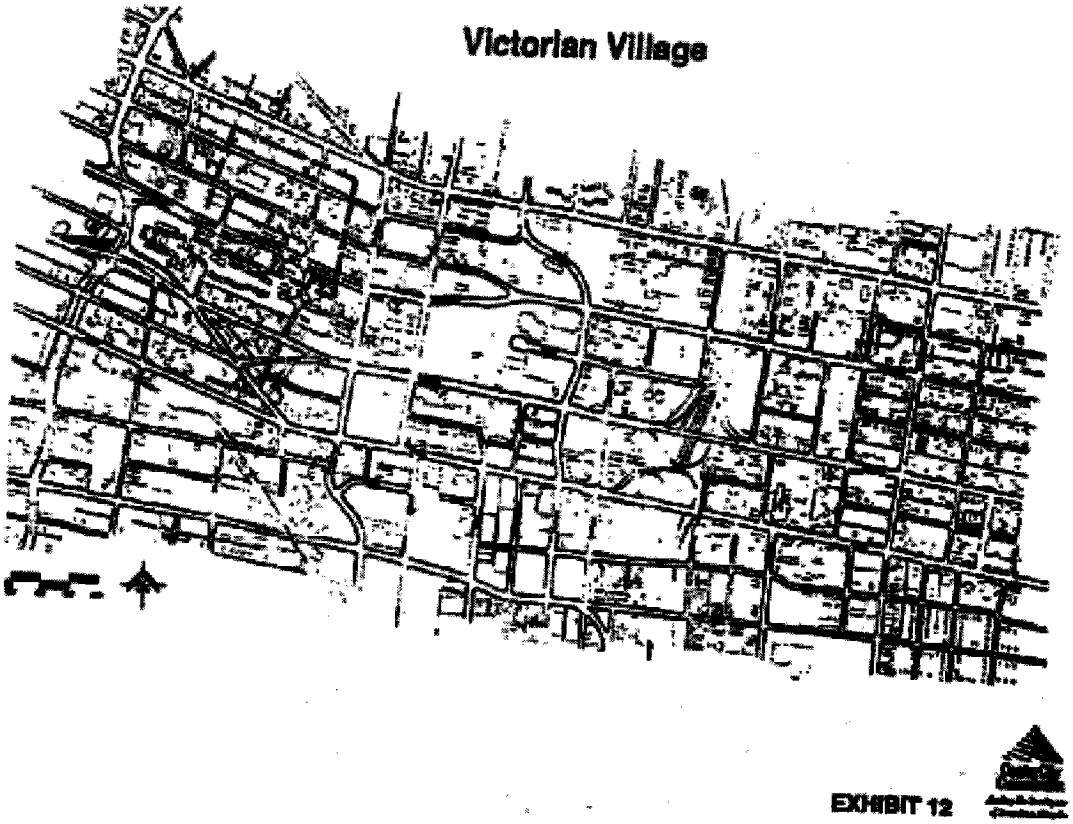

Victorian Village
EXHIBIT 12

Exhibit 13

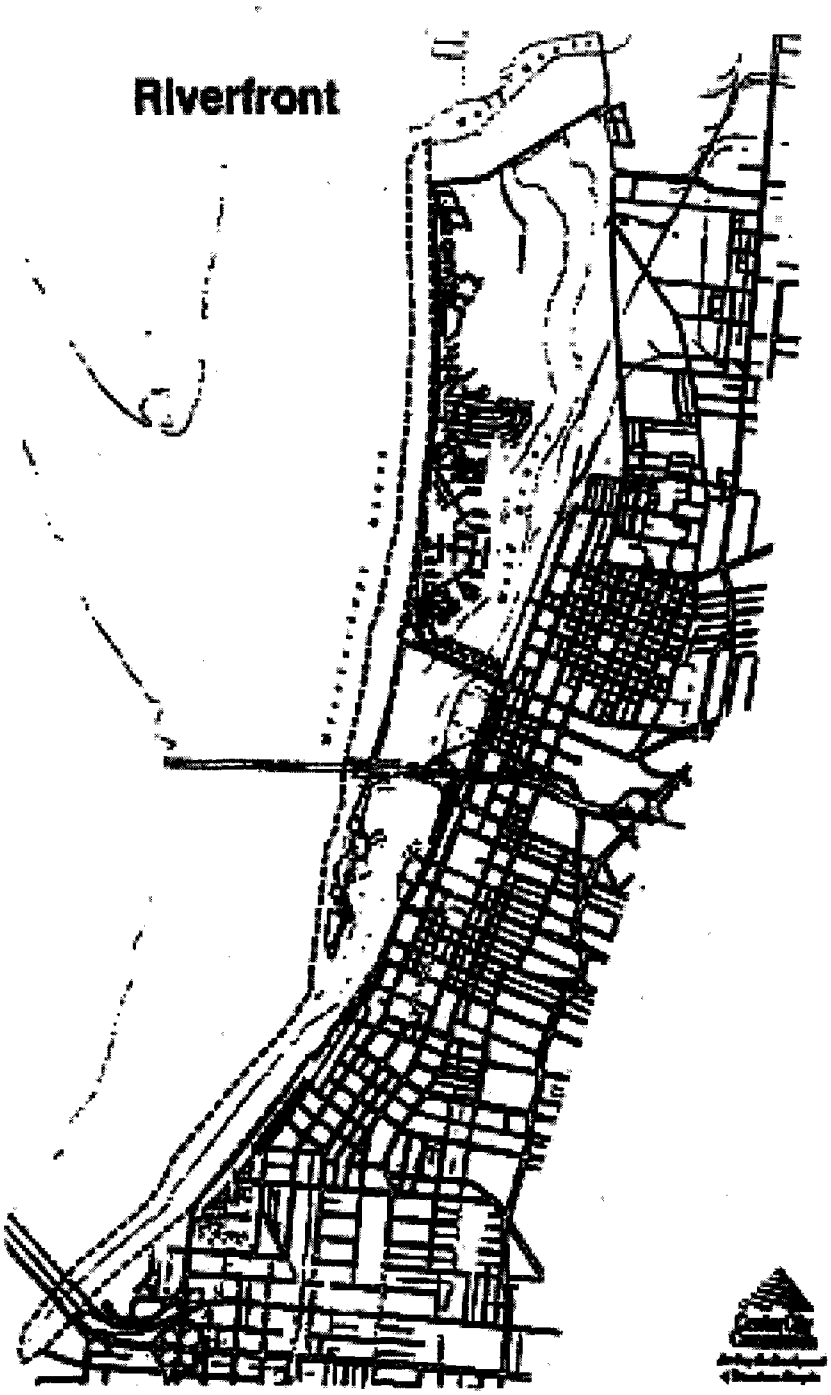


EXHIBIT 13

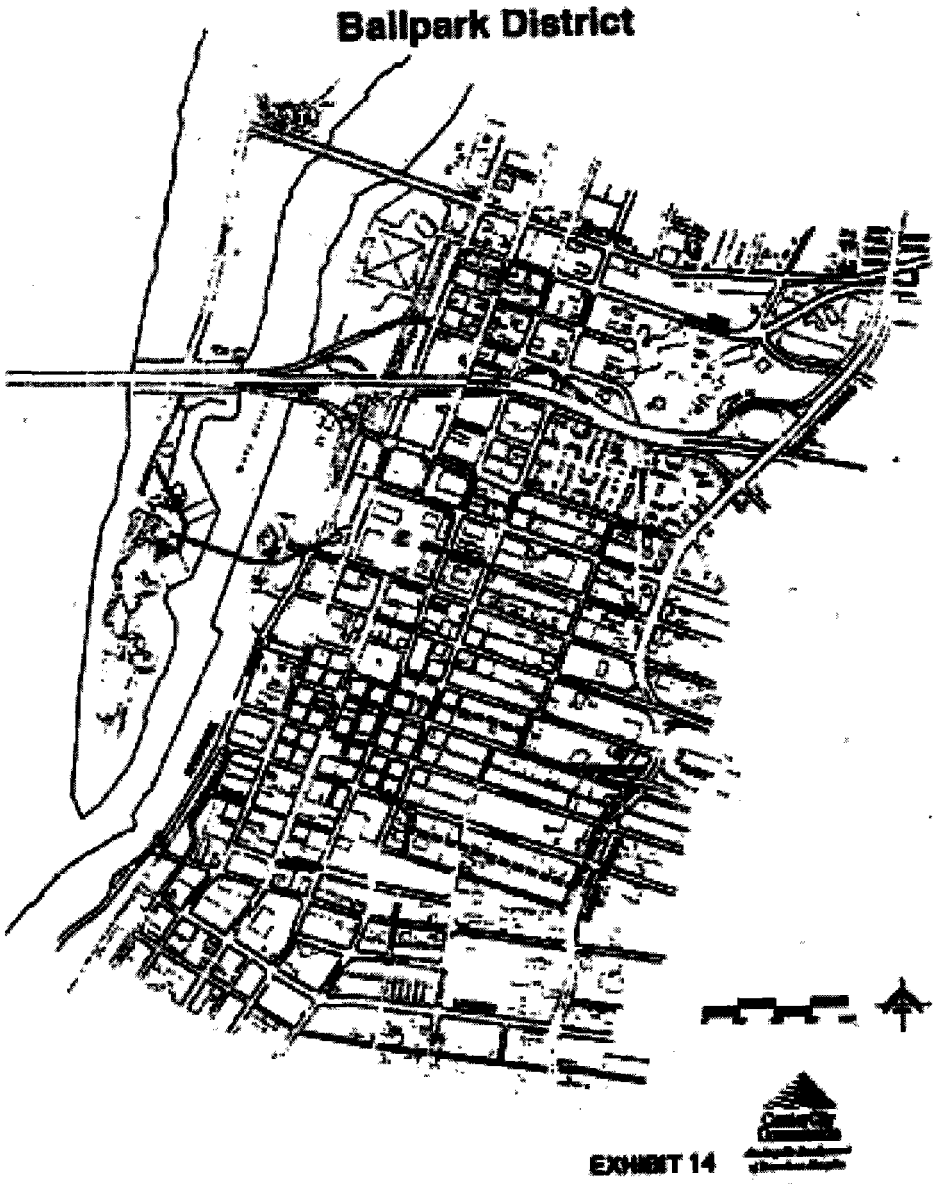
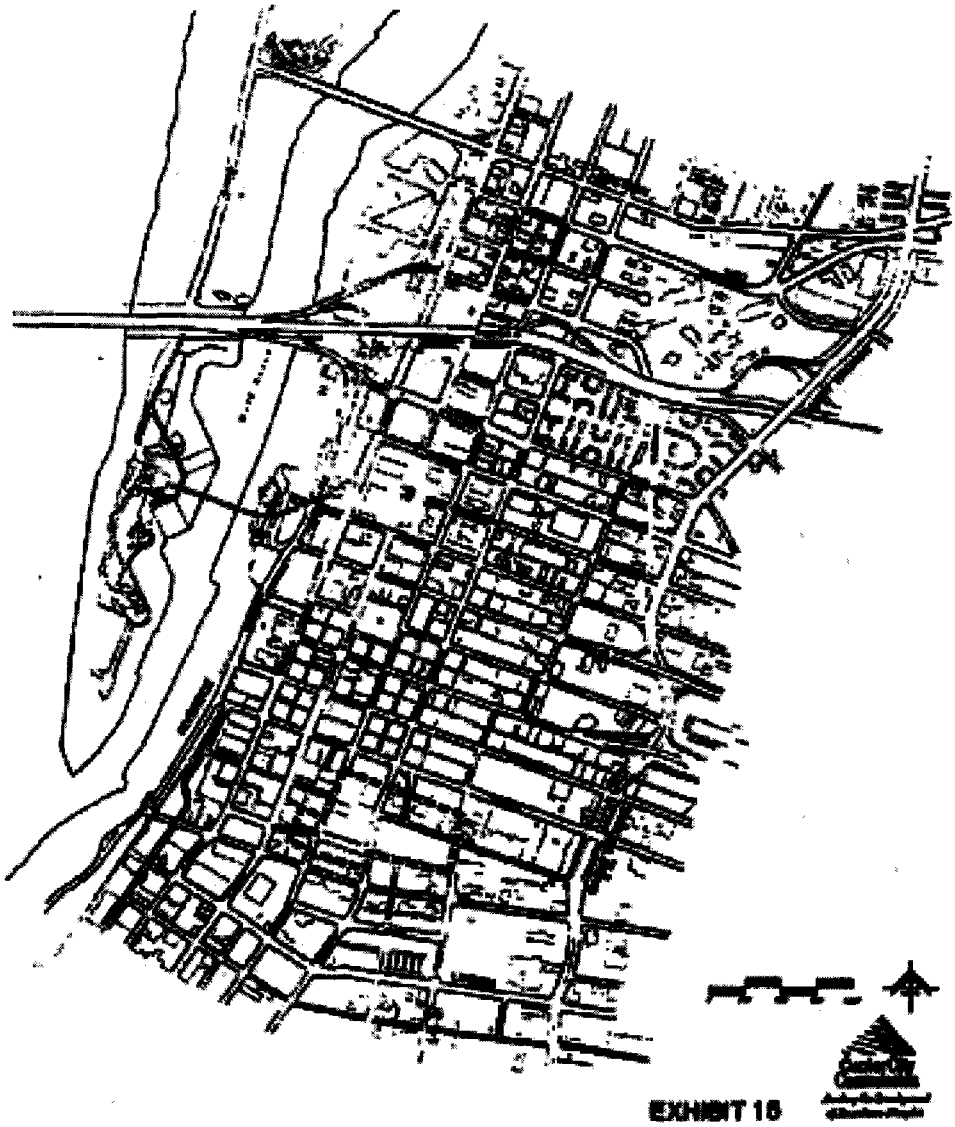
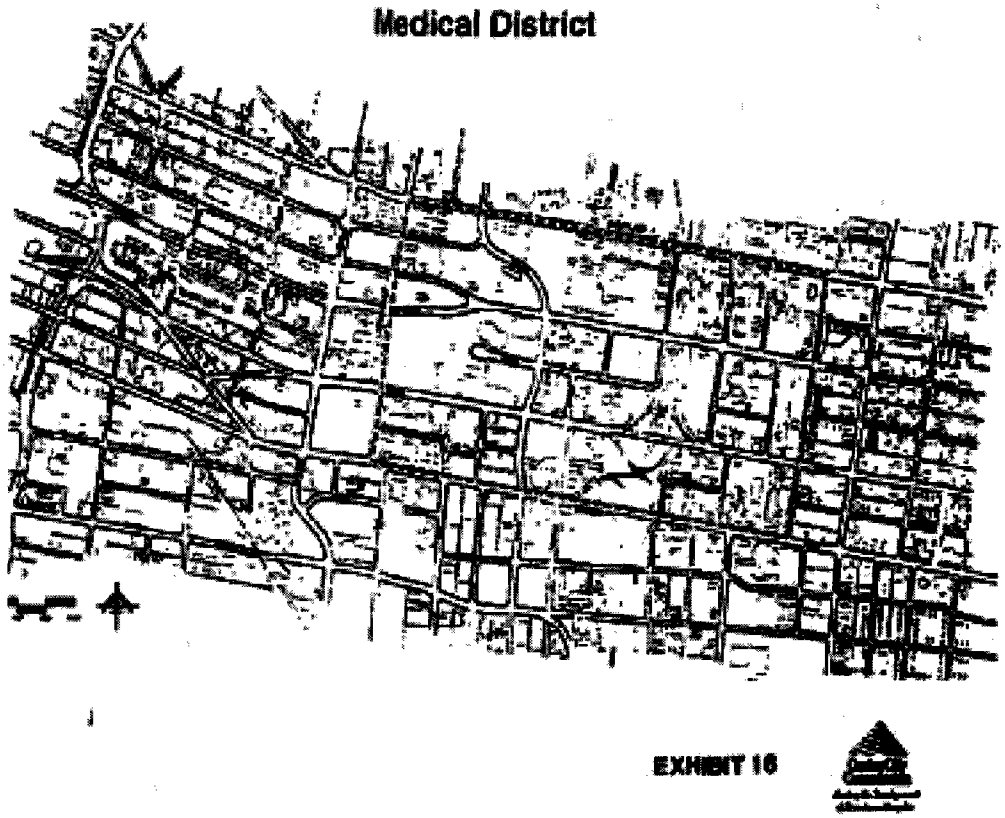

Ballpark District
EXHIBIT 14

Exhibit 15

Peabody Place Entertainment District




Medical District
EXHIBIT 16

Chapter 12-40

CENTRAL BUSINESS DISTRICT SURFACE PARKING LOTS*

Sections:

12-40-1	**Established.**
12-40-2	**Parking lot defined.**
12-40-3	**Location prohibited.**
12-40-4	**Locations permitted.**
12-40-5	**Surface parking lot lighting.**
12-40-6	**Parking lot fencing.**
12-40-7	**Fences and walls.**
12-40-8	**Supplemental zoning regulations.**

* Editor's note: According to Section 2-84-14 of the code, references to central business improvement district in Sections 12-40-1 through 12-40-6 shall refer to District No. I upon the adoption by the commission of rules and regulations pursuant to Section 12-44-7.

Sec. 12-40-1 Established.

There are established regulations for the location, design and landscaping of surface parking lots within the central business improvement district (CBID) which shall read as set forth in this chapter. (Ord. 4177 § 1, 5-4-93; Code 1985 § 7-62)

Sec. 12-40-2 Parking lot defined.

"Parking lot" means any area located within the CBID which, by design or by use, provides parking for six or more motor vehicles at grade outside of any structure. provided, however, that "parking lot" shall not include parking provided adjacent to and as support for an allowed use within the central business improvement district. Such parking shall not be available for use by the general public on a paying basis. In no event shall support parking for new construction be allowed within forty (40) feet of the property line abutting the Main Street Mall. Support parking within the CBID shall be screened by the primary structure or by landscaping as required in Chapter 16-108 of this code. (Ord. 4269 § 1, 8-16-94; Ord. 4177 § 1, 5-4-93; Code 1985 § 7-63)

Sec. 12-40-3 Location prohibited.

Surface parking lots as defined herein shall not be permitted to be established within the central business improvement district in the area described as being located within one hundred fifty (150) feet on either side of Main Street. Notwithstanding the foregoing, and the provisions of Sections 12-40-2 and 12-40-4, a new surface parking lot or a new supporting parking lot which replaces a legal, paved surface parking lot and/or supporting parking lot existing on September 1, 2000, and abutting the Main Street Mall, shall be permitted in the central business improvement district within one hundred fifty (150) feet of Main Street, if such replacement parking lot shall have fewer parking spaces located within forty (40) feet of the property line abutting the Main Street Mall than the parking lot being replaced, and shall be screened from the Main Street Mall by the primary structure or by landscaping as required in Chapter 16-108 of this code for streetscapes, and otherwise conform to the design and landscape requirements of Chapter 16-108 of this code. (Ord. 4827 § 1, 11-7-00; Ord. 4177 § 1, 5-4-93; Code 1985 § 7-64)

Sec. 12-40-4 Locations permitted.

Surface parking lots shall be permitted to be located within the central business improvement district, except as provided in Section 12-40-3, provided such surface parking lots shall conform to the design and landscape requirements of Chapter 16-108 of this code. (Ord. 4177 § 1, 5-4-93; Code 1985 § 7-65)

Sec. 12-40-5 Surface parking lot lighting.

Parking lots shall be adequately illuminated to ensure the security and safety of vehicles, patrons and the general public. At a minimum, illumination of 0.8 footcandles measured at the lot surface shall be provided throughout the parking lot area between the hours of sunset and sunrise. In general, lighting should be provided in accordance with the guidelines published by Illuminating Engineers Society of North America, IES Lighting Handbook, 1981, or more current edition. Light fixtures shall be MLG&W standard downtown tear-drop fixtures or an equivalent alternative approved by the CBID design review committee. (Ord. 4177 § 1, 5-4-93; Code 1985 § 7-66)

Sec. 12-40-6 Parking lot fencing.

Parking lot fencing shall be permitted provided such fencing is constructed with ornamental iron, or a combination of iron and brick or masonry construction. No fence shall be constructed without prior approval by the CBID design review committee. Fence construction using chain link or cyclone fencing is expressly prohibited. (Ord. 4177 § 1, 5-4-93; Code 1985 § 7-67)

Sec. 12-40-7 Fences and walls.

In addition to the requirements of Chapter 16-104 of this code, the following regulations shall apply within the CBID boundaries set out in Section 12-32-2(B):

A. Fences and walls greater than four feet in height, except ornamental iron or brick walls, shall not be permitted within thirty (30) feet of any public street right-of-way; however, such fences shall be permitted during construction of a building on the premises during a period beginning ten (10) days prior to commencement of construction and ending upon issuance of a certificate of use and occupancy by the building official.

B. In no event shall any fence be constructed with the application of razor wire, ribbon wire, concertina wire or similar elliptical or coiled wire. Furthermore, in no event shall any fence be equipped or extended in a manner so as to extend or cantilever the fence beyond a structure's property line. (Ord. 4268 § 2, 7-26-94; Code 1985 § 7-68)

Sec. 12-40-8 Supplemental zoning regulations.

Within the CBID boundaries set out in Section 12-32-2(B), outdoor storage of merchandise, material, supplies, salvage materials, refuse or similar material shall not be permitted except as provided hereafter:

A. Materials and supplies necessary for the support of new construction, repair or alteration of a structure shall be permitted to be stored outdoors during a period beginning thirty (30) days prior to commencement of construction and ending upon issuance of a certificate of use and occupancy by the building official.

B. In no event shall the outdoor storage of materials, supplies, merchandise, refuse or other similar material be permitted on the rooftop of any structure. (Ord. 4268 § 2, 7-26-94; Code 1985 § 7-69)

Chapter 12-44

CENTRAL BUSINESS IMPROVEMENT DISTRICT II

Sections:

12-44-1	**Created.**
12-44-2	**District boundaries.**
12-44-3	**Special assessment.**
12-44-4	**Authorized improvements, services and projects.**
12-44-5	**Initial special assessment rates.**
12-44-6	**District management corporation.**
12-44-7	**Delegation of authority to district management corporation.**
12-44-8	**Annual budget.**
12-44-9	**Determination and apportionment of special assessments.**
12-44-10	**Time and manner of payment of assessments.**

Sec. 12-44-1 Created.

There is established and created the Memphis central business improvement district II, pursuant to the Central Business Improvement District Act of 1990, Title 7, Chapter 84, Part 5, Tennessee Code Annotated (as amended from time to time, hereinafter in this chapter called the "1990 Act"). (Ord. 4468 § 2, 1-7-97; Code 1985 § 7-86)

Sec. 12-44-2 District boundaries.

The central business improvement district created by this chapter shall be comprised of that area located in the city within the following boundaries:

> That area bounded generally by the Tennessee state line on the west of the Interstate 55 bridge on the south, thence east along the Interstate 55 bridge, thence south along the shore line of the Mississippi River to a line extended from the ICC Railroad tracks to the Mississippi River, thence following the railroad tracks to Interstate 55, thence north along the center of Interstate 55 to Crump Avenue, thence following Crump Avenue to Danny Thomas, thence along Danny Thomas to Linden Avenue, thence east along Linden Avenue to Watkins Street, thence north generally along Watkins Street to Poplar Avenue, thence generally west along Poplar Avenue to Danny Thomas, thence north along Danny Thomas to the Wolf River, thence along the Wolf River to the point where it turns south, thence along the centerline of the Wolf River Riverfront Channel and following such line to the Tennessee state line.

(Ord. 4468 § 2, 1-7-97; Code 1985 § 7-87)

Sec. 12-44-3 Special assessment.

All parcels of real property in the central business improvement district created by this chapter shall be subject to the provisions of the special assessment provided in this chapter; provided, however, that no assessments shall be levied against any government-owned property, including, but not limited to, property owned by the city or county of Shelby or by a public building authority created by either or both thereof, and provided further that the first twenty-five thousand dollars ($25,000.00) of appraised value of each parcel of real property shall be exempt from such assessment. (Ord. 4468 § 2, 1-7-97; Code 1985 § 7-88)

Sec. 12-44-4 Authorized improvements, services and projects.

The improvements, services and projects authorized to be provided within the central business improvement district created by this chapter, and other uses of special assessment revenues within the district, include:

A. Provide services for the improvement and operation of the district, including, but not limited to:

1. Promotion and marketing,
2. Advertising,
3. Health and sanitation,
4. Public safety,
5. Security,
6. Elimination of problems related to traffic and parking,
7. Recreation,
8. Cultural enhancements,
9. Consulting with respect to planning, management and development activities,
10. Maintenance of the improvements,
11. Activities in support of business or residential recruitment, retention or management development,
12. Aesthetic improvements, including the decoration, restoration or renovation of any public place or of building facades and exteriors in public view which confer a public benefit,
13. Furnishing of music in any public place,

14. Professional management, planning and promotion of the district, and

15. Design assistance;

B. Acquisition, construction, maintenance or operation of parking facilities;

C. Acquisition, construction, maintenance or operation of public improvements;

D. Acquisition of real property or an interest therein in connection with a public improvement;

E. To construct and install improvements across or along any public street, alley, highway, stream of water or watercourse; and

F. Construction and operation of child care facilities. (Ord. 4468 § 2, 1-7-97; Code 1985 § 7-89)

Sec. 12-44-5 Initial special assessment rates.

The initial rates of special assessment on all nonexempt property by property classifications (including without limitation any leasehold interest therein) are as follows:

Classification	Assessment
Single-family	$.0/$100.00 of assessed value
Governmental	$.0/$100.00 of assessed value
All other	$.65/$100.00 of assessed value

The first twenty-five thousand dollars ($25,000.00) of appraised value of each tax parcel shall be exempt from such special assessment. (Ord. 4468 § 2, 1-7-97; Code 1985 § 7-90)

Sec. 12-44-6 District management corporation.

Pursuant to Section 7-84-519, Tennessee Code Annotated, Memphis center city commission is appointed to act as the district management corporation and advisory board for Memphis central business improvement district II, for the purpose of making recommendations for the use of special assessment revenues and for the purpose of administering activities within and for the district, the making of improvements within and for the district, and the provision of services and projects within and for the district. As so appointed, Memphis center city commission shall be known and referred to in this chapter as the "district management corporation." (Ord. 4468 § 2, 1-7-97; Code 1985 § 7-91)

Sec. 12-44-7 Delegation of authority to district management corporation.

The following powers are delegated to the district management corporation, pursuant to Section 7-84-520, Tennessee Code Annotated:

A. To enter into contracts and agreements;

B. To hire employees or retain agents engineers, architects, planners, consultants, attorneys and accountants;

C. To acquire, construct, install and operate public improvements and parking facilities contemplated by this chapter and all property, rights, or interests incidental or appurtenant thereto and to dispose of real and personal property and any interest therein, including leases and easements in connection therewith;

D. To coordinate, manage, control and supervise:

1. All the business and affairs of the central business improvement district created by this chapter,

2. The acquisition, construction, installation and operation of public improvements and parking facilities within the district,

3. The operation of district services therein, and

4. The services provided by the city within the district, including without limitation, health, safety, sanitation, and construction code enforcement;

E. To adopt, promulgate, establish, enforce and amend from time to time written rules and regulations governing the design of building facades and exteriors in public view, signs and all other improvements, public or private, located within such parts of district II as shall be determined by the commission from time to time, including without limitation, different rules and regulations for different parts or neighborhoods within district II, a violation of such rules and regulations is declared to be a misdemeanor subject to punishment as provided in Section 1-24-1 of this code;

F. To establish a design review board or other similar body to make recommendations to the commission regarding regulations to be promulgated with respect to the design of public building facades and exteriors in public view, signs and other public improvements located within district II and to review applications for and issue permits for such building facades and exteriors in public view, signs and other improvements;

G. To adopt, promulgate, establish, enforce and amend from time to time written rules and regulations governing operation of any or all Main Street Mall activities, including without limitation, regulation of noise, bicycles or other vehicles, privately used bicycles, floodlights, lights, music, machines, encroachments, concessions, leases, permits, fees, amusement devices, mechanical devices, sidewalk activity, and vehicular traffic and to assess uniform common mall fees; a violation of such rules and regulations is declared to be a misdemeanor subject to punishment as provided in Section 1-24-1 of this code; and

H. To exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this chapter. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of this chapter. (Ord. 4468 § 2, 1-7-97; Code 1985 § 7-92)

Sec. 12-44-8 Annual budget.

On or before June 1st of each year, or such other time as may be set by the council, the district management corporation shall submit an annual budget for review and approval by the council of the city, provided however that the annual budget for the first fiscal year of operation of Memphis central business improvement district II shall be submitted on or before March 1st of such year. This budget shall include a statement of the improvements to be made, the services to be provided and the projects and activities to be conducted during the ensuing fiscal year, the proposed program budget and a statement of the assessment rates for financing the proposed budget. (Ord. 4468 § 2, 1-7-97; Code 1985 § 7-93)

Sec. 12-44-9 Determination and apportionment of special assessments.

A. The council of the city shall determine annually, on or before July 1st of each year, the total costs and expenses of improvements, services and projects authorized pursuant to this chapter which are to be paid from special assessments against all parcels of real property within the Memphis central business improvement district II, as authorized by Section 7-84-521, Tennessee Code Annotated, and annually apportion such costs and expenses upon the various properties located within such district in accordance with the benefits conferred upon the various properties. Such assessments and the apportionment thereof shall be determined in accordance with the 1990 Act, including Sections 7-84-521 through 7-84-528, Tennessee Code Annotated.

B. Changes may be made in the rates or additional rates of the special assessment, in accordance with the provisions of Section 7-84-522, Tennessee Code Annotated.

C. After all assessments have been determined, an assessment roll shall be prepared by the council of the city, which shall show the location of the property, the owner of the property as shown in the records of the assessor, and the amount of the assessment.

D. Special assessments imposed pursuant to this chapter shall be in addition to assessments otherwise provided for, including without limitation, assessments pursuant to Chapters 12-32 through 12-40. (Ord. 4468 § 2, 1-7-97; Code 1985 § 7-94)

Sec. 12-44-10 Time and manner of payment of assessments.

All special assessments levied pursuant to this chapter against property within the Memphis central business improvement district II shall be made as of and become effective on January 10th in the calendar year following the imposition of such assessment (including the initial assessment and each annual assessment thereafter) and shall be payable on or before April 10th of such year; provided, however, that the assessment levied pursuant to this chapter against property within the Memphis central business improvement district II for calendar year 1997 shall be made as of and become effective on the day after the adoption of this chapter by the council of the city, prorated for any partial year, and shall be payable on or before June 10, 1997. (Ord. 4468 § 2, 1-7-97; Code 1985 § 7-95)

Chapter 12-48

COMMON MALL AREA*

Sections:

12-48-1	**Definitions.**
12-48-2	**Center city commission—Powers.**
12-48-3	**Center city commission—Duties—Appeals.**
12-48-4	**Center city commission—Meetings.**
12-48-5	**Center city commission—Enforcement—Injunctive or other relief.**
12-48-6	**Insurance.**
12-48-7	**Regulation of vehicles.**
12-48-8	**Violation—Penalty.**

* Editor's note: According to Section 2-84-14 of the code, this chapter is to be repealed upon the adoption by the commission of rules and regulations pursuant to Section 12-44-7(G).

Sec. 12-48-1 Definitions.

As used in this chapter:

"Amusement devices" means any device created to perform for a customer a source of entertainment, other than coin-operated devices, mechanically operated or otherwise.

"Bicycle" or "wheeled vehicle" means any wheeled vehicle, whether propelled manually or motorized, offering services for pay for either a fixed base operator or otherwise.

Bicycle, Private Use. "Private use bicycle" means the use by an individual for his or her personal use, using common mall passageways, including any entrance onto the mall or general public areas adjacent thereto.

"Commission" means the center city commission.

"Common mall" means that property used by the general public which width extends immediately from the front property line on the west side of the mall to the front property line on the east side of the mall and which length extends from Exchange Street on the north to McCall Street on the south, and which includes the land area known as Court Square and the north and south Court Streets immediately adjacent thereto, such Court Square area to retain its function as a public park and further includes West Court to the first north/south alley west of former Main Street.

"Common mall transit vehicle" means a vehicle designed specifically for common mall transportation or service and approved by the commission.

"Concession" means the serving of food or beverages in any form; sale of plants and flowers, wares of any type; by means of portable, semiportable or permanent equipment, carts or stands or the performances of services by any owner/operator or establishment operator.

"Encroachment" means the use of common mall property by any owner/operator or establishment owner for their own personal or private purposes to sell, solicit, give away, promote, or in any way further their business, charitable, or civic interests or the use of private property open to the mall and adjacent to it for any such purpose within four feet of the front property line of the property of any such owner/operator or establishment owner.

"Establishment operator" means an individual, company or group of persons operating in a building of a permanent nature immediately adjacent to the common mall area.

"Fees" means any charge levied by the commission for a permit, long-term or short-term lease as provided in the fee schedule, Section 12-48-2, made a part of this chapter.

"Floodlights" means the use of any light, either on the building exterior or interior, to illuminate the immediate area or to produce attention of passersby or the general public.

"Hold-harmless agreement" means a written agreement whereby the owner/operator or establishment operator holds the commission and the city harmless from any losses and/or claims arising out of their use of the common mall area.

"Liability and workers compensation insurance" means insurance provided at the expense of the owner/operator or establishment operator whereby such operator's liability for damages or injury to their employees, members of the public and third parties are covered by any insurance carrier satisfactory to the commission.

"Lights" means the use of any lights, whether flashing, beaming, electronically operated or reflecting, which may attract individuals or customers inconsistent with written rules and/or regulations established by the commission.

"Long-term lease" means agreement as to length of time and use and/or rental of space or services upon the common mall by private or public concerns or individuals for a period of one year or more and for which a fee is collected. Long-term leases are to be negotiated by the commission with such assistance from city departments as required and within the framework set out in the fee schedule, Section 12-48-2, and such leases are subject to approval by the city council and execution by the mayor.

"Music" means any type of musical sound, whether the original source emanates from within a building or is produced from a mechanism attached to the exterior of a business or consists of some other freestanding or free-wheeling device and whether fixed or portable.

"Noise" means any sound produced by any means which can be heard upon the common mall.

"Owner/operator" means an individual, company, or group of persons who have obtained permits or long-term or short-term leases to operate a single venture upon the common mall.

"Permit" means any use granted by the commission for a period of time, up to ninety (90) days and subject to extensions thereof, with or without a fee, for any purpose and subject to written regulations of the commission.

"Property rights" means any right, granted by the commission, of any owner/operator or establishment operator to use the common mall contingent upon written rules and regulations set out by such commission.

"Short-term lease" means agreement as to length of time and use and/or rental of space or services upon the common mall by private or public concerns or individuals for a period up to one year and for which a fee is collected. Short-term leases are to be negotiated by the commission with such assistance from city departments as required and within the framework set out in the fee schedule, Section 12-48-2, and such leases are subject to execution by the mayor.

"Sidewalk activity" means the use of the common mall area immediately in front of a business or establishment carried on by any owner/operator or establishment operator for any craft, display, promotion or service to be rendered by such business establishment or the use of private property open to the mall and adjacent to it for any such purpose within four feet to the front property line of such business or establishment.

"Vehicles" means the use by any person of any type vehicle upon the common mall. (Code 1985 § 7-76; Ord. 2839 § 1(1), (2), 3-6-79; Ord. 2555 § 2, 2-22-77; Ord. 2383 § 2, 3-9-76; Code 1967 § 10 1/2 -40)

Sec. 12-48-2 Center city commission—Powers.

The center city commission is empowered to establish written rules and regulations, subject to the approval of the city council, governing operation of all common mall activities, including, but not limited to, regulation of noise, bicycles or wheeled vehicles, privately used bicycles, floodlights, lights, music, machines, encroachments, concessions, leases, permits, fees, devices either amusement or mechanical, sidewalk activity; to limit vehicular traffic; and to assess uniform common mall fees. (Code 1985 § 7-77; Ord. 2389 § 1(3), 3-6-79; Ord. 2555 § 2, 2-22-77; Ord. 2383 § 2, 3-9-76; Code 1967 § 10 1/2 -42)

Sec. 12-48-3 Center city commission—Duties—Appeals.

A. In addition to the commission devising written rules and regulations, it shall sit as a body to hear complaints and/or suggestions from common mall owner/operators and establishment operators at regular or special meetings, upon the giving of proper notice to the general public; render decisions based upon its findings and implement same into written rules and regulations. Appeal of any decision of the commission may be carried forward the city council, provided written appeal is accompanied by petition containing at least one hundred (100) signatures of individual mall owner/operators and/or establishment operators within ten (10) days from date of such hearing before the commission. City council decisions shall be final.

B. It shall be the duty of the commission to secure both hold-harmless agreements and proof of liability and workers compensation insurance from prospective owner/operators or establishment operators utilizing the common mall in their endeavors, naming the commission and the city as additional insureds, with certificates of insurance provided on all long-term and short-term leases prior to the execution of such leases; and copies of such certificates shall be promptly forwarded to the city insurance coordinator.

C. On permits not requiring long-term or short-term leases, the commission will have the option of securing proof of liability and workers compensation insurance or a hold-harmless agreement in favor of the commission and city, as it deems appropriate. (Code 1985 § 7-78; Ord. 2555 § 2, 2-22-77; Ord. 2383 § 2, 3-9-76; Code 1967 § 10 1/2 -43)

Sec. 12-48-4 Center city commission—Meetings.

The center city commission shall meet at least once a month at such time and place as such commission may fix by resolution. Special meetings may be called from time to time by the chairperson. A majority of the members of the commission shall constitute a quorum for the transaction of business. Decisions shall be based upon a vote of the majority of the commission. The commission shall cause a proper record to be kept of its proceedings. (Code 1985 § 7-79; Ord. 2555 § 2, 2-22-77; Ord. 2383 § 2, 3-9-76; Code 1967 § 10 1/2 -44)

Sec. 12-48-5 Center city commission—Enforcement—Injunctive or other relief.

Enforcement of this chapter shall be delegated to any employee of the center city commission staff, who may obtain a summons through the city municipal court, and also to any city police officer, who may issue a summons or misdemeanor citation or effect a physical arrest for violations. In addition to the remedies provided herein, the center city commission may issue an order requiring any violator to cease or suspend operation of the facility causing the violation and/or initiate court proceedings to enjoin such violation. (Code 1985 § 7-82; Ord. 2839 § 1(4), 3-6-79; Ord. 2555 § 2, 2-22-77; Ord. 2383 § 2, 3-9-76; Code 1967 § 10 1/2 -47)

Sec. 12-48-6 Insurance.

A. Where liability and workers compensation insurance is required, the limits and coverages are as follows:

Coverages	Limits
Comprehensive general liability:	
Bodily injury—	$500,000.00 each occurrence; $500,000.00 aggregate*
Premises operations	
Independent contractor	
Products-completed operations*	
Blanket contractual	
Property damage—	$100,000.00 each occurrence; $100,000.00 aggregate*
Premises operations	
Independent contractor	
Products-completed operations*	
Blanket contractual	
Workers' compensation and employer's liability*	Statutory limits

* These coverages and limits may be waived or adjusted by the commission if, in the opinion of the city insurance coordinator, the exposure and circumstances do not justify their inclusion.

B. All moneys received from fees, permits and leases shall be paid into the general funds of the city less the costs or expenses borne by the board incidental to issuance of the permit, lease, or other property rights. (Code 1985 § 7-83; Ord. 2555 § 2, 2-22-77; Ord. 2383 § 2, 3-9-76; Code 1967 § 10 1/2 -48)

Sec. 12-48-7 Regulation of vehicles.

A. No motorized or nonmotorized wheeled vehicles (except for police, fire and other emergency vehicles, official mall transit vehicles, and wheelchairs or similar vehicles for the handicapped) shall be allowed on the common mall area (other than North and South Court Streets from Second Street to the mall) unless a permit for such use shall first have been obtained from the center city commission. Permits will be issued only in connection with special events or construction or renovation of buildings facing the mall or for mall maintenance and repairs. Permits will not be issued for regular delivery vehicles, which shall park in designated loading zones or alleys in accordance with applicable city ordinances.

B. No manually propelled vehicles such as bicycles, skateboards, etc. (other than infant and baby strollers, wheelchairs and push delivery carts, which shall be allowed at any time) shall be allowed on the common mall area without a permit from the center city commission, except after six p.m. Monday through Saturday and all day on Sunday. Except as otherwise provided in this section, the common mall area shall be designated as a tow-away zone and any illegally parked vehicles thereon shall be subject to the provisions of Section 11-40-3 of this code. (Code 1985 § 7-84; Ord. 2839 § 1(5), 3-6-79; Ord. 2383 § 2, 3-9-76; Code 1967 § 10 1/2 -49)

Sec. 12-48-8 Violation—Penalty.

Violation of any provision of this chapter or of any of the rules of the center city commission is declared to be a misdemeanor. The penalty for each such violation shall be a fine of not less than fifteen dollars ($15.00) nor more than fifty dollars ($50.00). (Code 1985 § 7-85; Ord. 2839 § 1(6), 3-6-79; Ord. 2383 § 2, 3-9-76; Code 1967 § 10 1/2 -50)

Chapter 12-52

PARADES AND PUBLIC ASSEMBLIES

Sections:

12-52-1	**Definitions.**
12-52-2	**Permit required.**
12-52-3	**Exceptions.**
12-52-4	**Application for permit.**
12-52-5	**Fees.**
12-52-6	**Police protection.**
12-52-7	**Standards for issuance.**
12-52-8	**Nondiscrimination.**
12-52-9	**Notice of denial of application.**
12-52-10	**Alternative permit.**
12-52-11	**Appeal procedure.**
12-52-12	**Notice to city and other officials.**
12-52-13	**Contents of permit.**
12-52-14	**Duties of permittee.**
12-52-15	**Prohibitions.**
12-52-16	**Public conduct during parades or public assemblies.**
12-52-17	**Revocation of permit.**
12-52-18	**Violations—Fines and penalties.**

Sec. 12-52-1 Definitions.

As used in this chapter:

"City" is the city of Memphis, Tennessee.

"Director of police" is the director of the police services division of the city or his or her designee.

"Parade" is any march, demonstration, procession or motorcade consisting of persons, animals, or vehicles or a combination thereof upon the streets, parks or other public grounds within the city with an intent of attracting public attention that interferes with or has a tendency to interfere with the normal flow or regulation of traffic upon the streets, parks or other public grounds. Parade does not include a private motorcade of vehicles transporting persons within the city limits from one destination to another destination with no intent to attract public attention or interfere with the normal flow or regulation of traffic upon the public streets.

"Parade or public assembly permit" is a permit as required by this chapter.

"Permit office" is the office or department responsible for the issuance of any and all permits required under this chapter.

"Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

"Public assembly" is any meeting, demonstration, picket line, rally or gathering of more than twenty-five (25) persons for a common purpose as a result of prior planning that interferes with or has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic or occupies any public area in a place open to the general public, to the hindrance of others.

"Sidewalk" is any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.

"Street" is any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof. (Ord. 4875 §§ 1, 2, 6-19-01; Ord. 4576 § 1, 4-21-98; Code 1985 § 21-28(a))

Sec. 12-52-2 Permit required.

No person shall engage in or conduct any parade or public assembly unless a permit is issued by the permit office after consultation with the director of police. (Ord. 4875 §§ 1, 2, 6-19-01; Ord. 4576 § 1, 4-21-98; Code 1985 § 21-28(b))

Sec. 12-52-3 Exceptions.

This chapter shall not apply to the following:

A. Funeral processions/proceeding by vehicle under the most reasonable route from the funeral home, church or residence of the deceased to the place of interment;

B. Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities;

C. A governmental agency acting within the scope of its functions;

D. Spontaneous events occasioned by news or affairs coming into public knowledge within three days of such public assembly, provided that the organizer thereof gives written notice to the city at least twenty-four (24) hours prior to such parade or public assembly; and

E. Private gatherings, affairs or activities on private property that may inadvertently interfere with the normal flow or regulation of traffic upon the public streets. (Ord. 4875 §§ 1, 2, 6-19-01; Ord. 4576 § 1, 4-21-98; Code 1985 § 21-28(c))

Sec. 12-52-4 Application for permit.

A. A person seeking a parade or public assembly permit shall file an application with the city permit office on forms provided by such officer and the application shall be signed by the applicant under oath.

B. For parades or public assemblies, an application for a permit shall be filed with the permit office at least fourteen (14) business days and not more than one hundred eighty (180) days before the parade or public assembly is proposed to commence. The director of police may waive the minimum fourteen (14) business day filing period and accept an application filed within a shorter period if, after due consideration of the date, time, place and nature of the parade or public assembly, the anticipated number of participants, and the city services required in connection with the event, the director of police determines that the waiver will not present a hazard to public safety, health and welfare.

C. The application for a parade or public assembly permit shall set forth the following information:

1. The name, address and telephone number of the person, group of persons, firm, partnership, association, company or organization seeking to conduct such parade or public assembly;

2. The names, addresses and telephone numbers of the headquarters of the organization for which the parade or public assembly is to be conducted, if any, and the authorized and responsible heads of the organization;

3. The requested date of the parade or public assembly;

4. The route to be traveled, including the starting point and the termination point;

5. The approximate number of persons who, and animals and vehicles which, will constitute such parade or public assembly and the type of animals and description of the vehicles;

6. The hours when such parade or public assembly will start and terminate;

7. A statement as to whether the parade or public assembly will occupy all or only a portion of the width of the streets proposed to be traversed;

8. The location by street of any assembly areas for such parade or public assembly;

9. The time at which units of the parade or public assembly will begin to assemble at any such area;

10. The intervals of space to be maintained between units of such parade or public assembly;

11. If the parade or public assembly is designed to be held by, or on behalf of, any person other than the applicant, the applicant for such permit shall file a letter from that person with the permit office authorizing the applicant to apply for a permit on his or her behalf;

12. The type of public assembly, including a description of activities planned during the event;

13. A description of any recording equipment, sound amplification equipment, banners, signs or other attention-getting devices to be used in connection with the parade or public assembly;

14. The approximate number of participants (spectators are by definition not participants);

15. The approximate number of spectators;

16. A designation of any public facilities or equipment to be utilized; and

17. Any additional information that either the permit office or director of police finds reasonably necessary to make a fair determination as to whether a permit should be issued. (Ord. 4875 §§ 1, 2, 6-19-01; Ord. 4576 § 1, 4-21-98; Code 1985 § 21-28(d))

Sec. 12-52-5 Fees.

A nonrefundable fee of twenty-five dollars ($25.00) to cover administrative costs of processing the permit shall be paid to the city by the applicant when the application is filed, except in cases where the parade or public assembly will require the closing of public streets or diversion of the normal flow of pedestrian or vehicular traffic with barricades, a nonrefundable fee of fifty dollars ($50.00) shall be paid when the application is filed. (Ord. 4875 §§ 1, 2, 6-19-01; Ord. 4576 § 1, 4-21-98; Code 1985 § 21-28(e))

Sec. 12-52-6 Police protection.

The director of police shall determine whether and to what extent additional police protection is reasonably necessary for the parade or public assembly for traffic control and public safety. The director of police shall base this decision on the size, location, duration, time and date of the event, the number of streets and intersections blocked, and the need to detour or preempt citizen travel and use of the streets and sidewalks. The speech content of the event shall not be a factor in determining the amount of police protection necessary. If possible, without disruption of ordinary police services or compromise of public safety, regularly scheduled on-duty personnel will police the event. If additional police protection for the public assembly is deemed necessary by the director of police, he or she shall so inform the applicant for the permit. The applicant then shall have the duty to secure the police protection deemed necessary by the director of police at the sole expense of the applicant. (Ord. 4875 §§ 1, 2, 6-19-01; Ord. 4576 § 1, 4-21-98; Code 1985 § 21-28(f))

Sec. 12-52-7 Standards for issuance.

A. The permit office, after consultation with the director of police, shall approve or deny, by five business days, a permit as provided for herein when, from a con-

sideration of application and from such other information as may otherwise be obtained, it finds that:

1. The conduct of the parade or public assembly will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;

2. The conduct of the parade or public assembly will not require the diversion of so great a number of city police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection of the city;

3. The concentration of persons, animals, and vehicles at public assembly points of the parade or public assembly will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such public assembly areas;

4. The conduct of the parade or public assembly is not reasonably likely to cause injury to persons or property;

5. The parade or public assembly is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

6. Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas;

7. There are sufficient parking places near the site of the parade or public assembly to accommodate the number of vehicles reasonably expected;

8. The applicant has secured the police protection, if any, required under subsection (A)(6) of this section;

9. Such parade or public assembly is not for the primary purpose of advertising any product, goods or event that is primarily for private profit, and the parade itself is not primarily for profit. The prohibition against advertising any product, goods or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring exhibits or structures used in the parade;

10. No parade or public assembly permit application for the same time and location is already granted or has been received and will be granted;

11. No parade or public assembly permit application for the same time but not location is already granted or has been received and will be granted, and the police resources required for that prior parade or public assembly are so great that in combination with the subsequent proposed application, the resulting deployment of police services would have an immediate and adverse effect upon the welfare and safety of persons and property; and

12. No event is scheduled elsewhere in the city where the police resources required for that event are so great that the deployment of police services for the proposed parade or public assembly would have an immediate and adverse effect upon the welfare and safety of persons and property.

B. No permit shall be granted that allows for the erection or placement of any structure, whether permanent or temporary, on a city street, sidewalk or right-of-way unless advance approval for the erection or placement of the structure is obtained from the city council. (Ord. 4875 §§ 1, 2, 6-19-01; Ord. 4576 § 1, 4-21-98; Code 1985 § 21-28(g))

Sec. 12-52-8 Nondiscrimination.

The permit office, after consultation with the director of police, shall uniformly consider each application upon its merits and shall not discriminate in granting or denying permits under this chapter based upon political, religious, ethnic, race, disability, sexual orientation or gender-related grounds. (Ord. 4875 §§ 1, 2, 6-19-01; Ord. 4576 § 1, 4-21-98; Code 1985 § 21-28(h))

Sec. 12-52-9 Notice of denial of application.

The permit office shall act promptly upon a timely filed application for a parade or public assembly permit, but in no event shall grant or deny a permit less than forty-eight (48) hours prior to the event. If the permit office, after consultation with the director of police, disapproves the application, it shall notify the applicant either by telephone, facsimile, personal delivery or certified mail at least forty-eight (48) hours prior to the event of his or her action and state the reasons for denial. (Ord. 4875 §§ 1, 2, 6-19-01; Ord. 4576 § 1, 4-21-98; Code 1985 § 21-28(i))

Sec. 12-52-10 Alternative permit.

A. The permit office, after consultation with the director of police, in denying an application for a parade or public assembly permit, may authorize the conduct of the parade or public assembly at a date, time, location or route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within twenty-four (24) hours after notice of the action of the permit office, file a written notice of acceptance with the permit office.

B. An alternate parade or public assembly permit shall conform to the requirements of, and shall have the effect of, a parade or public assembly permit issued under this chapter. (Ord. 4875 §§ 1, 2, 6-19-01; Ord. 4576 § 1, 4-21-98; Code 1985 § 21-28(j))

Sec. 12-52-11 Appeal procedure.

A. Any applicant shall have the right to appeal the denial of a parade or public assembly permit to the city council. The denied applicant shall make the appeal within five days after receipt of the denial by filing a written notice with the permit office and a copy of the notice with the city comptroller. The city council shall act upon the appeal at the next scheduled meeting following receipt of the notice of appeal.

B. In the event that the city council rejects an applicant's appeal, the applicant may file an immediate request for review with a court of competent jurisdiction. (Ord. 4875 §§ 1, 2, 6-19-01; Ord. 4576 § 1, 4-21-98; Code 1985 § 21-28(k))

Sec. 12-52-12 Notice to city and other officials.

Immediately upon the issuance of a parade or public assembly permit, the permit office shall send a copy thereof to the following:

A. The mayor;

B. The city attorney;

C. The police director;

D. The fire director;

E. The director of the department of public works;

F. The postmaster;

G. The manager or responsible head of each public transportation utility, the regular routes of whose vehicles will be affected by the route of the proposed parade or public assembly; and

H. The city council chairperson.

(Ord. 4875 §§ 1, 2, 6-19-01; Ord. 4576 § 1, 4-21-98; Code 1985 § 21-28(l))

Sec. 12-52-13 Contents of permit.

Each parade or public assembly permit shall state the following information:

A. Starting and approximate ending time;

B. Minimum speed of parade units;

C. Maximum speed of parade units;

D. Maximum interval of space to be maintained between parade units;

E. The portions of the streets that may be occupied by the parade or public assembly;

F. The maximum length of the parade in miles or fractions thereof; and

G. Such other information as either the permit office or the director of police shall find necessary to the enforcement of this chapter. (Ord. 4875 §§ 1, 2, 6-19-01; Ord. 4576 § 1, 4-21-98; Code 1985 § 21-28(m))

Sec. 12-52-14 Duties of permittee.

A. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

B. The parade or public assembly chairperson or other person heading such activity shall carry the parade or public assembly permit upon his or her person during the conduct of the parade or public assembly. (Ord. 4875 §§ 1, 2, 6-19-01; Ord. 4576 § 1, 4-21-98; Code 1985 § 21-28(n))

Sec. 12-52-15 Prohibitions.

The following prohibitions shall apply to all parades and public assemblies:

A. It is unlawful for any person to stage, present or conduct any parade or public assembly without first having obtained a permit as herein provided;

B. It is unlawful for any person to participate in a parade or public assembly for which the person knows a permit has not been granted;

C. It is unlawful for any person in charge of, or responsible for the conduct of, a duly licensed parade or public assembly to knowingly fail to comply with any condition of the permit;

D. It is unlawful for any person to engage in any parade or public assembly activity that would constitute a substantial hazard to the public health, safety or welfare, or that would materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property;

E. It is unlawful for any person to ride, drive or cause to be ridden or driven any animal or any animal drawn vehicle upon any public street, unless specifically authorized by the permit; and

F. It is unlawful for any person participating in a parade or public assembly to violate Section 10-8-2, Disorderly conduct. (Ord. 4875 §§ 1, 2, 6-19-01; Ord. 4576 § 1, 4-21-98; Code 1985 § 21-28(o))

Sec. 12-52-16 Public conduct during parades or public assemblies.

A. No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or public assembly or with any person, vehicle or animal participating or used in a parade or public assembly.

B. No driver of a vehicle shall drive between the vehicles or persons comprising a parade or public assembly when such vehicles or persons are in motion and are conspicuously designated as a parade or public assembly.

C. The director of police shall have the authority, when reasonably necessary, to prohibit or restrict the

parking of vehicles along a street constituting a part of the route of a parade or public assembly. The director of police shall post signs to that effect, and it is unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this chapter. (Ord. 4875 §§ 1, 2, 6-19-01; Ord. 4576 § 1, 4-21-98; Code 1985 § 21-28(p))

Sec. 12-52-17 Revocation of permit.

The director of police shall have the authority to revoke a parade or public assembly permit instantly upon violation of the conditions or standards for issuance as set forth in this chapter or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the parade or public assembly would have an immediate and adverse effect upon the welfare and safety of persons or property. (Ord. 4875 §§ 1, 2, 6-19-01; Ord. 4576 § 1, 4-21-98; Code 1985 § 21-28(q))

Sec. 12-52-18 Violations—Fines and penalties.

Any person violating the provisions of any section of this chapter shall, upon conviction, be punished by a fine not to exceed fifty dollars ($50.00) and any other penalties which may be applicable. (Ord. 4875 §§ 1, 2, 6-19-01; Ord. 4576 § 1, 4-21-98; Code 1985 § 21-28(r))

Chapter 12-56

POLES, WIRES AND CONDUITS

Article 1
General Provisions

Sections:

12-56-1 Compliance with National Electrical Safety Code.
12-56-2 Dead wires or wires not in use.
12-56-3 Trees near wires or street lights.

Article 2
Poles

12-56-4 Supervision.
12-56-5 Permit to install, reset, replace or repair—Required—Exceptions.
12-56-6 Permit—Application.
12-56-7 Permit—Refusal to issue.
12-56-8 Joint construction.
12-56-9 Reservation of space for city wires.
12-56-10 Identification of poles located in street right-of-way.
12-56-11 Privilege tax on poles in streets.
12-56-12 Removal, replacement or relocation of poles in public places.

Article 3
Conduits

12-56-13 Conduit district established.
12-56-14 Wires to be underground within conduit district—Exceptions.
12-56-15 Permit to construct, alter or repair.
12-56-16 Bond.
12-56-17 Conformity with general rules and requirements.
12-56-18 Departure from approved construction plans.
12-56-19 Location.
12-56-20 Depth, gradient, ventilation and drainage.
12-56-21 Required ducts.
12-56-22 Excavations generally.
12-56-23 Restoration of surface improvements.
12-56-24 Permit to install wires.
12-56-25 Manholes—Construction—Size—Control—Costs.
12-56-26 Manholes—Joint use.
12-56-27 Manholes—Permit to enter.
12-56-28 Plans to be filed upon execution of work.
12-56-29 To be used only for authorized public services.
12-56-30 Disturbing or interfering with conduits.
12-56-31 Transfer of rights in conduits.
12-56-32 What rights acquired under article.

Article 1
General Provisions

Sec. 12-56-1 Compliance with National Electrical Safety Code.

All poles, wires and conduits authorized or required by this chapter shall be installed and maintained in accordance with the applicable provisions of the National Electrical Safety Code, 1977 Edition, as amended, and it shall be a misdemeanor for any person or corporation to have, use or maintain within the limits of the city any such installation that does not meet such requirements as to quality or safety. Compliance with the National Electrical Safety Code shall be a complete compliance with all requirements of the city for the construction, maintenance and operation of poles, wires, conduits and other facilities in the city. (Code 1985 § 27-1; Ord. 456 § 1, 4-22-69; Code 1967 § 29-1)

Sec. 12-56-2 Dead wires or wires not in use.

No dead electric wire or wires not in use shall be permitted in the city and all dead wires or wires not in use shall be at once removed by the person who owns, operates, controls or manages the same. (Code 1985 § 27-2; Code 1967 § 29-2)

Sec. 12-56-3 Trees near wires or street lights.

A. No tree, limb or part thereof shall be allowed to interfere with the safe distribution of electrical energy and any wire carrying electric current in or adjacent to any public street, alley, highway, easement for utility purposes or public place, whether such wire is insulated or not. No tree, limb or part thereof shall be allowed to grow so as to obstruct the light from any electric lamp or other appliance used by the city for the lighting of its public streets and ways.

B. Whenever it becomes necessary, in the extension of the city's fire and police signal system or the service of any public service corporation using wires carrying electricity in the furnishing of such service, to string or place overhead wires carrying currents of electricity through or across any public street, alley or place, or to erect any street lights, it shall be the duty of the city to see that no tree or parts thereof will violate subsection A of this section, and to this end it is authorized and empowered to remove or cause to be removed any tree, branch or limb in or overhanging any public street, alley or public place, interfering with such wires or street lighting.

C. The Memphis light, gas and water division, through its personnel or agents, shall have the right to trim or top trees which are on public property or intrude on public property, and which are in proximity to electric conductors in the distribution system.

D. The enforcement of this section shall be under the supervision of the director of public works or the Memphis light, gas and water division, as applicable, whose duty it shall be to direct the removal or trimming of any tree or part thereof which is in violation of subsection A of this section.

E. It shall be a misdemeanor for any person to interfere with the director of public works, the Memphis light, gas and water division, or persons working under their direction in the trimming or removing of trees under the provisions of this section. (Code 1985 § 27-3; Code 1967 § 29-3)

Article 2
Poles

Sec. 12-56-4 Supervision.

The location, erection, placing, replacing and repair of poles used for the stringing of wires thereon shall be under the supervision of, and subject to the approval of, the director of public works. (Code 1985 § 27-16; Code 1967 § 29-14)

Sec. 12-56-5 Permit to install, reset, replace or repair—Required—Exceptions.

A. It is unlawful for any person to install, put up, reset, replace or repair, within the city, any pole used or to be used for the overhead carrying of wires, cables or other like instrumentalities, without first obtaining a permit to do so from the director of public works; provided, that no permit will be required for the resetting, replacement or repair of such a pole where such work is occasioned by accident or mishap and is done under emergency conditions.

B. The maintenance of any pole erected, reset, replaced or repaired without the permit provided for by this section shall be a nuisance, to be abated in the manner provided by law for the abatement of public nuisances erected or maintained in the city. (Code 1985 § 27-17; Code 1967 § 29-15)

Sec. 12-56-6 Permit—Application.

An application, in writing, for a permit required by Section 12-56-5 shall be filed with the director of public works, setting forth the location at which the pole is to be erected, reset, replaced or repaired, the character of the material of which the same is made, its height and diameter, and the kind and character of wires, cables or other instrumentalities to be carried thereon. (Code 1985 § 27-18; Code 1967 § 29-16)

Sec. 12-56-7 Permit—Refusal to issue.

The director of public works shall refuse to issue the permit required by Section 12-56-5 whenever it appears that the pole sought to be erected, reset, replaced or repaired is unsafe, unsuitable for the purposes to which it will be put, or not suited to the location in which it will be placed. (Code 1985 § 27-19; Code 1967 § 29-17)

Sec. 12-56-8 Joint construction.

A. All poles used for the stringing of wires thereon shall be erected, reset or replaced under the rules of joint pole construction as set forth in this section. Whenever a new line of poles is to be erected, or whenever, by reason of street improvements, existing lines of poles are to be replaced, moved or reset, or whenever, due to the dangerous condition by reason of age or deterioration (in which case the director of public works shall have power to order the same replaced), then any such pole shall be constructed under the joint pole construction rules; provided, that the director shall have power and it shall be his or her duty to order such construction when, in his or her judgment, it shall be deemed advisable.

B. Such joint pole construction shall consist of poles of ample size and length to carry the wires of two or more companies using the same street, and the wires of the electric light and power companies, when such poles are to be used by them, shall have their wires strung at the top sections of poles. The telephone and telegraph companies shall occupy with their wires the middle sections of such poles. All poles and wires shall meet all the minimum standards and be installed so as to meet the requirements for quality and clearance as are

specifically set out in the National Electrical Safety Code, 1977 Edition, as amended.

C. Whenever it is decided that poles shall be erected under the joint pole construction rules, all companies concerned shall agree on the space necessary to carry their respective wires, and shall also agree as to pro rata of expense for the erection of such poles. Whenever they are not able to come to an agreement, the director of public works shall have power to decide such matters. (Code 1985 § 27-20; Ord. 456 § 1, 4-22-69; Code 1967 § 29-18)

Sec. 12-56-9 Reservation of space for city wires.

Before any permission is given to erect any pole in the city, or to reset or replace any pole, provision shall be made for reserving proper space and furnishing all crossarms, pins and supports to carry all wires of the city traffic signal system and telephone systems of the city and of the fire and police telegraph and telephone systems of the city, and such space shall be under the wires of the electric light and power companies, when used by such companies. Whenever any poles are used exclusively for telephone or telegraph companies, then such space shall be reserved at the top of all such poles for the use of the wires of the city. The proper space reserved for the wires of the city shall be such that the installation can be made in full compliance with the minimum standards for clearance as are specifically set out in the National Electrical Safety Code, 1977 Edition, as amended. (Code 1985 § 27-21; Ord. 456 § 1, 4-22-69; Code 1967 § 29-19)

Sec. 12-56-10 Identification of poles located in street right-of-way.

A. It shall be a misdemeanor for any telegraph, telephone, gas, electric light or any other public utility to erect, maintain or allow to remain, in any public right-of-way or easement, any pole or post, unless there shall be visibly painted or securely affixed to such pole or post some device, character, sign or other symbol identifying the ownership of such pole or post and such device, character, sign or symbol shall be registered with the city engineer. Such device, character, sign or symbol shall be legible and shall not be affixed at greater height than eight feet from the surface of the ground.

B. It shall be a misdemeanor for any person to efface, deface or otherwise make illegible any such device, character, sign or symbol affixed to any pole or post in any public right-of-way or easement. (Code 1985 § 27-22; Code 1967 § 29-20)

Sec. 12-56-11 Privilege tax on poles in streets.

There is levied annually a privilege tax of twenty-five cents ($0.25) on each telephone pole or telegraph pole located on or in the streets and other thoroughfares within the corporate limits of the city, as authorized by the Tennessee Code Annotated, Section 67-4102, item Q. (Code 1985 § 27-23; Code 1967 § 29-21.1)

Sec. 12-56-12 Removal, replacement or relocation of poles in public places.

The director of public works shall have the right to order the removal, replacement or relocation of any pole erected in any street, alley or other public place as may be necessary for proposed public improvements, which pole may become unsafe, or which ceases to be used for the purposes for which erected, or which interferes with the free use of such street, alley or public place, or interferes with the reasonable ingress and egress to private property abutting on such street, alley or public place. It shall be a misdemeanor for any person to maintain such pole or to fail to remove it to a new location designated by the director of public service after ten (10) days' notice in writing from such director to remove, replace or relocate such pole. (Code 1985 § 27-24; Code 1967 § 29-22)

Article 3
Conduits

Sec. 12-56-13 Conduit district established.

A. There is established within the city a conduit district bounded as follows:

> On the north by the first alley north of Exchange Avenue; on the south by a line one hundred forty-eight and one-half (148 1/2) feet south of the south line of Vance Avenue; on the east by the first alley east of Third Street from Exchange Avenue south to Madison Avenue, and thence extended east on Madison Avenue to a point one hundred fifty (150) feet east of the east line of North Neely Street; thence returning on the south side of Madison Avenue to the first alley east of Third Street; and running thence south to Union Avenue; thence east on Union Avenue to Third Street; thence along the east line of Third Street to Beale Street, and running thence east on Beale Street to two hundred (200) feet east of Fourth Street (formerly DeSoto Street); thence returning on the south side of Beale Street to Third Street; thence

south along the east line of Third Street to a point one hundred forty-eight and one-half (148 1/2) feet south of the south line of Vance Avenue; and on the west by a line commencing at Exchange Avenue twenty (20) feet west of the west line of Front Street; thence south to Union Avenue; thence west with Union Avenue to Wagner Place; thence south with the west side of Wagner Place to a point one hundred forty-eight and one-half (148 1/2) feet south of the south line of Vance Avenue.

B. The conduit district shall include such streets and also the parts of the following streets hereinafter set forth, both within and without the district above described:

1. Main Street, from the north line of Auction Avenue to the south line of Iowa Avenue;
2. Monroe Avenue, from the first alley east of Third Street to Marshall Avenue;
3. Marshall Avenue, from Madison Avenue to Union Avenue;
4. Union Avenue, from the first alley east of Third Street to East Parkway, South;
5. South Fourth Street, from Madison Avenue to Union Avenue;
6. Calhoun Avenue, from a point one hundred forty-eight (148) feet west of the west line of Tennessee Street, to a point one hundred forty-eight (148) feet east of South Third Street;
7. Union Avenue extended, beginning on the east line of the Parkway and extending along and with Union Avenue extended, to the south line of Poplar Avenue. (Code 1985 § 27-36; Code 1967 § 29-33)

Charter reference—Authority to establish conduit district, § 928.

Sec. 12-56-14 Wires to be underground within conduit district—Exceptions.

A. In the public thoroughfares, streets, alleys and squares within the territory described in Section 12-56-13, all electric service wire lines shall be placed in conduits underground, and no person shall construct any telegraph, telephone, electric light or power service above the ground in passing along or across such public thoroughfares within such territory.

B. This section shall not apply to the following overhead wires with their appurtenances:

1. Wires and lamp poles, with such appurtenances as may be deemed desirable by the director of public works, used for the purpose of public street lighting;
2. Such wires, poles and other appurtenances as may be deemed unobjectionable by the director of public works within the limits of any block used for the purpose of subdistribution of wires within that block, but in no event shall such wires be permitted to cross any street or alley overhead, within such conduit district;
3. All wires, poles and necessary appurtenances for the installation of traffic-control signal lights. (Code 1985 § 27-37; Code 1967 § 29-34)

Charter reference—Authority to require that wires be placed underground in conduit district, § 930.

Sec. 12-56-15 Permit to construct, alter or repair.

A. Before any person shall proceed to construct, alter or repair any underground conduit into which to run any electric service wire line within the district established by Section 12-56-13, such person shall make application to the director of public works for a permit to perform such work, such application to be filed with the director of public works. Such application shall state the name of the applicant, the purpose for which the use of the conduit is desired, the materials of which it is proposed to construct it, together with the plans and specifications showing the proposed method of construction. All such applications shall be accompanied by detailed plans showing the desired route of the conduit, grouping of ducts and distribution of boxes. No permit shall be issued until the bond required by Section 12-56-16 has been filed.

B. Emergency maintenance work that is necessary to reestablish service shall not require a permit under this section. (Code 1985 § 27-38; Code 1967 § 29-35)

Sec. 12-56-16 Bond.

Each applicant for a permit required by Section 12-56-15 shall, after approval of the application, file with the comptroller a penal bond in the sum of ten thousand dollars ($10,000.00), with two or more good and sufficient sureties, approved by the mayor, conditioned that the conduit construction shall be carried out in accordance with the terms of this article, or with the rules and regulations governing conduit construction and use approved by the director of public works, and that the city and its employees shall be held harmless from all suits for damages that may arise from the construction of any conduit, or that may arise from operations therein, or that may arise in any way as a result of such construction or operation. (Code 1985 § 27-39; Code 1967 § 29-36)

Sec. 12-56-17 Conformity with general rules and requirements.

When an application has been filed with the director of public works under Section 12-56-15, it shall be his or her duty to see that the proposed conduits, in their route, disposition, material and construction, conformed with the general rules and requirements governing same, adopted by the city. (Code 1985 § 27-40; Code 1967 § 29-37)

Sec. 12-56-18 Departure from approved construction plans.

When it becomes necessary to depart from any plans filed with and approved by the director of public works under Section 12-56-15, because of obstructions, it shall be the duty of the person performing work on or in the electrical conduit to immediately report the difficulty to the city engineer, and at the same time to submit an alternative plan of construction calculated to overcome the difficulty. No departure from standard construction primarily approved by the director of public works shall be allowed until such modifications have been approved in writing by the director of public works. (Code 1985 § 27-41; Code 1967 § 29-38)

Sec. 12-56-19 Location.

All conduits shall be constructed under sidewalks, except where the physical conditions render this impractical. In that event, special permission in each case shall be obtained from the director of public works to construct conduits in or under the street between curbs. (Code 1985 § 27-42; Code 1967 § 29-39)

Sec. 12-56-20 Depth, gradient, ventilation and drainage.

The city engineer shall decide as to proper depth, gradient, ventilation and drainage proposed to be given to conduits within the district described in Section 12-56-13, such data receiving also the endorsement of all city officers whose duties require them to supervise any underground construction whatever, so that no undue interference with the other underground construction may result from the building of the conduits. (Ord. 3587 § 1, 9-2-86; Code 1985 § 27-43; Code 1967 § 29-40)

Sec. 12-56-21 Required ducts.

Conduits shall be provided with ducts fifty (50) percent in excess of those required to carry the wires in use along the routes of the proposed conduits at the time of making application for a permit to construct the same. (Code 1985 § 27-44; Code 1967 § 29-41)

Sec. 12-56-22 Excavations generally.

A. In the construction, alteration or repair of any conduit or its appurtenances, no excavation shall be made on any one continuous line for a greater length than four blocks at the same time, nor shall any excavation be permitted to exist in any public thoroughfare for a longer period than is absolutely necessary to properly and expeditiously perform the work for which a permit is granted under this article. All excavations made in pursuance of the right which may be granted under this article shall at all times be provided with sufficient guards and lights to render the same secure in themselves, and free from becoming a source of danger to the public.

B. All excavations for trenches or manholes shall be backfilled and tamped to the satisfaction of the city engineer, of materials similar to that surrounding the street or pavement, and the person making such excavations shall pay to the city the cost of such repairs at the end of the month during which such repairing is done. (Ord. 3587 § 2, 9-2-86; Code 1985 § 27-45; Code 1967 § 29-42)

Sec. 12-56-23 Restoration of surface improvements.

A. All surface improvements disturbed in connection with the construction, alteration, repair or use of any conduit or subdistribution pole, or their appurtenances, carried on under the terms of this article, shall be repaired to the satisfaction of the city engineer in conformity to the city specifications for paving sidewalks or other improvements at the expense of the person possessing the permit for carrying on such construction, alteration, repairs or use. Such party shall, moreover, keep such repaired surface improvements in a condition satisfactory to the city engineer for a period of one year after they have been repaired.

B. Should such party fail to promptly fulfill the requirements of this section, the city may proceed with any or all of such work and charge the cost of performing the same to such party. This provision shall not give immunity from any penalty attached to the violation of the requirements of this article. (Ord. 3587 § 3, 9-2-86; Code 1985 § 27-46; Code 1967 § 29-43)

Sec. 12-56-24 Permit to install wires.

A. Before any electrical service wires are placed in any conduit constructed under this article, a permit shall be obtained. Application for this permit shall be made by the person owning the conduit. All such applications shall state:

1. The name of the applicant;

2. The purpose for which the use of the conduit is desired;

3. The number, material and dimensions of conductors proposed to be placed in the conduit;

4. The arrangement of the conductors, whether singly or in cables, and if in cables, the number of conductors and their disposition in each cable;

5. The maximum voltage to be used on such conductors;

6. The nature of the insulating material or materials to be employed, and such other specific information as will fully explain the use to be made of the conduit, except that the foregoing provisions and requirements shall not apply to any department or agency of the city.

B. On approval by the director of public works of an application for a permit under this section, a permit shall be issued, conditioned on compliance with the rules and regulations governing the occupation of electrical conduits as contained in the National Electrical Safety Code, 1977 Edition. (Code 1985 § 27-47; Code 1967 § 29-44)

Sec. 12-56-25 Manholes—Construction—Size—Control—Costs.

A. The using agency shall construct all the manholes required for putting wires underground in accord with this article, and the cost of constructing and maintaining such manholes shall be borne and prorated among the companies using the same in proportion to the number of ducts entering such manholes.

B. All such manholes shall be constructed of such size and character as will enable them to accommodate fifty (50) percent more ducts than all the companies entering them will at first require. Such manholes shall be constructed in accordance with plans and specifications approved by the city engineer.

C. After such manholes have been constructed, they shall be under the absolute control of the city, or some officer designated by the city, to be used and occupied by such companies for the purpose of connecting their conduits and ducts therewith.

D. Companies constructing and maintaining manholes shall file with the director of public works itemized, full and complete statements of the cost of constructing and maintaining such manholes. (Ord. 3587 § 4, 9-2-86; Code 1985 § 27-48; Code 1967 § 29-45)

Sec. 12-56-26 Manholes—Joint use.

Any company, other than the original using agency, desiring to enter and use any manhole constructed under this article shall be permitted to enter the same and use the same by first obtaining a permit from the city, and by paying its proper pro rata of the cost of construction and maintenance of the manhole, such pro rata to be determined by the director of public works, except that such use by other companies shall not extend to manholes or conduits constructed for the purpose of transmitting electrical energy for lighting, heating and power. (Code 1985 § 27-49; Code 1967 § 29-46)

Sec. 12-56-27 Manholes—Permit to enter.

No person shall enter any manhole constructed under this article, unless he or she has a permit to do so from the division of public service, and no company using any manhole shall permit any person to enter the same, unless he or she has such a permit. Such permit shall be issued by the division of public service upon proper evidence submitted that the applicant is careful and experienced. Such permit shall not be granted for a period longer than six months. The foregoing provisions shall not apply to any division or agency, or its employees, of the city. (Code 1985 § 27-50; Code 1967 § 29-47)

Sec. 12-56-28 Plans to be filed upon execution of work.

Plans showing all details of conduit construction and the disposition of all electrical conductors and apparatus within or connected with the conduits shall be filed with the director of public works promptly upon the execution of any work, so that a complete record of all conduits, with their appurtenances and over-ground connections, together with the electrical conductors and apparatus installed in connection therewith, shall at all times be on file with the director of public works. (Code 1985 § 27-51; Code 1967 § 29-49)

Sec. 12-56-29 To be used only for authorized public services.

No conduit or duct constructed and maintained under this article shall be used other than for specific public services authorized by the director of public works. (Code 1985 § 27-52; Code 1967 § 29-50)

Sec. 12-56-30 Disturbing or interfering with conduits.

Any person who shall disturb any conduit laid in accordance with the requirements of this article, or interfere with its legitimate use, shall pay all costs or damages resulting from such disturbance or interference. (Code 1985 § 27-53; Code 1967 § 29-51)

Sec. 12-56-31 Transfer of rights in conduits.

No person owning, occupying or having rights in conduits under this article shall sell, lease or sublease any property or privilege in connection therewith, without first obtaining the consent of the director of public works, nor shall any such person consolidate with any other person or company without the consent of the director of public works. (Code 1985 § 27-54; Code 1967 § 29-52)

Sec. 12-56-32 What rights acquired under article.

No person shall, by reason of compliance with this article, acquire any rights or privileges other or further than herein specifically expressed, and nothing herein contained shall be construed as extending or changing the terms, length of time or any of the conditions of any contract or agreement now existing between the city and any such person. The occupation and operation of conduits and manholes shall be upon the same terms, lengths of time and conditions as now fixed by law or contract for the maintenance and use of overhead poles and wires. (Code 1985 § 27-55; Code 1967 § 29-53)

Chapter 12-60

RESIDENTIAL CORRIDORS

Sections:

12-60-1	**Title.**
12-60-2	**System established—Composition.**
12-60-3	**Restrictions to protect corridors.**
12-60-4	**Criteria for designation.**
12-60-5	**Establishment of specific residential corridors.**
12-60-6	**Methods of request for designation or deletion of residential corridors.**
12-60-7	**Administration.**
12-60-8	**Appeals.**

Sec. 12-60-1 Title.

This chapter shall be known as the "Residential Corridor Ordinance." (Code 1985 § 26-91; Ord. 3077 § 2(1), 10-28-80; Code 1967 § 36-169)

Sec. 12-60-2 System established—Composition.

There is established a system of residential corridors for the city, created with reasonable consideration of the character of the area, to prevent congestion in the public streets, thereby maintaining the existing or potential capacity and efficiency of major roads, and to conserve the value of buildings. Such system shall consist of major roads or sections thereof, that are so designated by the city council through adoption of an ordinance from time to time according to the provisions of this chapter. (Code 1985 § 26-92; Ord. 3077 § 2(2), 10-28-80; Code 1967 § 36-170)

Sec. 12-60-3 Restrictions to protect corridors.

Corridors designated as residential corridors pursuant to this chapter shall be protected by the following restrictions:

A. All land fronting the designated residential corridor, for a depth of two hundred (200) feet, shall not be eligible for rezoning to a nonresidential classification, with the exception of institutional or public land uses. Any zoning classification less restrictive than R-MH shall be specifically prohibited and no special permits for uses other than outlined in this section shall be considered.

B. Parcels along a designated residential corridor having a zoning classification less restrictive than R-MH at the effective date of this chapter shall retain that classification; provided, however, the owner of such a parcel may apply for a rezoning to a residential classification.

C. Legal nonconforming uses existing along a designated residential corridor shall be subject to the provisions of Chapter 16-116 of this code. (Code 1985 § 26-93; Ord. 3077 § 2(3), 10-28-80; Code 1967 § 36-171)

Sec. 12-60-4 Criteria for designation.

Any street or section thereof, in order to be eligible for consideration as a residential corridor, shall meet the following minimum standards:

A. Classified as a major road as depicted on the Memphis Urban Area Transportation Study (MUATS);

B. Contain three city blocks on either side or have two thousand (2,000) feet of continuous frontage on both sides;

C. Have no more than five percent of the frontage zoned and/or developed for office, commercial or industrial purposes;

D. For the purpose of this chapter, a "block" is defined as the area abutting a major road as set forth above; which area is intersected at two points by a public street or highway, a railroad right-of-way, corporate limit or power transmission line right-of-way easement purchased by the light, gas and water division or a drainageway with an existing channel width of at least fifty (50) feet, provided that alleys shall not be defined as a block boundary. (Code 1985 § 26-94; Ord. 3077 § 2(4), 10-28-80; Code 1967 § 36-172)

Sec. 12-60-5 Establishment of specific residential corridors.

The following defined sections of street are designated as residential corridors and are subject to the provisions of this chapter:

Belvedere Boulevard, from the alley one-half block south of Union Avenue to Central Avenue.

Central Avenue, from Lamar Avenue to the L and N Railroad, from the IC Railroad to Ellsworth Street; and from Highland Street to Goodlett Street.

Coleman Road, from Raleigh-LaGrange to Yale Road.

East Parkway, from North Parkway to Young Avenue; and from Cooper Street to Lamar Avenue.

Elvis Presley Boulevard, from a point six hundred fifty-four (654) feet south of Shelby Drive to Holmes Road.

Goodlett Street, from Graham Street to Park Avenue.

Graham Street, from Goodlett Street to Macon Road.

Holmes Road, from Elvis Presley to Millbranch Road.

Jackson Avenue, from Evergreen to Trezevant.

James Road, from Overton Crossing to Woodland Hills Cove; from Birchfield Drive to Scenic Highway; and from Highland Street to Water Street; except that portion from the west right-of-way line of Birchfield Drive to the west right-of-way line of the Illinois Central Gulf Railroad for a distance of approximately one thousand one hundred fifteen (1,115) feet.

McLean Street, from North Parkway to Poplar Avenue.

North Parkway, from Dunlap Street to East Parkway.

Park Avenue, from Goodlett Street to Mount Moriah Road, with the exception of segment of the Park Avenue residential corridor beginning at a point +/- four hundred twenty-nine (429) feet west of Mount Moriah Road and extending westward a distance of two hundred seventy-five (275) feet to a point seven hundred four (704) feet west of Mount Moriah Road.

Peabody Avenue, from Cleveland Street to Cooper Street.

Perkins Street, from Park Avenue to Southern Avenue.

Poplar Avenue, from Rembert Street to East Parkway; and from Highland Street to West Cherry Circle.

Quince Road, from Lynnfield Street to the city limits.

Scenic Highway, from James Road to Highland Street.

South Parkway, from Elvis Presley Boulevard to Lamar Avenue; and from Cooper Street to Airways Road.

Stage Road, from Tena Drive to Bluefield Street.

Trezevant Street, from Jackson Avenue to North Parkway.

Walnut Grove Road, from Holmes Street to Germantown Road.

White Station Road, from Pelham Circle north to I-240. (Ord. 4249 § 1, 4-5-94; Ord. 3691 § 1, 10-13-87; Code 1985 § 26-95; Ord. 3184 § 1, 1-12-82; Ord. 3077 § 2(5), 10-28-80; Code 1967 § 36-173)

Sec. 12-60-6 Methods of request for designation or deletion of residential corridors.

A. Any resident of the city may file an application, accompanied by a two hundred dollar ($200.00) nonrefundable fee, with the office of planning and development requesting that a street or section of a street be designated as a residential corridor or a previously designated segment be deleted under the provisions of this chapter. Application forms shall be available at the office of planning and development. Not less than thirty-five (35) days after a completed application has been filed, the land use control board will hold a hearing thereon. Written notice of such hearing shall be mailed to all property owners within five hundred (500) feet of the center line of the street segment for which residential corridor designation or deletion is requested. After the hearing, the office of planning and development shall forward the application, with a recommendation from the land use control board and the office of planning and development, to the city council for public hearing. Notice of the hearing before city council shall be given by publishing three times in some daily newspaper of general circulation, stating the time and place of such hearing. The last publication shall not be over thirty (30) days nor less than ten (10) days prior to the hearing.

B. The office of planning and development may, at any time, initiate a request for designation of a street or section of a street as a residential corridor or deletion of a previously designated segment by forwarding a report and recommendations to city council for public hearing.

C. The city council may, at any time, ask the office of planning and development to initiate a request for designation or deletion of a street or section thereof as a residential corridor.

D. No reapplication for residential corridor designation or deletion shall be accepted by the office of planning and development within eighteen (18) months from date of final action by the city council or upon withdrawal of an application after first reading of an ordinance by the city council, provided, that nothing herein shall restrict the initiation of any residential corridor application by the office of planning and development or the city council. A reapplication is an application including any portion of a street involved in a previous application. (Code 1985 § 26-96; Ord. 3077 § 2(6), 10-28-80; Code 1967 § 36-174)

Sec. 12-60-7 Administration.

A. Streets or sections thereof designated as residential corridors shall be subject to periodic review as deemed necessary by the office of planning and development.

B. The office of planning and development shall prepare a map containing all designated residential corridors and will maintain such map to reflect approved additions and deletions. (Code 1985 § 26-97; Ord. 3077 § 2(7), 10-28-80; Code 1967 § 36-175)

Sec. 12-60-8 Appeals.

Any appeal from the provisions of this chapter shall be directed solely to the city council. (Code 1985 § 26-98; Ord. 3077 § 2(8), 10-28-80; Code 1967 § 36-176)

Chapter 12-64

MAIN STREET TROLLEY SYSTEM

Sections:

12-64-1	**Definitions.**
12-64-2	**Prohibitions.**
12-64-3	**Right-of-way.**
12-64-4	**Vehicles on Main Street Mall.**
12-64-5	**Conduct of passengers or occupants of trolley vehicles.**

Sec. 12-64-1 Definitions.

As used in this chapter, unless the context requires otherwise:

"Nonemergency vehicle" means a vehicle which is not an authorized emergency vehicle as defined in T.C.A. Section 55-8-101(2).

"Proof of fare payment" means the following:

1. A trolley pass or a MATA pass valid for the status of person, the time of use and the zones of travel;

2. A receipt showing payment of the applicable fare, used within the time and zones applicable to the receipt;

3. A prepaid ticket or series of tickets showing cancellation by MATA time stamp, used within the time and zones applicable to the ticket; or

4. Other passes or vouchers issued by MATA evidencing fare payment.

"Transit inspector" means any person authorized by the general manager of the Memphis Area Transit Authority (hereinafter "MATA") to demand proof of fare payment and to issue citations as provided hereunder in accordance with T.C.A. Section 7-63-101 and Section 2-36-1.

"Trolley equipment" includes, but is not limited to, trolley cars, tracks, trolley stops including the lifts contained therein, trolley sign posts, overhead wires and the poles that support them, electrical equipment including wires that supply and carry power to the trolley, lifts, stops and ticket dispensing machines, the trolley facility located at 547 North Main Street, and any other item used in or necessary to the operation of or to maintain the Main Street Trolley System.

"Trolley right-of way" means a twenty-two (22) foot six-inch wide paved cobblestone pathway running north and south through the common mall area known as Main Street Mall containing the parallel tracks (rails) upon which the trolley operates. The trolley right-of-way is not a public street nor a roadway.

"Trolley stops" are areas created for the protection of passengers boarding, disembarking or waiting for the Main Street Trolley System. These stops shall be indicated by either: (1) shelter stations at specific locations; (2) areas designated by painting, brickwork or other prominent markings, as may be authorized by the MATA board; or (3) such other locations as are designated from time to time by prominent MATA signage. (Ord. 4202 § 1, 7-6-93; Code 1985 § 20-27(a))

Sec. 12-64-2 Prohibitions.

The commission of the following acts shall be a misdemeanor and shall be punishable by payment of a fine of not more than fifty dollars ($50.00) for each separate violation and court costs:

A. Payment of Fare.

1. Fares. Passengers shall be permitted upon trolley vehicles only upon payment of such fares and under such circumstances as may from time to time be established by the Memphis Area Transit Authority. It is an infraction, punishable pursuant to Section 1-24-1, for any person to refuse to pay, or to evade or attempt to evade the payment of such fares.

2. Proof of Payment. No unauthorized person shall occupy, ride in or use any trolley vehicle without possessing and exhibiting upon demand of a trolley inspector, valid proof of fare payment.

3. Agreement. The use of any trolley vehicle shall constitute an agreement by the user to pay the applicable fare in accordance with the effective fare resolution established by the Memphis Area Transit Authority and to have in his or her immediate possession proof of fare payment.

4. Procedure. It is unlawful for any person to fail to provide his or her name, address or identification to a transit inspector. It shall also be unlawful for any person to provide a false or fictitious name, address or identification to a transit inspector.

5. Counterfeiting of Passes and Tickets. No person shall counterfeit, forge or alter any ticket, coupon, receipt for fare payment, or pass issued by Memphis Area Transit Authority designed to title the holder to ride MATA trolley vehicles.

No such person shall possess, offer or put into circulation, any such counterfeit, forgery or altered ticket, copy, receipt for fare payment, or pass.

B. Riding the Trolley. It is unlawful for any person to:

1. Vandalize, damage or otherwise deface in any manner a trolley car;

2. Smoke, eat or drink any beverage aboard the trolley, or carry aboard, possess or cause any open food or drink container to be aboard any trolley vehicle. Appropriate notices or symbols indicating the foregoing may be posted on trolley vehicles so as to be visible to passengers.

Notwithstanding the preceding subsection, food and drink, including alcoholic beverages, may be consumed aboard trolley vehicles during the time any such vehicle is actually operating under charter, provided, that the consumption of food and drink, including alcoholic beverages, by any person, shall at all times be contingent upon and shall conform to the conditions applicable to the charter of MATA's trolley vehicles, as set forth in the Memphis Area Transit Authority Charter Policy, including mandatory prearrangement with MATA for the consumption of alcoholic beverages, and the providing by the chartering party of insurance satisfactory to MATA in the event that alcoholic beverages are consumed on board;

3. Extend his or her head, hand, arm, foot, leg or other portion of the body through any window or door opening of a trolley;

4. Harass, threaten or intimidate the trolley operator or a trolley inspector;

5. Ring or attempt to ring the trolley bell;

6. Throw or project a stone or other missile from the trolley, throw or project a stone or other missile at a trolley or trolley facility, or at any person or thing on a trolley;

7. Pull or attempt to pull the emergency cord except in case of an emergency;

8. Solicit any passengers for any purpose;

9. Carry or attempt to carry a bicycle on board a trolley vehicle. Folded bicycles may be carried aboard trolley cars provided space is available;

10. Bring, carry into or carry upon a trolley car a dog or other animal unless it is completely enclosed in a carrying case which can be accommodated in the lap of a passenger with no danger of annoyance to other persons. This prohibition shall not apply to a dog or other duly trained animal, properly harnessed, accompanying a visually-impaired, hearing-impaired or other disabled persons;

11. Carry aboard a trolley car any packages, bundle, sharp or pointed objects or other objects which, because of their size, bulk, shape or nature may be dangerous or cause discomfort to passengers, or which interferes with the safe operation of the trolley vehicle;

12. Ride upon the outside or roof of any trolley.

13. Urinate or defecate in or upon a trolley.

C. Interference with Trolley Operation. It is unlawful for any person to:

1. Hang upon, jump upon or attempt to hang upon or jump upon a trolley;

2. Displace or attempt to displace a trolley vehicle from the track below or the electrical lines above the trolley vehicle;

3. Vandalize, in any manner whatsoever, any trolley equipment or appurtenances;

4. Cut or break, in any manner whatsoever, or attempt to cut or break, the electrical lines supplying current to the trolley equipment, including throwing a switch that controls the electrical current;

5. Block or obstruct the movement of a trolley vehicle by: (1) parking or abandoning any vehicle whether self-propelled, animal drawn or motor powered on or near the tracks; or (2) placing any object on or near the tracks; or (3) standing on, in the middle of, or adjacent to the tracks;

6. Attach any advertising, hand bills, flyers or other material or object to any portion of the trolley stops, trolley signs or poles supporting the overhead wires as prohibited in Section 10-12-9(B);

7. Solicit any person standing at a trolley stop;

8. Climb upon any trolley stop or the clock tower located in front of City Hall;

9. Interfere in any way with the safe and orderly operation of the Main Street Trolley System.

D. Miscellaneous.

1. No person shall exhibit, sell or offer for sale, hire, lease or let out in a trolley vehicle any object or merchandise, or anything whatsoever, whether corporeal or incorporeal, except concessions under contract to the Memphis Area Transit Authority.

2. No person (except Memphis Area Transit Authority staff and persons or firms under written contract with MATA) shall offer for sale, sell or put into circulation, any transit ticket, coupon, receipt for fare payment or pass which entitles the holder to ride in MATA trolley vehicles. (Ord. 4202 § 1, 7-6-93; Code 1985 § 20-27(b))

Sec. 12-64-3 Right-of-way.

All pedestrians and all nonemergency vehicles, including, but not limited to, self-propelled, animal drawn, and motor powered, shall yield the right-of-way to the trolley vehicles at all points along the Main Street Trolley System. Trolley vehicles shall obey all traffic signals at intersections of the Main Street Trolley System and dedicated city streets. (Ord. 4202 § 1, 7-6-93; Code 1985 § 20-27(c))

Sec. 12-64-4 Vehicles on Main Street Mall.

Pursuant to Section 12-48-7, vehicle traffic is prohibited on the Main Street Mall. In addition to the exceptions provided in Section 12-64-1, an exception to this prohibition is also granted for MATA supervisory, maintenance and fare collection vehicles and Memphis light, gas and water division (MLGW) vehicles actively engaged in servicing, repairing or replacing electrical, gas or water equipment, facilities or service on the Mall or for the Main Street Trolley. (Ord. 4202 § 1, 7-6-93; Code 1985 § 20-27(d))

Sec. 12-64-5 Conduct of passengers or occupants of trolley vehicles.

The following are in addition to any rules and regulations established by Memphis Area Transit Authority, and shall not limit or restrict MATA's authority to from time to time promulgate rules and regulations relative to its trolley vehicles.

A. Any person under the influence of intoxicating liquor or any drug and, resulting therefrom, is in such a condition that he or she is unable to exercise care for his or her safety and the safety of others may be refused entry by the trolley operator.

B. No person shall discard litter in or upon a trolley. (Ord. 4202 § 1, 7-6-93; Code 1985 § 20-27(e))

Chapter 12-68

PUBLIC BUILDINGS AND PROPERTY USE REGULATIONS

Sections:

12-68-1	**Definitions.**
12-68-2	**Opening and closing hours.**
12-68-3	**Entry into work area.**
12-68-4	**Open spaces, parks and recreational areas—Use for political gatherings.**
12-68-5	**Intent of chapter—Responsibility of park commission.**

Sec. 12-68-1 Definitions.

As used in this chapter:

"Public property" is any real property owned or leased by the city or any of its agencies, including the surrounding grounds.

"Work area" means publicly owned or leased property which is not ordinarily open to the public and is used by municipal employees in the ordinary course of their duties, or in assembling for their duties, and includes, but is not limited to, fire station engine houses, fire department shops, sanitation and public works substations, city shops, light, gas and water division substations or pumping stations, and other offices within public buildings where it is not normal and routine for members of the public to come for municipal services. (For example, City Hall is a public building, but the public works drafting room would be a work area, and the police headquarters would be a public building, but the record room or similar offices would be work areas.) (Code 1985 § 20-136; Ord. 868 § 1(1), 2-2-71; Code 1967 § 22-42.1)

Sec. 12-68-2 Opening and closing hours.

The executive division shall have the power to designate the opening and closing hours of public buildings or offices operated the city by posting such hours in the buildings. No person, except duly authorized personnel, shall remain in such public building after official closing hours to the general public, and any person who, after being notified to leave and who refuses to leave, shall be guilty of a violation of this chapter and punishable as such. (Code 1985 § 20-137; Ord. 868 § 1(2), 2-2-71; Code 1967 § 22-42.2)

Sec. 12-68-3 Entry into work area.

No person shall enter into any work area of public property as defined in this chapter except with the permission of the supervisor of such area, and any person who inadvertently or with intent to enter such area fails and refuses to comply with any lawful request to leave such area shall be guilty of a violation of this section. (Code 1985 § 20-138; Ord. 868 § 1(3), 2-2-71; Code 1967 § 22-42.3)

Sec. 12-68-4 Open spaces, parks and recreational areas—Use for political gatherings.

All open spaces, including but not limited to, parks, playgrounds, picnic areas and areas set aside for recreational purposes, shall be used for those purposes and shall not be used for nonrecreational gatherings or purposes, except upon permission granted by the city park commission, which shall regulate the time, place and manner of the nonrecreational usage. (Ord. 4237 § 1, 1-18-94; Code 1985 § 20-139; Ord. 868 § 1(4), 2-2-71; Code 1967 § 22-42.4)

Sec. 12-68-5 Intent of chapter—Responsibility of park commission.

A. It is the purpose of this chapter to prevent interference with normal use of public property by the general public and to prohibit only such use which will unduly interfere with the normal use of public property by other members of the public with an equal right of access to it.

B. The park commission shall establish reasonable nondiscriminatory regulations that preserve peace, order and tranquility in granting permits for organized meetings as authorized above and such regulations shall be forwarded to the council for approval by resolution. Such regulations shall provide definite and objective standards and such regulations shall be published and available to the public as to how an application for a permit is to be submitted and shall provide for a speedy right of review, either administratively or judicially. The park commission may designate certain parks or open spaces at which no organized political gatherings or religious meetings may be held because of the nature or size of such facilities. (Code 1985 § 20-140; Ord. 868 § 1(4), 2-2-71; Code 1967 § 22-42.5)

Chapter 12-72

PUBLIC ART

Sections:

12-72-1	**Purpose.**
12-72-2	**Definitions.**
12-72-3	**Funding source, use and disbursement of the public art program.**
12-72-4	**Administration.**
12-72-5	**Ownership.**

Sec. 12-72-1 Purpose.

The purpose of the public art program, as defined herein, is to provide a dedicated funding source for art enhancements to be implemented in selected city capital improvement projects constructed by the city or with city funds, and to provide, through the urban art commission's public art oversight committee, guidance and support to the city in implementing such art enhancements and to thereby foster public projects of art in city buildings and landscapes with a minimal impact on existing procedures, practices and capital improvement project budgets. (Ord. 4934, 3-5-02; Code 1985 § 2-86)

Sec. 12-72-2 Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

"Art percentage" means that percent defined in Section 12-72-3, to be allocated to the public art fund out of eligible general fund capital improvement project ("CIP") funds (excluding public works project, PW 156) and used hereunder to enhance public buildings with artwork.

"Artwork" means all forms of original creations or works designed by a professional artist, team of artists, or design team.

"Local artist" means an artist who has lived or worked within the Memphis Metropolitan Statistical Area for five or more years of such artist's career.

"Minority" means those persons, citizens of the United States and lawfully admitted resident aliens who are African American (persons whose origins are in one of the Black regional groups of Africa).

"Participating bureaus" means departments of the city that either construct or fund CIP projects in which artwork is to be installed and public art funds are to be expended hereunder.

"Public art fund" means the special fund established as a separate account pursuant to Section 12-72-3(A) with funds allocated to the public art fund and administered by the city. All interest and investment earnings attributable to the public art fund shall accrue therein. The city shall establish procedures for reporting activity of the public art fund. The city shall periodically provide the city council with reports reflecting all amounts allocated to the public art fund, encumbered to specific projects, and expended from the public art fund for artwork.

"Public art maintenance fund" means the special fund established as a separate account pursuant to Section 12-72-3(B) with funds allocated to the public art maintenance fund, and administered by the city. All interest and investment earnings attributable to the public art maintenance fund shall accrue therein. The city shall establish procedures for reporting activity of the public art maintenance fund.

"Public art oversight committee" shall consist of seven members composed of the chair of the UAC or his or her designee; two members nominated by the UAC and approved by the city council (one of which must be a practicing visual artist), three members appointed by the city mayor with the approval of the city council, (one of which must be a practicing visual artist) and one city councilperson appointed by the chair of the city council. The seven members shall serve two-year terms or until their successors are duly nominated and approved. The committee shall also include as ex-officio members the UAC executive director and the director or designee of any participating bureau.

"Public art program" means the activities and art enhancements generated pursuant to this chapter.

"UAC" is the urban art commission, an independent 501(c)(3) organization established in 1999.

"Women" means those persons, citizens of the United States and lawfully admitted resident aliens, who are of the female gender and not otherwise included in one of the specific ethnic minority groups. (Ord. 4934, 3-5-02; Code 1985 § 2-87)

Sec. 12-72-3 Funding source, use and disbursement of the public art program.

A. An art percentage of one percent of the total general obligation bond amount included in the CIP budget for construction costs each fiscal year, not to exceed one million dollars ($1,000,000.00) per fiscal year, shall be allocated to the public art fund for use in the development of artwork hereunder, including, but not limited to, artist design services, the development of de-

sign concepts and models, an artist in residency program, the selection, acquisition, purchase, commissioning, placement, installation, exhibition and display of artwork, and architectural and engineering design associated with artwork.

B. Each fiscal year, the city shall provide operating funds in an amount equal to one-tenth of one percent of the total general obligation bond amount included in the CIP budget for construction costs each fiscal year, which funds shall be allocated to the public art maintenance fund for use for maintenance, curatorial and conservation care for artwork developed pursuant to the public art program.

C. Funds in the public art fund and the public art maintenance fund not expended by the end of the close of any fiscal year shall be carried forward to the next succeeding fiscal year, to the extent that such carried forward funds, when added to the art percentage funds for the succeeding fiscal year, do not exceed one million five hundred thousand dollars ($1,500,000.00).

D. All participating bureaus shall include in their applications for funding for CIP projects to unrelated governmental agencies and other funding sources that allow for art enhancements in capital improvement projects, amounts up to the limit set by any such agency or other funding source, for artist design services and artwork. Any grant amounts received by participating bureaus for artwork or art enhancements to capital improvement projects shall be directed to the public art fund and shall not be included for purposes of computing the maximum funding amounts set out in subsection A or B of this section.

E. Public art funds shall be used for the creation of artwork in, upon, adjacent to, or in close proximity to CIP projects.

F. Disbursements from the public art fund and the public art maintenance fund shall be made only after authorization by the city, through its city engineer. Disbursements shall be made according to the terms of this chapter and any guidelines adopted by the city hereunder.

G. Sixty (60) percent of the artwork created hereunder during any five-year period ("participation period") shall be accomplished by local artists. The first participation period shall commence upon the effective date of the ordinance from which this chapter derives and shall end five years from that date, at which time the next participation period shall begin.

H. In an effort to promote equality and diversity in all artwork undertaken pursuant to this chapter, the public art program funded hereunder should include significant minority and women participation. (Ord. 4934, 3-5-02; Code 1985 § 2-88)

Sec. 12-72-4 Administration.

The city shall contract annually with the UAC for the UAC to administer the public art program, and shall provide therein for compensation to be paid to UAC for all such administrative services. The UAC and the public art oversight committee shall, after consultation with the city counsel and participating departments of city, administer the provisions of this chapter relating to artwork acquisition and display, and shall adopt guidelines to:

A. Provide for annual meetings with participating bureaus;

B. Develop an annual plan for the public art program that takes into account the views of the participating bureaus and is consistent with all applicable city budgets;

C. Recommend to the city engineer for his or her approval the selection of artwork to be created with public art funds;

D. Provide a method for the appointment of representatives to ad hoc selection committees, created solely for the purpose of selecting artists and reviewing artwork proposals;

E. Determine a method or methods of selecting artists for the design, execution and siting of artwork;

F. Provide quarterly reports and reviews to the city council to account for artwork projects funded from the public art fund;

G. Clarify the responsibilities for maintenance of artwork, including any extraordinary operations or maintenance costs associated with artwork, prior to selection;

H. Facilitate the preservation of art objects, ethnic and cultural arts and crafts, and artifacts funded through this chapter;

I. Determine a process to accession and deaccession artwork, as necessary;

J. Set forth any other matter appropriate to the administration of this chapter. (Ord. 4934, 3-5-02; Code 1985 § 2-89)

Sec. 12-72-5 Ownership.

All artwork acquired pursuant to this chapter shall be acquired in the name of the city. Insurance coverage for artwork acquired hereunder shall be provided and maintained by the city. (Ord. 4934, 3-5-02; Code 1985 § 2-90)

Chapter 12-76

AIRPORTS AND AIRCRAFT*

Article 1
General Provisions

Sections:

12-76-1	Definitions.
12-76-2	General rules for operating aircraft over city.
12-76-3	Acrobatic flying.
12-76-4	Dropping handbills and circulars from aircraft.

Article 2
Administration

12-76-5	Permit for commercial activities generally.
12-76-6	Permit for commercial photography.
12-76-7	Advertisements.
12-76-8	Soliciting funds.
12-76-9	President to have access to records of commercial users.
12-76-10	Entering restricted area.
12-76-11	Unauthorized taking of property.
12-76-12	Firearms and explosives.
12-76-13	Destroying or damaging property.
12-76-14	Disposal of refuse.
12-76-15	Gambling.
12-76-16	Restrictions on dogs and other animals.
12-76-17	Lost property.
12-76-18	Eviction from premises.
12-76-19	Accident reports.
12-76-20	Airport authority—Promulgation of rules and regulations.

Article 3
Airport Operating Regulations

12-76-21	Storage and repair of aircraft.
12-76-22	Securing unattended aircraft.
12-76-23	Runway usage.
12-76-24	Airport authority may delay or restrict operations or refuse clearance.
12-76-25	Removal of disabled aircraft.
12-76-26	Experimental and test flying.
12-76-27	Parachute jumping.
12-76-28	Aircraft radios.
12-76-29	Radio procedure.
12-76-30	Portable traffic-control light.
12-76-31	Report of aircraft accidents.

Article 4
Motor Vehicle and Pedestrian Traffic at Airport

12-76-32	Application of traffic regulations.
12-76-33	Establishment of no parking zones and loading zones.
12-76-34	Use of roads and walks.
12-76-35	Pedestrians' right-of-way.
12-76-36	Following other vehicles.
12-76-37	Obstructing traffic.
12-76-38	Operation of motorized equipment on apron.
12-76-39	Speed of vehicles.
12-76-40	Vehicles for hire.

* Charter reference—Authority of board of commissioners to regulate the landing of airplanes and airships and the operation thereof above or in the city, § 834.

Article 1
General Provisions

Sec. 12-76-1 Definitions.

The following terms, whenever used or referred to in this chapter, shall have the following respective meanings, unless a different meaning clearly appears from the context:

"Aircraft" means any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air.

"Airman" means any individual who engages as a person in command or as a pilot, mechanic or member of the crew, in the navigation of aircraft while under way, and any individual who is directly in charge of the inspection, maintenance, overhauling or repair of aircraft, aircraft engines, propellers or appliances, and any individual who serves in the capacity of aircraft dispatcher or air traffic control tower operator.

"Airport" means the Memphis International Airport and/or the General Dewitt Spain Airport where applicable.

"Authority" means the Memphis-Shelby County airport authority.

"Director" means the director of aviation of the airport authority or his or her duly authorized representa-

tives; the director is also the president of the airport authority.

"Fixed base operator" means any person upon airport property engaged in the business of the sale of aircraft, the sale of aircraft parts, the sale of gasoline and oil for aircraft at retail, the rental of aircraft, the operation of a flying school or the rendition of any service to aircraft or the operators thereof for profit. The term shall include persons engaged in any one or more of such businesses, but shall not include oil companies renting space on airport property and selling gasoline and oil to commercial airlines or fixed base operators for resale at retail.

"Operation of aircraft" or "operate aircraft" means the use of aircraft for the purpose of air navigation. Any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control of the aircraft, in the capacity of owner, lessee or otherwise, shall be deemed to be engaged in the operation of aircraft within the meaning of this chapter.

"President" means the president of the airport authority or his or her duly authorized representatives; the president is also the director of aviation of the airport authority.

"Tower" means the airport traffic control tower. (Code 1985 § 3-1; Code 1967 § 4-1)

Sec. 12-76-2 General rules for operating aircraft over city.

It is unlawful for any person to operate an aircraft in and over the city at any height or speed in any manner which is unreasonable or improper under the circumstances of the operation; or so as to endanger the property, life or limb of any person. Operation of an aircraft in violation of Federal Aviation Regulations shall be presumptive evidence of unreasonable and improper operation. In no event shall an aircraft be operated over the city at an altitude of less than one thousand (1,000) feet above any obstruction and at a horizontal distance of less than two thousand (2,000) feet, in any direction, from an obstruction; provided however, that aircraft maneuvering for landing or take off are subject only to such rules and regulations as may apply thereto. (Code 1985 § 3-2; Code 1967 § 4-2)

Sec. 12-76-3 Acrobatic flying.

Aerial acrobatics and trick flying over any area within the limits of the city, or within the airport control zone, are prohibited; and within such areas the controls of aircraft shall not be manipulated so as to divert the aircraft from normal, stable and safe flight; provided however, that acrobatic flying may be permitted within the airport control zone outside the boundaries of the city upon previous arrangement made with the controller on duty in the tower, and the approval of the president of the airport authority. (Code 1985 § 3-3; Code 1967 § 4-3)

Sec. 12-76-4 Dropping handbills and circulars from aircraft.

It is unlawful for any person in any aircraft flying over the airport or over the territory within the boundaries of the city, to cause or permit to be thrown out, discharged or dropped, any handbills, circulars, cards or other matter whatsoever. (Code 1985 § 3-4; Code 1967 § 4-4)

Article 2
Administration

Sec. 12-76-5 Permit for commercial activities generally.

No person shall use any portion of the airport property or any structure thereon for revenue-producing commercial activities without securing an appropriate permit for such activities from the president of the airport authority and paying the rates and charges prescribed for such use. (Code 1985 § 3-16; Code 1967 § 4-19)

Sec. 12-76-6 Permit for commercial photography.

No person shall take still, motion or sound pictures for commercial purposes on the airport without permission of the president of the airport authority, and on such terms and conditions as such president may prescribe. (Code 1985 § 3-17; Code 1967 § 4-20)

Sec. 12-76-7 Advertisements.

No person shall post, distribute or display signs, advertisements, circulars or other printed or written matter at the airport except with the approval of the president of the airport authority or in accordance with the provisions of a lease executed with the airport authority. (Code 1985 § 3-18; Code 1967 § 4-21)

Sec. 12-76-8 Soliciting funds.

No person shall solicit funds for any purpose on the airport without the permission of the president of the airport authority. (Code 1985 § 3-19; Code 1967 § 4-22)

Sec. 12-76-9 President to have access to records of commercial users.

As a condition precedent to the right of commercial airlines and air freight and express haulers to use the

airport, the president of the airport authority shall be given access by them at all reasonable times, in person or by agent, to examine and check the records of such airlines and freight and express haulers, showing the information required by this chapter to be reported by them to the president of the airport authority. (Code 1985 § 3-20; Code 1967 § 4-26)

Sec. 12-76-10 Entering restricted area.

All areas of airport property except those areas specifically open to the public are restricted and no person shall enter upon the aircraft movement areas, ramp areas, aircraft parking and storage areas, hangars or shop areas of the airport except:

A. Persons assigned to duty therein;

B. Persons authorized by the airport authority;

C. Passengers under appropriate supervision entering the apron for the purpose of embarkation and debarkation;

D. Persons engaged, or having been engaged, in the operation of any aircraft;

E. Persons under contractual agreement with the airport authority. (Code 1985 § 3-21; Code 1967 § 4-27)

Sec. 12-76-11 Unauthorized taking of property.

No person shall take or use any aircraft, aircraft parts, instruments, or tools owned, controlled, or operated by any other person while the same are stored, housed, or otherwise left on the airport or within its hangars, except with the written consent of the owner or operator thereof, or other evidence of the right to do so satisfactory to the president of the airport authority. (Code 1985 § 3-22; Code 1967 § 4-28)

Sec. 12-76-12 Firearms and explosives.

No person shall have any firearm, explosive or incendiary device on or about their person or accessible property except:

A. Duly authorized peace officers of the federal, state or municipal government or political subdivision thereof;

B. Duly authorized federal inspectors and postal employees;

C. Duly authorized airport or aircarrier employees;

D. Members of the armed forces of the United States on official duty;

E. Air passengers transporting unloaded firearms in checked baggage.

Unauthorized persons possessing such property on the airport shall surrender same to the airport police officer on duty. (Code 1985 § 3-23; Code 1967 § 4-29)

Sec. 12-76-13 Destroying or damaging property.

A. No person shall:

1. Destroy, injure, deface or disturb in any way any building, sign, equipment, marker, or other structure, tree, flower, lawn or other property on the airport;

2. Trespass on lawns and seeded areas of the airport.

B. Any and all airport property destroyed, injured, or damaged, by accident or otherwise, shall be paid for by the party responsible for such destruction, injury or damage. (Code 1985 § 3-24; Code 1967 § 4-30)

Sec. 12-76-14 Disposal of refuse.

Garbage, papers and refuse or other similar material shall be placed in receptacles provided at the airport for that purpose. (Code 1985 § 3-25; Code 1967 § 4-31)

Sec. 12-76-15 Gambling.

No person shall conduct gambling in any form or operate gambling devices anywhere on the airport. (Code 1985 § 3-26; Code 1967 § 4-32)

Sec. 12-76-16 Restrictions on dogs and other animals.

Dogs or other animals shall not be permitted in the terminal building or on the landing area of the airport, except seeing-eye dogs and other animals being transported by air and confined in suitable shipping containers. Dogs shall be permitted in other areas of the airport if restrained by leash or confined in such manner as to be under control. (Code 1985 § 3-27; Code 1967 § 4-34)

Sec. 12-76-17 Lost property.

Persons finding lost articles at the airport shall turn same in to the lost and found department located in the airport management offices or to the airport security office. Articles which remain unclaimed for a period of ninety (90) days will be disposed of in the manner prescribed by the board of commissioners of the airport authority. (Code 1985 § 3-28; Code 1967 § 4-35)

Sec. 12-76-18 Eviction from premises.

Any person operating or handling any aircraft, operating any vehicle, equipment, or apparatus or using the airport or any of its facilities in violation of this chapter, or refusing to comply herewith, may be removed from the airport, and deprived of and refused the further use of the airport and its facilities for such length of time as may be determined by the president of the airport authority. (Code 1985 § 3-29; Code 1967 § 4-37)

Sec. 12-76-19 Accident reports.

All persons involved in any accident on the airport and all witnesses thereto shall report promptly to the president of the airport authority's office or to the airport police officer on duty. (Code 1985 § 3-30; Code 1967 § 4-38)

Sec. 12-76-20 Airport authority—Promulgation of rules and regulations.

The board of commissioners of the airport authority shall have authority to make and promulgate rules and regulations for the development, operation, maintenance and management of the airport and to develop, maintain, manage and operate the airport in accordance therewith. (Code 1985 § 3-41; Code 1967 § 4-55)

Article 3
Airport Operating Regulations

Sec. 12-76-21 Storage and repair of aircraft.

Aircraft shall be stored and repairs made on the airport only in the spaces designated for the purpose by the president of the airport authority. Aircraft other than those belonging to the commercial airlines entering the airport, and military aircraft, may be repaired on the airport only by fixed base operators doing business on the airport; provided, however, that a properly qualified airplane mechanic may work upon, service and repair aircraft owned by him or her. (Code 1985 § 3-56; Code 1967 § 4-76)

Sec. 12-76-22 Securing unattended aircraft.

No aircraft shall be left unattended on the airport unless properly secured or within a hangar. Owners of aircraft shall be held responsible for any damage resulting from failure to comply with this section. (Code 1985 § 3-57; Code 1967 § 4-77)

Sec. 12-76-23 Runway usage.

Landings and take-offs at the airport shall be made on the runways and in the direction indicated by the controller on duty in the tower. (Code 1985 § 3-58; Code 1967 § 4-88)

Sec. 12-76-24 Airport authority may delay or restrict operations or refuse clearance.

The president of the airport authority may delay or restrict any flight or other operations at the airport and may refuse take-off clearance to any aircraft for any infraction of airport rules and regulations. (Code 1985 § 3-60; Code 1967 § 4-90)

Sec. 12-76-25 Removal of disabled aircraft.

Aircraft owners, their pilots and agents, shall be responsible for the disposal of disabled aircraft and parts thereof, and shall promptly remove the same from the airport, unless directed to delay such action pending an investigation of an accident. (Code 1985 § 3-61; Code 1967 § 4-91)

Sec. 12-76-26 Experimental and test flying.

Experimental and test flying will be permitted, but only upon previous arrangements with, and the approval of, the president of the airport authority and the controller on duty in the tower. (Code 1985 § 3-62; Code 1967 § 4-92)

Sec. 12-76-27 Parachute jumping.

Experimental and exhibition parachute jumping at the airport will be permitted only on previous arrangement with the controller on duty in the tower and approval by the president of the airport authority. (Code 1985 § 3-63; Code 1967 § 4-93)

Sec. 12-76-28 Aircraft radios.

All aircraft regularly operating from the airport shall be equipped with two-way radios capable of receiving tower transmissions at all times, from any position within the limits of the airport control zone; shall maintain such radio equipment on the control tower frequency; and shall follow whatever traffic control instructions may be given by the tower. (Code 1985 § 3-65; Code 1967 § 4-95)

Sec. 12-76-29 Radio procedure.

Radio contacts between pilots of aircraft and air traffic control tower operators shall be conducted in accordance with the procedures and by means of the phraseologies prescribed by the administrator of the Federal Aviation Administration whenever practicable. (Code 1985 § 3-66; Code 1967 § 4-96)

Sec. 12-76-30 Portable traffic-control light.

The portable traffic-control light shall be used to regulate landing and take offs of any aircraft not equipped with radio. Signals from the portable traffic-control light shall be those provided for such use by the air traffic rules issued by Federal Aviation Regulations. All such light signals from the tower shall be acknowledged by the pilot by the wiggling of ailerons when on the ground,

and by rocking of the wings when in the air. (Code 1985 § 3-67; Code 1967 § 4-97)

Sec. 12-76-31 Report of aircraft accidents.

Persons employed on the airport who witness or participate in any aircraft accident shall promptly render a detailed report to the president of the airport authority's office, giving the names and addresses of all witnesses thereto. (Code 1985 § 3-68; Code 1967 § 4-98)

Article 4
Motor Vehicle and Pedestrian Traffic at Airport

Sec. 12-76-32 Application of traffic regulations.

A. Insofar as the same are applicable and not in conflict with the following sections, the traffic regulations prescribed by Title 11 of this code as the same now exist, or as the same shall be hereafter amended, shall apply to and govern the area embraced within the airport.

B. The drives and parking spaces in and about the airport are declared to have the status of streets, for the purpose of application thereto of the traffic regulations of the city. (Code 1985 § 3-81; Code 1967 § 4-131)

Sec. 12-76-33 Establishment of no parking zones and loading zones.

For the purpose of the establishment of no parking zones, loading and unloading zones, safety zones, one-way streets or drives and any and all other administrative and police regulations upon the airport, the airport authority shall have the powers delegated to the directors of fire and police and the director of public works by Title 11 of this code. (Code 1985 § 3-82; Code 1967 § 4-132)

Sec. 12-76-34 Use of roads and walks.

A. No person shall travel on the airport other than on the roads, walks or places provided for the particular class of traffic.

B. No person shall use the roads or walks in such manner as to hinder or obstruct their proper use.

C. No person shall operate any type of vehicle on roads or walks except as designated by the president of the airport authority. (Code 1985 § 3-83; Code 1967 § 4-133)

Sec. 12-76-35 Pedestrians' right-of-way.

Pedestrians within pedestrian lanes, as marked at the airport, shall have the right-of-way over vehicular traffic. (Code 1985 § 3-84; Code 1967 § 4-134)

Sec. 12-76-36 Following other vehicles.

No person shall operate a vehicle following another vehicle on the airport closer than fifteen (15) feet. (Code 1985 § 3-85; Code 1967 § 4-135)

Sec. 12-76-37 Obstructing traffic.

Motor vehicles being operated at the airport shall not obstruct traffic by making right or left turns from the wrong traffic lane, or by weaving in and out of traffic, or in any other improper manner. (Code 1985 § 3-86; Code 1967 § 4-136)

Sec. 12-76-38 Operation of motorized equipment on apron.

No motorized equipment shall be operated on the apron of the terminal building or the aircraft landing area at the airport, except:

A. By persons assigned to duty thereon;

B. By persons authorized by the president of the airport authority. (Code 1985 § 3-87; Code 1967 § 4-137)

Sec. 12-76-39 Speed of vehicles.

Motor vehicles shall be operated in strict compliance with speed limits prescribed by the president of the airport authority and indicated by posted traffic signs, and in any event shall not be operated in excess of twenty-five (25) miles per hour. (Code 1985 § 3-88; Code 1967 § 4-138)

Sec. 12-76-40 Vehicles for hire.

A. No person shall operate any vehicle for hire from the airport except with the approval of the president of the airport authority and under such terms and conditions as may be prescribed by him or her.

B. No common carrier vehicle or vehicle for hire shall load or unload passengers at the airport at any place other than that designated for the purpose by the president of the airport authority. (Code 1985 § 3-89; Code 1967 § 4-142)

Chapter 12-80

RAILROADS AND RAILROAD CROSSINGS*

Article 1
General Provisions

Sections:

12-80-1	Trains obstructing street.
12-80-2	Wooden bridges, culverts or trestles.
12-80-3	Applicability of chapter to agents and officers.
12-80-4	Contracts between city and railroads—Deemed ordinances.
12-80-5	Contracts between city and railroads—Breaches.
12-80-6	Work in streets to be under supervision of city engineer—Adjustment of conflicts between company and engineer.
12-80-7	Rules and regulations relative to passenger terminal facilities.
12-80-8	Obstructing passage between depots and trains.
12-80-9	Climbing upon or between cars or engines.
12-80-10	Locomotive headlight.
12-80-11	Speed limit.
12-80-12	Sounding of engine whistle.
12-80-13	Parking of railway cars at crossings.

Article 2
Crossings

12-80-14	Generally.
12-80-15	Signal lights.
12-80-16	Human flagmen, gates or crossarm signs.
12-80-17	Overhead street or arc lights.
12-80-18	Safety gates to be counterbalanced.
12-80-19	Inspection by city engineer.

* Charter reference—Authority to regulate railroads, §§ 719—722.

Article 1
General Provisions

Sec. 12-80-1 Trains obstructing street.

It is unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five minutes. This section shall not apply to trains or cars in motion other than those engaged in switching. (Code 1985 § 31-1; Code 1967 § 34-19)

Sec. 12-80-2 Wooden bridges, culverts or trestles.

It is unlawful for any railroad company having tracks or obtaining the right-of-way to lay tracks in the corporate limits of the city to construct, alter, change or repair any wooden bridge, culvert or trestle, but, in all instances hereafter, bridges, culvert or trestles shall be constructed of concrete and/or steel. When any wooden bridge, culvert or trestle needs repairs, it shall be torn away and one of such materials constructed in its stead. The plans in all instances shall be submitted to and approved in writing by the city engineer before any work shall be done on the same. (Code 1985 § 31-2; Code 1967 § 34-13)

Sec. 12-80-3 Applicability of chapter to agents and officers.

This chapter shall, in all respects, apply to the officers, agents and employees of any railroad company, as well as to the company itself. (Code 1985 § 31-3; Code 1967 § 34-1)

Sec. 12-80-4 Contracts between city and railroads—Deemed ordinances.

Each and every contract between any railroad company and the city, under which such company occupies with its tracks any street or parts of a street within the city, or operates cars thereover, shall in addition to being a contract between the parties, be deemed also an ordinance, with the same effect as if the city had granted or consented to such use and occupancy by an ordinance wherein was embodied all the terms and provisions and conditions of such contract. (Code 1985 § 31-4; Code 1967 § 34-2)

Sec. 12-80-5 Contracts between city and railroads—Breaches.

A. Any breach of a contract referred to in Section 12-80-2 of this chapter on the part of the railroad company shall constitute a misdemeanor.

B. The failure of any railroad company to lay or maintain its tracks, or to lay, relay, repair or maintain the paving of the streets, or parts of the streets occupied by it, in the manner, to the extent, and within the time prescribed by such contract, is declared a nuisance and a misdemeanor.

C. Whenever the surface of any street shall be disturbed by any railroad company, and there shall be a contract then existing showing the obligations of such company in respect to the paving, repaving, repairing or maintaining the paving of such streets, either within or without the tracks of such company, and such company shall fail to comply with and perform such work in every particular, such failure shall be considered and treated as if the use and the occupancy of such street had been in the first instance, unauthorized and unlawful, and a nuisance and a misdemeanor. Each day's breach of such contract shall constitute a separate offense. (Code 1985 § 31-5; Code 1967 § 34-3)

Sec. 12-80-6 Work in streets to be under supervision of city engineer—Adjustment of conflicts between company and engineer.

The grade of streets, the manner of work and material used and the erection of poles by railroad companies shall all be under the supervision of the city engineer, and done according to his or her specifications and directions, and any conflict between him or her and the railroad company shall be adjusted by the mayor, whose action shall be final. (Code 1985 § 31-6; Ord. 1426 § 1, 9-5-72; Code 1967 § 34-4)

Sec. 12-80-7 Rules and regulations relative to passenger terminal facilities.

It is unlawful for any railroad company operating within the corporate limits of the city to fail to comply with rules and regulations adopted by the mayor and council for the operation, maintenance and use of railroad passenger terminal facilities. The director of public works shall be delegated the responsibility for enforcing such rules and regulations. (Code 1985 § 31-7; Ord. 1426 § 2, 9-5-72; Code 1967 § 34-5)

Sec. 12-80-8 Obstructing passage between depots and trains.

It is unlawful for any person to obstruct the passage of persons going to or from the cars of any railroad at any station or depot within the limits of the city by standing in the way or crowding upon, or in any other manner obstructing the free passage along or upon the platforms and ways leading to and from the depots to the trains. (Code 1985 § 31-8; Code 1967 § 34-15)

Sec. 12-80-9 Climbing upon or between cars or engines.

It is unlawful for any person, except an employee of the railroad, to be found jumping upon, or attempting to jump upon, climbing upon, or attempting to climb upon or between the cars or engines of any railroad passing through any part of the city. (Code 1985 § 31-9; Code 1967 § 34-16)

Sec. 12-80-10 Locomotive headlight.

All railway locomotives operated within the city between the hours of sunset and sunrise shall carry upon the forward portion thereof a properly constructed and lighted headlight, which shall be clearly distinguishable and visible at a distance of three hundred (300) feet or more from such locomotive. (Code 1985 § 31-10; Code 1967 § 34-17)

Sec. 12-80-11 Speed limit.

It shall be a misdemeanor for any person to run any engine or train of cars on any railroad in the city at a greater speed than twenty (20) miles an hour, except over track which has at least a Federal Railroad Administration Classification No. 4, where the speed may not exceed thirty (30) miles an hour. (Code 1985 § 31-11; Ord. 1426 § 7, 9-5-72; Code 1967 § 34-20)

Sec. 12-80-12 Sounding of engine whistle.

It is unlawful for any person to sound or blow the whistle or other similar device of any engine operated on any railroad in the city except when the same is sounded as required by the laws of the state. (Code 1985 § 31-12; Code 1967 § 34-21)

Sec. 12-80-13 Parking of railway cars at crossings.

It is unlawful for any person to park railway cars within the city limits of the city nearer than one hundred fifty (150) feet to any grade crossing of any of the streets of the city occupied with the tracks of any railway company in the city. This section shall not be so construed as to prohibit the parking of cars for the purpose of loading or unloading on a platform attached to a building. (Code 1985 § 31-13; Code 1967 § 34-23)

Article 2
Crossings

Sec. 12-80-14 Generally.

A. The owner or operator of every railroad, the tracks of which cross a street of the city at a grade, shall be and is required to lay and maintain a suitable crossing at the street so crossed, such crossing to be paved with a standard crossing in a manner and of such materials as shall be approved by the city engineer, for the full width of the street from curbline to curbline and extending between rails and two feet on either side of the rails, the crossing material to be laid flush with the surface of the track rails so as to at all times afford a good and safe crossing; provided that, where any existing crossing in the opinion of the city engineer is of suitable material and safe and satisfactory, such owner or operator of the railroad track shall be permitted to maintain such crossing until the same shall require extensive repairs or rebuilding, when the same shall be rebuilt as herein provided; and, provided, further, that, the city engineer shall have the power to designate the crossings of streets where little traffic exists, and when so designated, it shall not be necessary to install such standard crossings, but the same shall be paved with other material and in a manner satisfactory to the city engineer. Wherever more than one track crosses a street and the nearest rails of the tracks are less than fifteen (15) feet apart, the paving required shall extend between the tracks as well as between the rails and two feet outside of the outermost rails.

B. The owner or operator of every railroad shall also lay and provide sidewalks of asphalt or concrete, which shall be approved by the city engineer, to be laid between the curblines and street right-of-way lines for the full width of the right-of-way; and provided further, that the city engineer shall have power to designate crossings with little pedestrian traffic, and when so designated, it shall not be necessary to lay such sidewalks. (Ord. 3588 § 1, 9-2-86; Code 1985 § 31-26; Ord. 1426 § 3, 9-5-72; Code 1967 § 34-7)

Sec. 12-80-15 Signal lights.

At each place where railroad tracks cross public streets or highways in the city, except as otherwise provided in this chapter, there shall be provided and maintained at all times, by one or more of such railroads whose tracks intersect such streets and whose locomotives, cars or trains cross same, approved automatic or manually controlled signal lights for the purpose of giving warning and notice of the approach of locomotives, cars, trains or parts of trains to each such street crossing. Such automatic or manually controlled signal lights shall be erected at the right side of the street or railway near the first railroad track to be crossed and so as to be plainly visible to pedestrians, drivers or operators of vehicles, streetcars, motorcars and other traffic using such streets, and such automatic or manually controlled signals shall display and burn two red lights in a horizontal line, mounted below a standard railroad crossing sign, flashing alternately at all times when any moving locomotive, rail train or car is within three hundred (300) feet of such street crossing. At crossings of streets with traffic in both directions, back-to-back pairs of lights shall be placed on each side of the tracks. On one-way streets and divided streets, signals shall be placed on the approach side of the crossing. Such automatic signals shall be controlled so as to be actuated a minimum of twenty (20) seconds before the train reaches the crossing. Controls shall be set in each instance for the actual operating speed of the track to be protected, but in no event shall the speed of the train exceed thirty (30) miles per hour. Additional regulations of the state manual on uniform traffic control devices shall be observed as though written herein. Applications with all necessary data shall be made to the city engineer, and he or she shall approve the automatic or manually controlled signal lights to be installed as herein required before such installations are made. The city engineer shall prepare and have on hand for public inspection general specifications for the installation and operation of such signal lights according to the provisions of this chapter. (Ord. 3588 § 2, 9-2-86; Code 1985 § 31-27; Ord. 1426 § 4, 9-5-72; Code 1967 § 34-8)

Sec. 12-80-16 Human flagmen, gates or crossarm signs.*

A. The city engineer, with the advise and concurrence of the director of fire and/or police, shall prepare and keep on file in his or her office for public inspection a list of railroad crossings on all main highways and boulevards where, by reason of the amount of traffic or number of trains, or geographical conditions, the public safety requires human flagmen, manually or automatically controlled gates or large signs with crossarms, in lieu of signal lights as provided by Section 12-80-15. Such list may be modified, from time to time, in like manner, as changes in conditions occur. At all crossings where manually or automatically controlled gates are specified by the city engineer, the railroads using such crossings shall provide and maintain such gates at their own expense. Gates shall be controlled so as to be activated a minimum of twenty (20) seconds before the train

reaches the crossing. Controls shall be set in each instance for the actual operating speed of the track to be protected, but in no event shall the speed of the train exceed thirty (30) miles per hour. Additional regulations of state manual on uniform traffic control devices shall be observed as though written herein. At all crossings where human flagmen are designated to be placed, the railroads using such crossings shall provide human flagmen, who shall be on duty constantly at each such street crossing when trains, cars or locomotives are crossing or preparing to cross such streets and highways, and the flagmen at each such crossing shall display a sign bearing the word "STOP," or wave a red flag in the daytime, and wave a red light at night in such manner as to give timely and sufficient warning of the approach of each and every locomotive or train of cars to such street crossing.

B. At all crossings where signs with crossarms are designated by the city engineer, the railroads using such crossing shall erect and maintain at all times at their own expense on the right-hand side of the highway approaching each such railroad crossing and so situated as to be plainly visible, a large sign carrying cross-arms inscribed with the words "Railroad Crossing" painted on such crossarms in large letters.

C. Whenever any railroad or interested persons using such crossing shall feel aggrieved at the inclusion or exclusion of any crossing in the list of crossings requiring human flagmen or manually controlled or automatically controlled gates, he or she shall have the right to file a petition with the city engineer, stating the reason for his or her objection. The petition shall be acted on promptly by the city engineer, and the petitioner shall have the right, within five days after the city engineer has acted, to appeal to the mayor. (Ord. 3588 § 3, 9-2-86; Code 1985 § 31-28; Ord. 1426 § 5, 9-5-72; Code 1967 § 34-9)

* Annotation—The above section is applicable to a crossing designated to have human flagmen, regardless of whether the railroad had actual notice of the designation. See Louisville & N.R. Co. v. Tucker, 211 F.2d 325 (U.S. Circuit Court of Appeals, 6th circuit, 1954).

Sec. 12-80-17 Overhead street or arc lights.

A. Wherever designated by the city engineer, railroad companies whose tracks cross or intersect certain streets in the city shall provide and maintain overhead street or arc lights and keep the same burning nightly for the purpose of lighting the railroad tracks and rights-of-way where the same cross such streets. Whenever any railroad company shall fail to provide such overhead light at any designated street, the city shall have the right to install and maintain such lights for the safety and welfare of the public, and charge the cost of installation and maintenance thereof to the railroad company required by this section to install and maintain such lights.

B. The city engineer shall prepare and keep on file in his or her office for public inspection a list of those railroad crossings where such overhead lights are designated for the public safety, and whenever any railroad company or any person shall feel aggrieved at the inclusion or exclusion of any crossing in the list of those requiring overhead lights, such railroad company or person shall have the right to file a petition with the city engineer stating the reason for objecting to the inclusion or exclusion of such crossing in such list. Such petition shall be acted on promptly by the city engineer, and the petitioner shall have the right, within five days after the city engineer has acted on such petition, to appeal to the mayor.

C. The list of railroad crossings requiring overhead lights may be modified, from time to time, as changes in conditions occur and as the public safety requires. (Ord. 3588 § 4, 9-2-86; Code 1985 § 31-29; Ord. 1426 § 6, 9-5-72; Code 1967 § 34-10)

Sec. 12-80-18 Safety gates to be counterbalanced.

All railroad safety gates in the city shall be so counterbalanced, or otherwise arranged, that they cannot fall to a horizontal position by their own weight. The use by any railroad company of safety gates not constructed in accordance with this section shall be deemed a misdemeanor. (Code 1985 § 31-30; Code 1967 § 34-11)

Sec. 12-80-19 Inspection by city engineer.

The city engineer shall inspect all railroad crossings and see that the railroads of the city comply with the ordinances of the city and all contracts between the city and such railroads with respect to street crossings, and in case such crossings are not maintained as provided by ordinance or contract, he or she shall have the power to order the railroad company so in default to do the necessary work, and is vested with the power to enforce such order by instituting proper legal proceedings through the city attorney. (Code 1985 § 31-31; Code 1967 § 34-12)

Chapter 12-84

PARK AND PARKWAY REGULATIONS

Sections:

12-84-1	Applicability.
12-84-2	Injuring or picking flowers and plants.
12-84-3	Sales and exhibitions.
12-84-4	Making fires.
12-84-5	Billposting—Erecting stands or platforms—Meetings.
12-84-6	Permit required for poles and wires.
12-84-7	Indecency or breaches of the peace.
12-84-8	Animals at large prohibited.
12-84-9	Bathing, fishing and interfering with birds prohibited.
12-84-10	Throwing missiles, begging and gaming prohibited.
12-84-11	Applicable park hours.
12-84-12	Traffic regulations generally.
12-84-13	Parking or stopping vehicles in certain places prohibited.
12-84-14	Standing vehicles for hire.
12-84-15	Use of drives and bridle paths generally.
12-84-16	Position of horses ridden on roads.
12-84-17	General regulations to cyclists.
12-84-18	Riding more than two abreast.
12-84-19	Instruction in operating automobiles, and other vehicles and trick riding prohibited.
12-84-20	Drinking or sale of beverages with alcoholic content within public park areas and boundaries.

Sec. 12-84-1 Applicability.

The provisions of this chapter shall apply in the use of parks and parkways belonging to the city. (Ord. 4763, 4-25-00; Code 1985 § 23-66)

Sec. 12-84-2 Injuring or picking flowers and plants.

It is unlawful for any person to cut, break or in any way injure or deface any tree, plant or grass or pick any flowers, leaves or nuts, wild or cultivated, in any park. (Ord. 4763, 4-25-00; Code 1985 § 23-67)

Sec. 12-84-3 Sales and exhibitions.

It is unlawful for any person to expose any article for sale or exhibition in any park or parkway unless previously licensed so to do by the division of park services. (Ord. 4763, 4-25-00; Code 1985 § 23-68)

Sec. 12-84-4 Making fires.

It is unlawful for any person to make a fire within any of the parks, parkways, squares or places without special permission from the division of park services. (Ord. 4763, 4-25-00; Code 1985 § 23-69)

Sec. 12-84-5 Billposting—Erecting stands or platforms—Meetings.

It is unlawful for any person to post any bill, placard, notice or other paper upon any structure, erect any structure, stand or platform, or hold any religious or other meetings, or make any oration, or harangue or conduct any ceremony in any park or parkway without previous permission therefor from the division of park services. (Ord. 4763, 4-25-00; Code 1985 § 23-70)

Sec. 12-84-6 Permit required for poles and wires.

It is unlawful for any person to erect or have erected any telephone, telegraph, electric or other poles and wires in any of the parks or parkways in the city, except in accordance with a written permit from the division of park services. (Ord. 4763, 4-25-00; Code 1985 § 23-71)

Sec. 12-84-7 Indecency or breaches of the peace.

It is unlawful for any person to use threatening, abusive or insulting language, or commit any obscene or indecent act thereon, or any act tending to a breach of the public peace in any park or parkway. (Ord. 4763, 4-25-00; Code 1985 § 23-72)

Sec. 12-84-8 Animals at large prohibited.

It is unlawful for any person to allow to go at large any horse or other animal within any park or parkway, except that dogs may be allowed therein when led by a chain or proper leash not exceeding six feet in length. (Ord. 4763, 4-25-00; Code 1985 § 23-73)

Sec. 12-84-9 Bathing, fishing and interfering with birds prohibited.

It is unlawful for any person to bathe or fish in any of the waters or fountains, or cast any substance therein, or disturb or interfere in any way with the fish, birds or animals within any public park, parkway, square or place, except that the division of park services may authorize fishing in one or more of the lakes under its jurisdiction

and adopt rules and regulations in respect thereto, and post appropriate signs to give the public notice thereof. (Ord. 4763, 4-25-00; Code 1985 § 23-74)

Sec. 12-84-10 Throwing missiles, begging and gaming prohibited.

It is unlawful for any person to throw stones or other missiles, or beg or publicly solicit subscriptions or contributions, or tell fortunes, or play games of chance, or climb upon any wall, fence, shelter, seat, statue or other erection in any park or parkway. (Ord. 4763, 4-25-00; Code 1985 § 23-75)

Sec. 12-84-11 Applicable park hours.

A. It is unlawful for any person to remain in any park between the hours of eight p.m. and six a.m. March 15 through October 31, and six p.m. and six a.m. November 1 through March 14, except on special occasions specifically authorized by the City Council.

B. Parks Services may, by resolution approved by the City Council, set hours varying from regular park hours for an individual park. Parks operating outside of regular park hours shall have a sign clearly posted at the established park entrance(s) indicating special hours.

C. This section shall not apply to downtown area parks maintained and managed by the Riverfront Development Corporation, or any museum, facility or institution maintained on park grounds. (Ord. 5222, 11-5-2007; Ord. 4763, 4-25-00; Code 1985 § 23-76)

Sec. 12-84-12 Traffic regulations generally.

The provisions of Title 11 of this code regulating traffic in the use of streets shall apply to the use of all drives in parks and parkways controlled by the city, whether within or without the corporate limits; provided, that if any provision of this chapter is inconsistent with the provisions of Title 11, the provisions of this chapter shall prevail and apply in parks and on parkways. (Ord. 4763, 4-25-00; Code 1985 § 23-77)

Sec. 12-84-13 Parking or stopping vehicles in certain places prohibited.

It is unlawful for any person to operate, stop or park any vehicle in the public parks and golf courses of the city except on the roadways therein and on other areas designated by the division of park services for public use provided such prohibition does not apply to golf carts and vehicles authorized by the division of park services. (Ord. 4763, 4-25-00; Code 1985 § 23-78)

Sec. 12-84-14 Standing vehicles for hire.

It is unlawful for any person to stand any vehicle for hire in any park or parkway without a permit to do so from the division of park services, and then only at such place as shall be indicated and allowed by the permit. (Ord. 4763, 4-25-00; Code 1985 § 23-79)

Sec. 12-84-15 Use of drives and bridle paths generally.

A. It is unlawful for any person to use the drives and bridle paths in public parks and parkways except as provided in Section 11-16-17 of this code.

B. Animals to be used on either drives or bridle paths in public parks shall be well-broken, and constantly held in such control that they may be easily and quickly turned or stopped. They shall not be allowed to move at a rate of speed on the drives or bridle paths of more than eight miles an hour, and when it shall be deemed necessary to safety, good order, or the general convenience that the speed of an animal or vehicle should be checked, or that it should be stopped, or its course altered, and the officer on duty shall so direct, by gesture or otherwise, such direction shall be obeyed. (Ord. 4763, 4-25-00; Code 1985 § 23-80)

Sec. 12-84-16 Position of horses ridden on roads.

All horsemen going at a walk or slow trot must keep near the curbstone or gutter on the right-hand side of the road while riding in parks or parkways. Those going more rapidly must keep nearer the middle of the road. (Ord. 4763, 4-25-00; Code 1985 § 23-81)

Sec. 12-84-17 General regulations to cyclists.

Cyclists must not coast in the parks, nor on the parkways or bicycle paths, and must keep their feet on the pedals and their hands on the handlebars and must not mount nor dismount, except on the extreme right of the roads or bicycle paths. (Ord. 4763, 4-25-00; Code 1985 § 23-82)

Sec. 12-84-18 Riding more than two abreast.

It is unlawful for persons riding horses or bicycles, or operating motorcycles, motor scooters or motor bikes, to ride more than two abreast within any park or parkway in the city. (Ord. 4763, 4-25-00; Code 1985 § 23-83)

Sec. 12-84-19 Instruction in operating automobiles, and other vehicles and trick riding prohibited.

Instruction in operating automobiles, bicycles, tricycles, motorcycles, velocipedes or other such vehicles of propulsion, and all trick or fancy riding on the same, is prohibited

in the parks and parkways at all times. (Ord. 4763, 4-25-00; Code 1985 § 23-84)

Sec. 12-84-20 Drinking or sale of beverages with alcoholic content within public park areas and boundaries.

It is unlawful for any person or persons to sell, consume or possess any beverage with alcoholic content in any of the public parks or properties under the jurisdiction of the division of park services, except in such enclosed building or other structures and/or areas as are specifically designated and authorized by the division of park services, provided that the city council may by resolution exempt only persons participating in certain organized civic or charitable activities from the foregoing provisions. (Ord. 4763, 4-25-00; Code 1985 § 23-85)

Chapter 12-88

MUD ISLAND RIVER PARK

Sections:

12-88-1 **Control and supervision.**
12-88-2 **Reports on costs and revenues.**

Sec. 12-88-1 Control and supervision.

An existing and established recreational area known as Mud Island River Park, located on Mud Island, shall hereafter be under the control and supervision of the mayor of Memphis. (Ord. 4763, 4-25-00; Code 1985 § 23-21)

Sec. 12-88-2 Reports on costs and revenues.

It shall be the responsibility of the mayor of Memphis and administration to maintain separate up-to-date records reflecting the costs of operating and maintaining Mud Island River Park, and all aspects thereof, and revenue from the park, or any activities thereon. The mayor shall submit, on an annual basis, a report to the city council on the operating costs of, and revenue from, the park. (Ord. 4763, 4-25-00; Code 1985 § 23-22)

Chapter 12-92

WHARVES AND LANDINGS*

Sections:

12-92-1	**Bond may be required for wharfboats moored at public landings.**
12-92-2	**Obstructing wharves and landings.**
12-92-3	**Removal of leaking or sinking vessels from harbor—Generally.**
12-92-4	**Removal of leaking or sinking vessels from harbor—Procedure in case of failure of master or person in charge to remove.**

* Charter references—Memphis and Shelby County Port Commission, §§ 627—654; Memphis River Front Harbor Commission, §§ 654.1—654.9.

Sec. 12-92-1 Bond may be required for wharfboats moored at public landings.

The owners or operators of all wharfboats moored in front of any public landing on any river front may be required to give a bond in the sum of five thousand dollars ($5,000.00) to the city, conditioned that if any such wharfboat shall sink, be burnt or in any other manner become an obstruction to the ingress or egress of other watercraft, the owners or agents in charge of the same shall remove the wreck or obstruction at once, and at the owner's risk and expense. (Code 1985 § 32-1; Code 1967 § 35-1)

Sec. 12-92-2 Obstructing wharves and landings.

No person, by himself or herself or agent, shall at any time, deposit, or cause to be deposited, on any wharf, landing or any of the contiguous public grounds or passageways leading to the river, any nuisance, incumbrance, obstacle or hindrance to the free and uninterrupted passage or transaction of business at such wharf or landing, except such articles as are intended for shipment or immediate storage in the city. Nor shall any person scatter hay, straw or any other article or substance on the levee, or make fires thereon, without permission of the port commission. All skids and other things used for the purpose of storing freight shall be placed and piled in such position and place as the agents of the commission may direct. (Code 1985 § 32-2; Code 1967 § 35-2)

Sec. 12-92-3 Removal of leaking or sinking vessels from harbor—Generally.

The agents of the port commission are vested with full power and authority to direct and compel the owner, master or agent or other person in charge of each and every boat or vessel, of whatsoever character or kind, lying and being within the harbor limits, or port of the city, that may be found, considered and adjudged to be in a leaking or sinking condition, to have the same forthwith removed beyond the limits of the harbor, or to such point or place within the limits of the city as they may deem best. It shall be the duty of such agents to give to the owner, master, agent or person in charge of such leaking or sinking boat or vessel immediate notice thereof, if found within or about the city, as well as to notify him or her of their determination in relation thereto. Should such master or person in charge fail, neglect or refuse to remove, or have the same promptly removed, he or she shall be guilty of a misdemeanor. (Code 1985 § 32-3; Code 1967 § 35-3)

Sec. 12-92-4 Removal of leaking or sinking vessels from harbor—Procedure in case of failure of master or person in charge to remove.

Should the owner, master, agent or person in charge of any leaking or sinking boat, vessel or watercraft, as referred to in Section 12-92-4, after having been duly notified of the condition thereof by an agent of the port commission, fail, neglect or refuse to remove the same as required, it shall be the duty of such agent to have such boat, vessel or watercraft removed, at the earliest possible period, at the expense of the owner, master, agent or person in charge of the same, and he or she shall retain the possession thereof until the entire cost and expense of such removal shall be fully paid and satisfied. In case such boat, vessel or watercraft should sink within the limits of the harbor before removal, the owner, master, agent or person in charge thereof shall be, and he or she is required, to remove the same and every part or parcel thereof, beyond the limits of the harbor, at his or her own proper cost and expense. In case of failure, neglect or refusal on the part of such owner, master, agent or person in charge to make the removal, as required by this section, of any and all such wrecks within the time specified, it shall be the duty of such agent, under the direction of the port commission, at the cost of the owner, master, agent or person in charge, to have the same removed beyond the precincts of the city harbor, in the cheapest and most practical manner, keeping an accurate account of the outlay, so as to have the same charged up

to the proper party on the books of the city. In case of such person's refusal to pay the same, on proper application, the amount so expended shall be recoverable from the owner, agent or charterer of such boat. The boat with all her machinery and fixtures, shall be liable for such charges, and a lien for such costs and charges is fixed and retained thereon. (Code 1985 § 32-4; Code 1967 § 35-4)

Chapter 12-96

MOTORBOATS

Sections:

12-96-1	**Short title.**
12-96-2	**Purpose.**
12-96-3	**Definitions.**
12-96-4	**Violation of federal laws or regulations.**
12-96-5	**Reckless or negligent operation.**
12-96-6	**Duty of operator in case of accident.**
12-96-7	**Muffling of exhaust—Use of cut-outs.**
12-96-8	**Motorboat traffic citation ticket—Arrest warrants.**
12-96-9	**Motorboat violation forfeitures.**

Sec. 12-96-1 Short title.

This chapter shall be known as and may be cited as the "Memphis Motorboat Ordinance." (Code 1985 § 32-46; Code 1967 § 35-41)

Sec. 12-96-2 Purpose.

The purpose of this chapter is to provide for and to promote the safety of persons and property in connection with the use, operation and equipment of motorboats, and to provide regulations relating to the use thereof, which are consistent with and in conformity with the laws of the United States regulating the use of motorboats upon navigable waters. (Code 1985 § 32-47; Code 1967 § 35-42)

Sec. 12-96-3 Definitions.

The following terms and definitions shall be applied in the interpretation and enforcement of this chapter:

"Federal Boating Program of 1958" means and includes the Federal Act of 1958 relating to the numbering of vessels and motorboats as contained in 46 United States Code, Section 527, and all amendments thereto, all of which are incorporated herein by express reference, and all amendments which may hereafter be adopted by the United States Congress.

"Motorboat" means and includes every vessel propelled by machinery and not more than sixty-five (65) feet in length, except tugboats and towboats propelled by steam or diesel power. The length shall be measured from end to end over the deck, excluding sheer.

"Motorboat Act of 1940" means and includes the Motorboat Act of 1940 as adopted by the United States, and as appears in 46 United States Code, Sections 526 through and including 526u, and all amendments thereof, all of which are incorporated herein by express reference, and all amendments which may hereafter be adopted by the United States Congress.

"Rules of the road" means and includes the navigation rules of the United States relating to the navigation of vessels on the Mississippi River and its tributaries, as contained in 33 United States Code, Sections 301 through and including 356, and all amendments thereto, all of which are incorporated herein by express reference, and shall mean and include any amendments to such navigation rules hereafter made by the United States Congress. Such term shall also mean and include the regulations pursuant to such United States Code adopted by the United States Coast Guard, Department of the Treasury, styled "Pilot Rules for Western Rivers," and being Sections 95.01 through 95.66 of Part 95, Subchapter F of Chapter 1, under Title 33, "Navigation and Navigable Waters," and all amendments thereto, all of which are incorporated herein by express reference, and any amendments of such regulations hereafter adopted by the United States Coast Guard. (Code 1985 § 32-48; Code 1967 § 35-43)

Sec. 12-96-4 Violation of federal laws or regulations.

No person shall navigate, operate or use a motorboat in violation of:

A. The rules of the road;

B. The Motorboat Act of 1940; or

C. The Federal Boating Program of 1958, all of which are adopted as a part hereof by Section 12-96-3. (Code 1985 § 32-49; Code 1967 § 35-44)

Sec. 12-96-5 Reckless or negligent operation.

No person shall operate, navigate or use any motorboat in a reckless or negligent manner so as to endanger the life, limb or property of any person. Without in any way limiting the generality of the foregoing, by express enumeration of the following offenses, each of the following offenses shall constitute operation in a reckless or negligent manner, and shall be presumed to endanger life, limb or property:

A. Loading a motorboat with passengers or cargo beyond its safe carrying capacity, taking into consideration weather and all other existing conditions;

B. Operating a motorboat, or manipulating any water skis, surfboard, aquaplane, or other object towed by the motorboat, in such manner as to cause risk of collision, near misses with other vessels, or in such a reckless

or negligent manner as to endanger the life, limb or property of any person;

C. Operating any motorboat, or manipulating any water skis, surfboard, aquaplane, or other object towed by the motorboat, while intoxicated or under the influence of any narcotic drug, barbiturate or marijuana;

D. Operating the motorboat while the operator or other person is sitting on the gunwale or on the bow of the motorboat, providing that this restriction against sitting on the bow of a motorboat shall not apply to a motorboat which is equipped with protective bow railings, or lifelines, while the motorboat is moving at idle speed or a low speed, which does not approach a planing speed;

E. Operating a motorboat at speeds that create a damaging wake in designated "no wake" or "reduced speed" areas around docks, piers, etc.;

F. Operating a motorboat, towing a person or persons on water skis, surfboard, aquaplane, or similar device, or riding upon such water skis, surfboard, aquaplane or similar device, at any time between the hours from one hour after sunset to one hour before sunrise; providing that this prohibition shall not be applicable to exhibitions approved by the United States Coast Guard where adequate safeguards have been taken;

G. Operating, navigating or manipulating any motorboat, tow rope, water skis, surfboard, aquaplane, or rider thereon in such manner as to cause the vessel, towrope, water skis, surfboard, aquaplane, or other device, or any person riding thereon, to collide with or strike or throw water upon any other person, boat or object;

H. Operating a motorboat while pulling a person or persons on water skis, surfboard, aquaplane or other similar device, or riding upon such water skis, surfboard, aquaplane or other similar device, without two or more persons in the motorboat so that one will be available to keep a lookout ahead and the other to observe the person or persons being pulled;

I. Crossing the bow of a tow close aboard, in such manner that if the engine failed, or the skier fell from his or her skis, the tow would not have ample room and opportunity to stop before striking the boat or the skier;

J. Failing to have one United States Coast Guard approved life preserver aboard a motorboat for each person who is aboard the motorboat;

K. Failing to have the required lights and equipment aboard in operating condition, as prescribed by the Motorboat Act of 1940, for the particular time and circumstances under which the motorboat is then operating. (Code 1985 § 32-50; Code 1967 § 35-45)

Sec. 12-96-6 Duty of operator in case of accident.

In case of collision, accident or other casualty involving a motorboat, it shall be the duty of the operator, insofar as he or she can do so without serious danger to his or her motorboat or persons aboard, to render such assistance as may be practicable and necessary to other persons affected by the collision, accident or other casualty, in order to save them from danger caused by the collision, accident or casualty. He or she shall also give his or her name, address, and identification of his or her motorboat to any persons injured, and to the owner of any property damaged. (Code 1985 § 32-51; Code 1967 § 35-46)

Sec. 12-96-7 Muffling of exhaust—Use of cut-outs.

The exhaust of every internal combustion engine used on any motorboat shall be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust in a reasonable manner. The use of cut-outs is prohibited, except for motorboats competing in an organized and United States Coast Guard approved regatta or boat race, and for such motorboats which on trial runs, during a period not to exceed ninety-six (96) hours immediately preceding such regatta or race, and for such motorboats while competing in official trials for speed records during a period not to exceed forty-eight (48) hours immediately following such regatta or race. (Code 1985 § 32-52; Code 1967 § 35-47)

Sec. 12-96-8 Motorboat traffic citation ticket—Arrest warrants.

A. An official making an arrest for a violation of this chapter shall be authorized to give a motorboat traffic citation ticket. In the event the form of traffic citation ticket includes information and is sworn to as required under the general laws of the state in respect to a complaint charging the commission of the offense alleged in such motorboat traffic citation ticket to have been committed, then such traffic citation ticket when filed with a court or a branch of a court having jurisdiction, shall be deemed to be a lawful complaint for the purpose of prosecution under this chapter.

B. It is unlawful for any person to violate his or her written promise to appear given to an officer upon the issuance of a motorboat traffic citation ticket regardless of the disposition of the charge for which such motorboat traffic citation ticket was originally issued.

C. In the event any person fails to comply with a motorboat traffic citation ticket given to such person or

attached to a motorboat or fails to make appearance pursuant to a summons directing an appearance in the city court, or if any person fails or refuses to deposit bail as required and within the time permitted by ordinance, the clerk of the city court shall secure and issue a warrant for his or her arrest. (Code 1985 § 32-53; Code 1967 § 35-48)

Sec. 12-96-9 Motorboat violation forfeitures.

A. The city's traffic violations bureau is authorized to collect the following schedule of forfeitures:

Section Violated	Nature of Violation	Amount of Forfeitures
12-96-5(A)	Overloading	$15.00
12-96-5(D)	Riding bow or gunwale	10.00
12-96-5(E)	Damaging wake	5.00
12-96-5(F)	Skiing at night	15.00
12-96-5(G)	Close aboard (boat)	5.00
	Close aboard (skier)	5.00
12-96-5(H)	No observer	5.00
12-96-5(I)	Crossing bow of tow	15.00
12-96-5(J)	Insufficient preservers	10.00
12-96-5(K)	Improper or no lights	25.00

B. Nothing herein shall prohibit a person from requesting that the ticket or citation issued against him or her be transferred to the city court for disposition.

C. In the event of a violation of any motorboat regulation or laws not herein set out, excepting Sections 12-96-5(B), reckless operation, and 12-96-5(C), operating under the influence, the traffic violations bureau is authorized to collect as a forfeiture an amount not to exceed ten dollars ($10.00). (Code 1985 § 32-54; Ord. 553 § 1, 10-7-69; Code 1967 § 35-49)

Title 13

PUBLIC SERVICES

Chapters:

13-4	**General Provisions**
13-8	**Public Sewer Use Regulations**
13-12	**Private Sewage Disposal Systems**
13-16	**Building Sewers, Connections, Sewer Extensions and Development Fees**
13-20	**Wastewater Discharge Agreements**
13-24	**Sewer Discharge Prohibitions**
13-26	**Food Establishment Wastewater**
13-28	**Sewer Fees and Charges**
13-32	**Inspection of Wastewater Treatment Facilities**
13-36	**Sewage Pretreatment Enforcement**
13-40	**Stormwater Management and Pollution Control**
13-41	**Stormwater Enterprise Fund**

Chapter 13-4

GENERAL PROVISIONS

Sections:

13-4-1 Definitions.

Sec. 13-4-1 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in Chapters 13-4 through 13-24 shall be as follows:

"Additional treatment cost" means that portion of the service charge which is levied on those users whose wastes are greater in strength than the concentration values established as representative of normal sewage or wastewater.

"Alkalinity" means the mass of a one hundred (100) percent sulfuric acid required to reduce the pH of a given volume of wastewater to a pH of 7.0. The value is expressed as pounds of sulfuric acid per day.

"Approving authority" means the director of public works of the city or his or her duly authorized agent or representative.

"Authorized representative of industrial user" shall be:

1. A responsible corporate officer if the industrial user is a corporation. A "responsible corporate officer" means: (a) a president, secretary, treasurer or vice-president of the corporation in charge of a principal business function or any other person who performs similar policy or decision making functions for the corporation; or (b) the manager of one or more manufacturing, production or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars ($25,000,000.00) (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

2. A general partner or proprietor if the industrial user is a partnership or sole proprietorship respectively;

3. A duly authorized representative of the individual designated in subdivision 1 or 2 if: (a) the authorization is made in writing by the individual described in subdivision 1 or 2; (b) the authorization specifies either an individual or position having responsibility for the overall operation of the facility from which the industrial discharge originate such as the position of plant manager, operator of the well or well field superintendent, or a position of equivalent responsibility or having overall responsibility for environ mental matters for the company; and (c) the written authorization is submitted to the control authority;

4. If an authorization under subdivision 3 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of subdivision 3 must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

"Beneficial use" means uses of the waters of the state that may be protected against quality degradation. Uses include domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves and other uses, both tangible or intangible, as specified by federal or state law.

"BOD (denoting biochemical oxygen demand)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty (20) degrees centigrade, expressed in milligrams per liter.

"Building sewer" means the extension from the building to the public sewer or other place of disposal, also called "house connection."

"Categorical standards" mean national pretreatment standards.

"Chlorine requirement" means the amount of chlorine, in milligrams per liter, which must be added to sewage to produce a residual chlorine content or to meet the requirements of some other objective in accordance with procedures set forth in Standard Methods.

"COD (denoting chemical oxygen demand)" means the measure of oxygen consuming capacity of inorganic and organic matter present in wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specific test. It is expressed in milligrams per liter.

"Combined sewer" means a sewer receiving both surface runoff and sewage.

"Contributing industry" means those industries discharging into the municipally owned sewer system.

"Director" means the director of public works.

"Discharge agreement" means the control mechanism issued by the city of Memphis to selected industrial/commercial users that establish specific parameter limits and other requirements for proper control and monitoring of the wastewater discharges. Failure to comply with the requirements set forth in these documents will result in enforcement actions which may include administrative fines and withdrawal of the privilege to use the city wastewater system.

"Division" means the division of public works of the city.

"Easement" means an acquired legal right for the specific use of land owned by others.

"EPA" means the Environmental Protection Agency of the Federal Government.

"Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

"Holding-tank waste" means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

Hydrogen Ion Concentration. See "pH".

"Industrial wastes" means the wastewater from industrial processes, trade or business, as distinct from domestic sanitary sewage.

"Interference" means inhibition or disruption of the sewer system, treatment processes or operations or which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

"Local hearing authority" means the mayor of the city which is responsible for the administration and enforcement of that program and provisions of this title, created pursuant to Tennessee Code Annotated 69-3-103.

"Mass emission rate" means the weight of material discharged to the community sewer system during a given time interval. Unless otherwise specified, the "mass emission rate" shall mean pounds per day of a particular constituent or combination of constituents.

"mg/l" means a concentration unit of milligrams per liter of solution.

"National pretreatment standards" (or "pretreatment standard") means any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with the Act which applies to industrial users.

"Natural outlet" means any outlet, including storm sewers and combined sewer overflows into a watercourse, pond, ditch, lake or other body of surface or ground water.

"pH" means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution. Natural water, for example, has a pH value of seven and a hydrogen ion concentration of ten (10) to the negative seventh power.

"Polluted waters" means those waters which, when discharged to a watercourse, cause the deterioration of water quality so as to make such water unsuitable for uses as defined by the regulatory agency.

"Pretreatment agency" means the city of Memphis.

"Pretreatment program" means, pursuant to Tennessee Code Annotated 69-3-103, the rules, regulations and ordinances of the city regulating the discharge and treatment of industrial waste which complies with State Statute 33 U.S.C. 1251 et seq. and 40 CFR. 403.1 et seq.

"Priority pollutants" means any chemical substance specified by the EPA or state of Tennessee as being toxic and which is regulated in quantity or in concentration.

"Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

"Publicly owned treatment works" (or "POTW") means a treatment works which is owned by the city. This definition includes any sewers that convey wastewater to such a treatment works, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. The term also means the city, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

"Regulatory agent" means the Memphis division of public works, the Tennessee Water Quality Control Board or the Memphis/Shelby County health department or the Division of Water Pollution Control of the Tennessee Department of Public Health arid Environment, whichever has jurisdiction.

"Sanitary sewer" means a sewer which carries sewage or wastewater to which storm, surface and ground waters are not intentionally admitted.

"Service charge" means the assessment levied on all users of public sewer system.

"Sewage" or "wastewater" means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with any groundwater, surface water and storm water that may be present.

"Sewage" or "wastewater treatment plant" means an arrangement of devices and structures for treating wastewater, industrial wastes and sludge; sometimes used as synonymous with "waste treatment plant" or "water pollution control plant."

"Significant industrial user" or "SIU" means any industrial/commercial user of the city wastewater system or wastewater systems connected to the city wastewater sys-

tem that is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter 1, Subchapter N, and/or has a discharge flow of twenty-five thousand (25,000) gallons or more per average work day and/or; has a discharge which is greater than five percent of the hydraulic flow and/or organic design capacity of the portion of the city wastewater system being utilized and/or; has a discharge which contains toxic pollutants or priority pollutants as defined pursuant to Section 307 of the Act of Tennessee Statutes and Rules and Regulation and/or; is found by the city, the state of Tennessee or the EPA to have significant impact, either singly or in combination with other contributing industries on the wastewater system, the quality of sludge produced the wastewater system's effluent quality, groundwater in the area or air emission generated by the wastewater system.

"Sludge" or "wastewater system" means all facilities for collecting, pumping, treating and disposing of sewage.

"Slug discharge" means any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge or of any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, is found to be detrimental to the operation of the wastewater treatment plant or collection system.

"Special sewer service area" means a sewer service area which shall be subject to unique and separate sewer infrastructure surcharge fees in addition to normal sewer fees described within this chapter based upon the particular costs associated with providing sewer service to that area.

"Standard methods" means the analytical procedures set forth in the latest edition of Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association; and/or EPA Methods for Chemical Analysis of Water and Wastes as per 40 CFR Part 136 and amendments thereto; and/or the city public works division's laboratory procedures for certain tests that detail specific requirements that are not addressed elsewhere or are presented as optional.

"Storm drain" (sometimes termed "storm sewer") means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

"Suspended solids" means total suspended matter that either floats on the surface of or is in suspension in, water, wastewater or other liquids and that is removable by laboratory filtering as prescribed by Standard Methods.

"The Act" means the Federal Water Pollution Control Act, Public Law 92-500 and any amendments thereto; as well as any guidelines, limitations and standards promulgated by the Environmental Protection Agency pursuant to the Act.

"TOC" (denoting "total organic carbon") means the measure of the concentration of covalently bonded carbon which is combustible to carbon dioxide. It is not to be confused with elemental carbon, dissolved carbon dioxide, inorganic carbonates or bicarbonates.

"Unpolluted water" means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

"User" means any person that discharges, causes or permits the discharge of wastewater into a community sewer.

"Watercourse" means a channel or conduit in which a flow of water occurs, either continuously or intermittently.

Nothing contained in Chapters 13-4 through 13-24 shall be construed to interfere with any additional requirements that may be imposed by the regulatory agency. When industrial wastes, prior to discharge to a watercourse, are treated in a manner that is approved by the regulatory agency, no connection to the public sewer shall be required. Terms for which definitions are not specifically herein provided shall be interpreted as defined in the current edition of Glossary: Water and Wastewater Control Engineering, as published by the Water Pollution Control Federation, Washington, D.C. (Ord. 4443 § 1, 11-5-96; Ord. 4023 § 1, 3-26-91; Code 1985 § 33-16)

Chapter 13-8

PUBLIC SEWER USE REGULATIONS

Sections:

13-8-1	**Discharge to natural outlets where public sewer available prohibited.**
13-8-2	**Maintaining private methods of disposal.**
13-8-3	**Connection to public sanitary or combined sewer—When required.**
13-8-4	**Disconnection of sanitary sewer service.**
13-8-5	**Damaging sewerage works—Maintaining program integrity—Accidental spills.**

Sec. 13-8-1 Discharge to natural outlets where public sewer available prohibited.

It is unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city, any untreated sewage or other polluted waters, where suitable public collection and/or treatment has been provided in accordance with the provisions of Chapters 13-4 through 13-36, except where a federal national pollutant discharge elimination system permit has been duly issued and is currently valid for such discharge. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-26)

Sec. 13-8-2 Maintaining private methods of disposal.

Except as hereinafter provided in this title, 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. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-27)

Sec. 13-8-3 Connection to public sanitary or combined sewer—When required.

The owner, occupant or lessee of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley, right-of-way or easement in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is required at his or her expense to install suitable sanitary facilities therein and to connect such facilities directly with the proper public sewer, in accordance with the provisions of Chapters 13-4 through 13-36 within one year after date of official notice by the regulatory agency to do so, as long as no health hazard exists or is imminent. In cases of health hazards as determined by the city and county health department, the owner, occupant or lessee must connect within ninety (90) days of the official notice of the city and county health department that there exists a health hazard or that a health hazard is imminent. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-28)

Sec. 13-8-4 Disconnection of sanitary sewer service.

Any person wishing to demolish a building or remove the sanitary sewer service from any point onto their property shall obtain a sanitary sewer line cap permit. After this line has been capped, joints shall be left exposed and inspected by the approving authority. There shall be a fee of fifteen dollars ($15.00) for this service, payable upon receipt of this permit. All construction procedures and specifications relative to capping shall be approved by the approving authority. Proceeds from these fees shall be placed in the sewer revenue fund indicated in Chapter 13-28. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-29)

Sec. 13-8-5 Damaging sewerage works—Maintaining program integrity—Accidental spills.

A. No person shall maliciously, wilfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewerage works. Any person violating this provision shall be subject to immediate arrest and shall be guilty of a misdemeanor punishable as provided in Section 1-24-1 of this code and shall be responsible for correcting such damages.

B. If public sewer becomes obstructed or damaged because of any substances improperly discharged into it, the person or persons responsible for such discharge shall be billed and shall pay for the expenses incurred by the city in cleaning out, repairing or rebuilding the sewer.

C. No unauthorized person shall enter into or alter any manhole or similar appurtenance of any public sewer, put anything therein or interfere therewith. No person shall insert or place in any public sewer, manhole or other appurtenance thereof any sticks, rubbish or other materials which such sewer manhole or appurtenance thereof was not intended to receive.

D. The approving authority shall have the authority to implement a program for acquiring the necessary qualified personnel to perform all tasks related to all wastewater functions to insure the integrity of the total program.

E. In order to insure the integrity of the wastewater treatment facilities at a high level and protect the treatment

process from unacceptable flows, any person causing an accidental spill shall notify the approving authority as to its nature, relating its quantity and the time of such spill, so that action may be taken at the wastewater treatment facility to deal with any problems which the incoming flow may create. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-126)

Chapter 13-12

PRIVATE SEWAGE DISPOSAL SYSTEMS

Sections:

13-12-1	**Required when public sanitary sewer not available.**
13-12-2	**Permit—Required—Application and fees.**
13-12-3	**Effective date—Notification of completion of work—Inspection.**
13-12-4	**Design and other specifications—Discharge to natural outlet prohibited.**
13-12-5	**Connection to public sewer upon availability—Filling of abandoned facilities required—Hardship exemptions.**
13-12-6	**Maintenance and manner of operation.**
13-12-7	**Private industrial disposal as exception.**
13-12-8	**Penalty for violation.**

Sec. 13-12-1 Required when public sanitary sewer not available.

Where a public sanitary sewer is not available under the provisions of Section 13-8-3, the sewer shall be connected to a private sewage disposal system complying with the provision of Chapters 13-4 through 13-24. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-41)

Sec. 13-12-2 Permit—Required—Application and fees.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the regulatory agency. The application for such permit shall be made on a form furnished to the applicant, which the applicant shall supplement by any plans, specifications and other information which may be deemed necessary by the regulatory agency. A permit and inspection fee as designated by the regulatory agency shall be paid at the time application is filed. The permit and inspection fee of twenty-five dollars ($25.00), to help defray the cost of plans and review and construction inspection, shall be paid to the city and shall be placed in an account designated as the "sewer treatment fund." (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-42)

Sec. 13-12-3 Effective date—Notification of completion of work—Inspection.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the regulatory agency The regulatory agency shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the regulatory agency when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within seventy-two (72) hours of the receipt of notice by the regulatory agency. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-43)

Sec. 13-12-4 Design and other specifications—Discharge to natural outlet prohibited.

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendation of the regulatory agency. No septic tank or cesspool shall be permitted to discharge to any natural outlet. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-44)

Sec. 13-12-5 Connection to public sewer upon availability—Filling of abandoned facilities required—Hardship exemptions.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with Chapters 13-4 through 13-36, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material, as required by the regulatory agency. In the event a person cannot make immediate connection, application may be made for a hardship exemption. Proof of hardship is incumbent upon the applicant. The city and county health department, upon recommendation of the division of public works, may grant a hardship exemption, not to exceed twelve (12) months, as long as no health hazard exists or is imminent. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-45)

Sec. 13-12-6 Maintenance and manner of operation.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. The removal of septage (septic contents) from private sewage disposal facilities shall be performed by individuals licensed to perform such work. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-46)

Sec. 13-12-7 Private industrial disposal as exception.

Nothing in Chapters 13-4 through 13-36 shall exclude the right of any industry to properly discharge its wastewater, after proper treatment, into any stream designated by the state Department of Health for this purpose. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-47)

Sec. 13-12-8 Penalty for violation.

Any person using the city storm sewers and drain system or any part thereof in violation of Chapters 13-4 through 13-24 shall be guilty of a misdemeanor and subject to punishment as provided in Section 1-24-1 of this code. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-48)

Chapter 13-16

BUILDING SEWERS, CONNECTIONS, SEWER EXTENSIONS AND DEVELOPMENT FEES

Sections:

13-16-1 Permit requirements.
13-16-2 Sewer development fees.
13-16-3 Sewer connection fees.
13-16-4 Sewer extensions.
13-16-5 Sewer extension fees.
13-16-6 Urban service boundary—Definition and amendment.
13-16-7 Internal sewers and upstream properties.
13-16-8 Expenditure of city funds—Limitation.
13-16-9 Fees deposited in sewer fund.
13-16-10 Connection to be at expense of owner—Indemnification of city—Construction standards generally.
13-16-11 Separate and independent connection required for each building—Exception.
13-16-12 Connection of old building sewers.
13-16-13 Construction standards—Size—Slope—Materials—Methods of excavation.
13-16-14 Construction standards—Elevation—Lifts—Where required.
13-16-15 Construction standards—Connection to sanitary sewer of sources of surface runoff—Approval required.
13-16-16 Construction standards—Conformity of connection to codes—Connection to be made gas tight and watertight—Inspection during construction.
13-16-17 Notification to approving authority prior to covering of work underground—Final inspection.
13-16-18 Guarding of excavations posing hazard to public—Restoration of public property—Posting of bond.
13-16-19 Sewer infrastructure surcharge fees.

Sec. 13-16-1 Permit requirements.

No unauthorized person shall uncover, make any connection with or opening into, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from an approving authority. One copy of the permit shall at all times available for inspection at the site of the work. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-61)

Sec. 13-16-2 Sewer development fees.

A. There is established a sewer development fee, as set for herein, to defray part of the construction costs of the sewer collection system and treatment facilities, which fee shall be payable by the applicant, developer of the subdivision or developer industrial, commercial or residential site as set forth herein, at which fee shall be payable upon the execution of the subdivision contract or the sewer extension contract or at the time of application for the sewer connection or plumbing permit, as appropriately determined by the approving authority. Sewer development fees shall apply to all subdivisions, land developments, new buildings and redevelopments of land or buildings served by the city sanitary sewer system or where the facility served requires modification of or enlargement of the existing sewers, whether within or outside the corporate limits of the city and whether service is by existing or by new facilities to be constructed. Sewer development fees shall be as set forth in this section but not less than the final sewer extension fee as determined in Section 13-16-5:

1. Residential lots, including churches and schools	$240.00 per lot*
2. Multi-dwelling buildings and publicly owned facilities	$840.00 per acre*
3. Commercial and industrial multiunit buildings	$12.00 per front foot on the longest abutting street or private drive frontage or $840.00 per acre, whichever is the greater*

* The above listed sewer development fees are those that will become effective on January 1, 1993 In subsequent years all sewer development fees will be adjusted annually by the division of public works on January 1st in accordance with the Implicit Price Deflator for Gross Domestic Product for State and Local Government Purchases as published by the U.S. Government each preceding July.

B. For the purpose of this section, "multidwelling buildings" are duplexes, townhouses, apartments, hotels,

motels, trailer courts, boardinghouses, rooming houses, transit homes or any other type of facilities for dwelling accommodations of individuals; "multiunit buildings" are clinics, office buildings, nursing homes, hospitals, factories, restaurants, stores, warehouses and/or other buildings for commercial, industrial or public use.

C. No sewer development fee shall be assessed to a person authorized to install a private sewage disposal system pursuant to this chapter, but a development fee shall be charged to the developer or property owner when sanitary sewers are available under Section 13-8-3 or when it is determined that sanitary sewers shall be extended to such development. The regulatory authority may thereafter require the installation of the sewer and the payment of the development fee. The developer, by applying for and receiving a private sewage disposal permit, shall agree to such fee when the sewer is available.

D. Building additions and buildings added to a lot will not be subject to sewer development fees.

E. Within the city reserve area, the owner(s) of property who petition for connection to the city's sanitary sewer system to serve their property shall at that time consent to, petition and request the annexation of such property by the city, with the annexation to take place at such time as the city may deem appropriate pursuant to state law. Until such time as annexation occurs, the owner(s) shall agree not to seek either incorporation as a separate entity nor annexation to any other incorporated area.

The consent to annexation shall be incorporated as a part of the city land development and/or sewer contract(s). At the time the sewer land development contract is entered into the property owner shall submit his or her petition for annexation to the city.

The above-described consent to annexation by the city shall be made a restrictive covenant imposed by the proper owner(s) upon the property which shall run with the land at shall be binding upon all heirs, successors and assigns. Such cotenant shall be recorded in the office of the Shelby County register and it shall be the duty of the original property owner an all subsequent property owners to disclose the existence of the covenant to any parties to whom the property or a portion there is conveyed. Reference to such recorded covenant shall be evidenced on any final plat or plan of development prior to the recordation of the plat or plan in the office of the Shelby Count register. It shall be the responsibility of the division of planning and development to ensure that the signed petition for annexation is submitted by the property owner and that the covenant appears on the plat or plan prior to signing and recordation of the final plat or plan. (Ord. 4292 § 1, 11-22-94; Ord. 4143 § 1, 3-4-93; Ord. 4023 § 1, 3-26-91; Code 1985 § 33-62)

Sec. 13-16-3 Sewer connection fees.

There is established a sewer connection charge, as set forth herein, to defray the construction costs of providing a sewer tap to a property which charges shall be payable by the owner, applicant, developer of the subdivision or developer of industrial, commercial or residential site as set forth herein and which charge shall be payable prior to the physical sewer connection being made. Sewer connection charges shall apply only where the physical connection is made by the approving authority.

A. Standard four- or six-inch connections to residential and small commercial facilities will be mad at the owner's expense. The owner shall be responsible for all costs and expenses incurred.

B. For any connections other than standard connections as determined by the approving authority or for a second connection to any property, the cost shall be based on time, materials and labor for the approving authority to install the connection. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-63)

Sec. 13-16-4 Sewer extensions.

A. The city shall permit the orderly extension of its sanitary sewer system to provide gravity sewer service of adequate capacity to unsewered properties and to properties not served by sewers of adequate capacity following the comprehensive plan and policies of the city for gravity sewer system expansion.

B. No person shall undertake to extend city sanitary sewer service to his or her property without entering into a sewer extension contract with the city.

C. In order for a property to be eligible for city participation in the cost of a gravity sewer extension, all of the following criteria must be met:

1. The capacity, location and design of the proposed gravity sewer extension shall conform to the city's comprehensive plans and policies for extension of the sanitary sewer system.

2. The portion of the property or contiguous properties under one ownership being the subject of the request for a sewer extension shall neither be served by gravity sanitary sewer at the time of the request, nor have previously been part of a parcel or tract of property which was served by gravity sanitary sewers; i.e., for the purposes of determining eligibility for city funding participation, once a property or contiguous properties under one ownership is served by gravity sewers, it cannot be disassociated from that sewer service by the sale of all or part of the property.

3. The property shall not be situated within the corporate limits or within the recognized annexation reserve area of another municipality unless the sewer extension will be used to serve other properties that would otherwise be eligible for city funding participation. The city shall participate in funding only those portions of the sewer extension which will serve such other properties.

D. Whenever the city enters into a contract with a owner/developer relative to extending a sanitary sewer to his or her property, a reasonable estimated time shall be indicated in the contract for the completion of this service by the city. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-64)

Sec. 13-16-5 Sewer extension fees.

A. The developer/owner/applicant shall pay to the city, upon execution of the sewer extension contract, a sewer extension fee as set forth herein. The developer/owner/applicant may secure payment of the sewer extension fee, less any applicable sewer development fees, by executing a performance bond, certificate of deposit assigned to the city, or an irrevocable, automatically renewable letter of credit in favor of the city. Such securities shall be in the full amount of the sewer extension fee and be in a form acceptable to the city. Cash payment of the secured sewer development fee shall be made by the developer/owner/applicant to the city upon advertisement for bids for construction of the sewer extension.

B. Effective January 1, 1993, the minimum sewer extension fee shall not be less than one-half the cost of engineering including surveying, easement acquisition, inspection and construction of any sewer extension. A preliminary estimate, based on the estimated cost of construction, engineering, easement acquisition and inspection, shall be used for determining the fee to be charged to the developer for the purpose of entering into the sewer extension contract. The final cost accounting shall be determined by the city upon completion of the sanitary sewer extension, and the final accounting shall be made to the developer of any additional fee required or refund due to the developer.

C. Sewer extension fees paid to the city shall run with the land described in the sewer extension contract for the purpose of defraying sewer development fees as determined in Section 13-16-2. (Ord. 4143 § 1, 3-4-93; Ord. 4023 § 1, 3-26-91; Code 1985 § 33-65)

Sec. 13-16-6 Urban service boundary—Definition and amendment.

The urban service boundary is defined by the Memphis 2000 Policy Plan and Map adopted by the Memphis city council in September 1981 or its most recent adopted amendment. The Memphis and Shelby County office of planning and development (O.P.D.) and the approving authority shall review the urban service boundary at intervals not to exceed five years and recommendations for amendments, if any, shall be forwarded to this Memphis city council for consideration. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-66)

Sec. 13-16-7 Internal sewers and upstream properties.

A. The owner/developer or his or her successors in title or assigns shall, at the time of developing the property covered in the sewer extension contract, construct all internal sanitary sewers necessary to serve the property at their sole expense.

B. The owner/developer, upon entering into a sewer extension contract, shall grant permanent sanitary sewer easements and temporary construction easements to the city at no cost for future extension of the sanitary sewers through the property covered by the sewer extension contract to serve upstream properties. The sewer easement alignment shall be recommended by the owner/ developer and be subject to the approval of the city. Acceptance of the sanitary sewer easements does not impose upon the city any obligation or responsibility to participate in the cost of or construct sanitary sewers within the easements. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-67)

Sec. 13-16-8 Expenditure of city funds—Limitation.

The city may only expend city funds on construction for which the city has contracted through the standard bidding process. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-68)

Sec. 13-16-9 Fees deposited in sewer fund.

All sewer development fees, connection fees and sewer extension fees collected herein shall be placed an the sewer collection and treatment fund established by Chapter 13-28 and used for the purposes stated therein. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-69)

Sec. 13-16-10 Connection to be at expense of owner—Indemnification of city—Construction standards generally.

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city and its employees from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. All construction on the owner's property shall conform to the

applicable plumbing code. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-70)

Sec. 13-16-11 Separate and independent connection required for each building—Exception.

A separate and independent building sewer shall be provided for every building and for every dwelling unit in single-family detached, single-family attached and duplex developments, except that, 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, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting front any such single connection aforementioned. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-71)

Sec. 13-16-12 Connection of old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the approving authority, to meet all requirements of Chapters 13-4 through 13-36. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-72)

Sec. 13-16-13 Construction standards—Size—Slope—Materials—Methods of excavation.

The size, slopes, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing codes and other applicable rules and regulations of the city. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-73)

Sec. 13-16-14 Construction standards—Elevation—Lifts—Where required.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building gradient is too shallow to permit gravity flow to the public sewer, sanitary sewage carried by such building gradient shall be lifted by an approved pumping system and discharged to the building sewer. The installation and operational expenses of this system shall be borne solely by the property owner. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-74)

Sec. 13-16-15 Construction standards—Connection to sanitary sewer of sources of surface runoff—Approval required.

No person shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer which in turn is connected directly or indirectly to a public sanitary sewer, unless connection is approved by the approving authority. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-75)

Sec. 13-16-16 Construction standards—Conformity of connection to codes—Connection to be made gas tight and watertight—Inspection during construction.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes and other applicable rules and regulations of the city. All such connection shall be made watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the approving authority before installation The approving authority shall have the right to inspect the work at any stage of construction and, in any event, the covers of all building sewer manholes, inspection chambers, cleanouts and the like shall be watertight and shall be capable of withstanding, without damage or displacement, any traffic load to which they may be subjected. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-76)

Sec. 13-16-17 Notification to approving authority prior to covering of work underground—Final inspection.

The applicant for the building sewer permit shall notify the approving authority before covering portions of the work to be underground and when the building sewer is ready for final inspection and connection to the public sewer. The connection and testing shall be made under supervision of the approving authority or his or her representative. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-77)

Sec. 13-16-18 Guarding of excavations posing hazard to public—Restoration of public property—Posting of bond.

All excavations for building any sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. The posting of a bond of appropriate value may be

required to safeguard the interest of the city with regard to damage to public property. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-78)

Sec. 13-16-19 Sewer infrastructure surcharge fees.

A. There is established a sewer infrastructure surcharge fee, as set forth herein, to defray the construction costs, bond costs and/or design costs associated with providing sewer services to a special sewer service area. Such a fee may take any of the following forms:

1. Sewer development infrastructure surcharge fee;
2. Sewer connection infrastructure surcharge fee;
3. Sewer extension infrastructure surcharge fee;
4. Sewer user infrastructure surcharge fee.

B. Sewer infrastructure surcharge fees may not be credited against extension fees. (Ord. 4443 § 2, 11-5-96; Code 1985 § 33-79)

Chapter 13-20

WASTEWATER DISCHARGE AGREEMENTS

Sections:

13-20-1	**Required of certain dischargers.**
13-20-2	**Application for discharge agreement.**
13-20-3	**Contents—Matters subject to agreement.**
13-20-4	**Time period of agreements—Modifications and changes—Effects on time period—Formulation of standard agreement.**
13-20-5	**Limitation to specific operation of specific user—Nontransferable.**
13-20-6	**Revocation of agreements—Conditions for.**
13-20-7	**Monitoring facilities—Provisions to be outlined in discharge agreement.**
13-20-8	**Right of inspection—Access to premises of approving authority.**
13-20-9	**Availability of information on user to public—Use of information accepted as confidential.**

Sec. 13-20-1 Required of certain dischargers.

Written agreements shall be required of commercial and industrial dischargers who are subject to additional treatment costs, or have potential for discharge of acidic wastewater, or have a process or processes subject to USEPA categorical standards, or discharge wastewater containing priority pollutants, or discharge substances which may be detrimental to the treatment system or have flow rates of twenty-five thousand (25,000) gallons per day or more. Such commercial and industrial dischargers as designated by the approving authority as requiring discharge agreements shall enter into such agreements to have the use of the municipal wastewater treatment facilities and shall not discharge to the system without such agreements. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-81)

Sec. 13-20-2 Application for discharge agreement.

A. All contributing industries shall apply for and obtain a discharge agreement before connecting or discharging to the municipal system.

B. The application for a discharge agreement shall contain, but not be limited to, the following information: standard industrial classification; name and address; volume of wastewater to be discharged; wastewater constituents and characteristics; time and duration of discharge; average wastewater flow rates, including daily, monthly and seasonal variations; site plans and floor plans showing all drains and sewers; and description of activities, facilities and plant processes.

C. Users seeking a wastewater discharge agreement shall complete and file with the approving authority an application in the form prescribed by the approving authority. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-82)

Sec. 13-20-3 Contents—Matters subject to agreement.

Wastewater discharge agreements shall be expressly subject to all provisions of Chapters 13-4 through 13-36 and all other ordinances, regulations, charges and fees administered by the approving authority. The conditions of wastewater discharge agreements shall be uniformly enforced by the approving authority in accordance with such chapters, applicable state regulations and promulgated pretreatment standards. Agreements may contain, and are not limited to, the following conditions:

A. The unit charge or schedule of charges and fees for the wastewater to be discharged to a community sewer, as outlined in Chapter 13-28;

B. The average and maximum permissible wastewater constituents and characteristics;

C. Limits on rate and time of discharge or requirement for flow regulation and/or equalization;

D. Requirements for installation of inspection and sampling facilities;

E. Pretreatment requirements: effluent limits based on applicable general pretreatment standards in Part 403 of the Federal Regulations, categorical pretreatment standards, local limits and state and local laws;

F. Self monitoring, sampling, reporting, notification and recordkeeping requirements including an identification of the pollutants to be monitored, sample location, sampling frequency and sample type, number, types and standards for tests, based on the applicable general pretreatment standards in Part 403 of the Federal Regulations, categorical pretreatment standards, local limits and state and local law;

G. Requirements for submission of technical reports or discharge reports and for maintaining plant records relating to wastewater discharge as specified by the approving authority and for affording the approving authority access thereto;

H. Mean and maximum emission rates or other appropriate limits, when incompatible pollutants are proposed or present in the user's wastewater discharge;

I. Penalties and damages for violation of the agreement and provisions of Chapters 13-4 through 13-36 on prohibited discharges, including any per diem charges and damages. Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines;

J. Statement of duration (in no case more than five years);

K. Statement of nontransferability;

L. Compliance schedules as deemed necessary by the city for meeting local ordinance requirements and/or federal categorical pretreatment standards. The following conditions shall for compliance schedules apply for meeting categorical pretreatment standards and/or local ordinance requirements: (1) the schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities required for the industrial user to meet the applicable categorical pretreatment standards; (2) no increment of progress shall exceed nine months; and (3) not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the control authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the control authority;

M. If sampling performed by an industrial user indicates a violation, the user shall 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 city within thirty (30) days after becoming aware of the violation or sooner so directed by the city authorized representatives;

N. Other conditions as deemed appropriate by the approving authority to insure compliance with Chapters 13-4 through 13-36. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-83)

Sec. 13-20-4 Time period of agreements—Modifications and changes—Effects on time period—Formulation of standard agreement.

Wastewater discharge agreements shall be issued for a specified time period, not to exceed five years. During the life of the agreement, an annual review shall be assessed. It is also the intent of the agreement to commit the city to receiving and treating the effluents allowed and stated in the agreement for the period of time indicated and to commit the industry to all the necessary sewer fees and restrictions outlined in the agreement. A discharge agreement may be entered into for a period of less than one year or may be stated to expire on a specific date in the event plant or process changes or modifications are necessary. After all modifications and changes have been made and approved, a new discharge agreement shall be entered into. These modifications and changes must be approved by the approving authority. The user shall be informed of any proposed change in his or her agreement at least thirty (30) days prior to the effective date of change. The terms and conditions of the discharge agreement shall be subject to modification and change during the life of the agreement at the request of the user and with the consent of the city. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-84)

Sec. 13-20-5 Limitation to specific operation of specific user—Nontransferable.

Wastewater discharge agreements are issued to a specific user for a specific operation. A wastewater discharge agreement shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation which will significantly affect wastewater characteristics. All commercial and industrial dischargers shall promptly notify the approving authority in advance of any substantial change in volume or character of pollutants in their discharge especially in regard to any listed hazardous wastes or priority pollutants. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-85)

Sec. 13-20-6 Revocation of agreements—Conditions for.

Any user is subject to having his or her agreement revoked and sewer service discontinued who wilfully violates the conditions of the wastewater discharge agreement or any provision of Chapters 13-4 through 13-36, or upon the occurrence of any of the following:

A. Failure of a user to factually report the wastewater constituents and characteristics of his or her discharge;

B. Failure of the user to report significant changes in operations which affect wastewater constituents and characteristics;

C. Refusal of reasonable access at the user's premises for the purpose of inspection or monitoring the applicable sewage or wastewater system;

D. Refusal or failure to pay all appropriate fees or charges. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-86)

Sec. 13-20-7 Monitoring facilities—Provisions to be outlined in discharge agreement.

Monitoring facilities, in accordance with Section 13-24-7, will be required as outlined in the discharge agreement. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-87)

Sec. 13-20-8 Right of inspection—Access to premises of approving authority.

The approving authority may inspect the sewage and wastewater facilities of any user to ascertain whether the purpose of Chapters 13-4 through 13-36 is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is discharged shall allow the approving authority or its representative ready access at all reasonable times for the purposes of inspection or sampling or in the performance of their duties. The approving authority shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements with security personnel so that, upon presentation of suitable identification, personnel from the approving authority shall be permitted to enter without delay for the purposes of performing their specific responsibilities. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-88)

Sec. 13-20-9 Availability of information on user to public—Use of information accepted as confidential.

All information and data on a user obtained from reports, questionnaires, the agreement applications, permits and monitoring programs, and from inspections shall be available to the public without restriction unless the user specifically requests confidential treatment and is able to demonstrate to the satisfaction of the approving authority that the release of such information would divulge information regarding processes or methods which would be detrimental to the user's competitive position. Information accepted by the approving authority as confidential shall not be transmitted to any other governmental agency by the approving authority until and unless prior and adequate notification is received by the user. Information accepted by the approving authority as confidential shall not be transmitted to the general public by the approving authority unless written permission has been obtained from the user. All information relating to the discharge from a user into the sewer system shall not be confidential information. All such information which is submitted to the approving authority shall be available to the public without restrictions. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-89)

Chapter 13-24

SEWER DISCHARGE PROHIBITIONS

Sections:

13-24-1	**Discharges of stormwater and groundwater into sanitary sewer prohibited—Exceptions.**
13-24-2	**Discharge of stormwater and other unpolluted drainage to storm sewers and natural outlets—Discharges into sanitary sewer system other than through building sewer—Permit required.**
13-24-3	**Discharge of certain harmful wastes prohibited.**
13-24-4	**Discharge of certain harmful wastes restricted—Approval required.**
13-24-5	**Discretionary actions of approving authority with respect to restricted discharges.**
13-24-6	**Maintenance and inspection of preliminary treatment or flow equalization facilities.**
13-24-7	**Control facilities for sampling and observation of industrial wastes.**
13-24-8	**Measurement and testing methods.**
13-24-9	**Alternate data bases for determination of waste characteristics.**
13-24-10	**Accidental and slug discharges.**
13-24-11	**Discharge hauled wastes.**

Sec. 13-24-1 Discharges of stormwater and groundwater into sanitary sewer prohibited—Exceptions.

No person shall discharge or cause to be discharged any stormwater, groundwater, roof runoff, subsurface drainage or uncontaminated cooling water to any sanitary sewer except by permission of and under permit from the approving authority. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-101)

Sec. 13-24-2 Discharge of stormwater and other unpolluted drainage to storm sewers and natural outlets—Discharges into sanitary sewer system other than through building sewer—Permit required.

A. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the regulatory agency. Industrial cooling waters or unpolluted process waters may be discharged, on approval and issuance of an NPDES by the state of Tennessee and approval of the city if to a city storm sewer or natural outlet.

B. No person shall discharge any substance directly into a manhole or other opening in a public sewer, other than through an approved building sewer, unless he or she has been issued a permit by the approving authority. No person shall discharge any holding tank waste into a community sewer unless he or she has been issued a permit by the approving authority. Unless otherwise allowed by the approving authority under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. This permit will state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge and wastewater constituents and characteristics. If an agreement or permit is granted for discharge of such waste into a community sewer, the user shall pay the applicable charges and fees and shall meet such other conditions as are required by the approving authority. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-102)

Sec. 13-24-3 Discharge of certain harmful wastes prohibited.

No person shall discharge or cause to be discharged any of the following described contaminated waters to any public sanitary sewers:

A. Any wastewater containing petroleum oil (gasoline, benzene, naphtha, fuel oil), nonbiodegradable cutting oil, products of mineral oil origin or any other pollutants which cause interference or pass-through or create a fire or explosion in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Centigrade using the test methods specified in 40 CFR 261.21, as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D-93-79 or D-93-80K or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D-3278-78 and pollutants which cause an exceedance of ten (10) percent of the lower explosive limit (LEL) at any point within the POTW;

B. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure personnel, cause workers to have acute health or safety problems or interfere with any sewage or wastewater treatment process or any sanitary sewer system, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the

receiving waters of the sewage or wastewater treatment plant;

C. Any contaminated waters or wastes having a pH lower than 5.5 or any other corrosive property capable of causing damage or hazard to the structures, equipment, conveyances, and personnel of the sewage works or interfering with the operation of the treatment facility. The pH discharge limit is an instantaneous reading of any discharge into the sanitary sewer and not an average of any kind, unless specified. No wastewaters having a pH of higher than 10.0 standard units can be discharged to the sanitary sewer without prior approval by the city.

D. Any wastes or wastewaters shall not include solid or viscous substances in quantities of such size as to be capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, oil, grease, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders. Should blood, tissue or other prohibited body parts be unavoidably discharged into the sanitary sewer then such discharge must be accompanied by or immediately followed with a liquid disinfectant, such disinfectant may include bleach;

E. Any trucked or hauled pollutants, except at discharge points designated by the city's POTW. (Ord. 5099 § 1, 2005; Ord. 4023 § 1, 3-26-91; Code 1985 § 33-103)

Sec. 13-24-4 Discharge of certain harmful wastes restricted—Approval required.

A. No person shall discharge or cause to be discharged the following described substances, materials, contaminated waters, or wastes if it appears likely, in the opinion of the approving authority, that such wastes harm either the sanitary sewers, sewage treatment process, or equipment, have an adverse effect on the receiving streams or can otherwise endanger life, limb or public property or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the approving authority will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of compatibility of the particular materials involved with the treatment capabilities of the authority's existing or contemplated treatment works and other pertinent factors. The limitations or restrictions of materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without a variance being granted as provided for under subsection B of this section are summarized in Table 1 set out at the end of this section and discussed as follows: Conditions at the influent of the treatment plant which will be used as guidance in determining acceptability are presented in Table 2 set out at the end of this section:

1. Any liquid or vapor having temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees centigrade);

2. Any water or waste containing fats, wax, grease or oils of hydrocarbon or petroleum origin in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (zero and sixty-five (65) degrees centigrade). Substance of the above nature shall be treated to reduce the concentration to a level of one hundred (100) mg/l;

3. Any waste that has not been properly shredded. The installation and operation of any waste grinder equipped with a motor of three-fourths horsepower or greater shall be subjected to the review and approval of the approving authority;

4. Any waters or wastes containing strong acid, iron pickling wastes or any waters or wastes containing concentrated plating solutions whether neutralized or not, except by permission of the approving authority;

5. Any contaminated waters or wastes containing iron, chromium, copper, zinc, other heavy metals or toxic substances to such degree that any such discharge exceeds the values in Table 1 set out at the end of this section or such material received in the composite sewerage at the sewerage plant exceeds the limits established by the approving authority for such material, as shown in Table 2 set out at the end of this section, unless a variance is obtained as described in subsection B of this section;

6. Any waters or wastes containing phenols, to such degree that any such discharge in the composite sewerage at the sewerage treatment plant exceeds the limits established by the approving authority for such material as shown in Table 2 set out at the end of this section, unless a variance is obtained as described in subsection B of this section;

7. Any radioactive wastes or isotopes of long half-life (over one hundred (100) days) without special permit. The radioactive isotopes (I 131 and P 32) used at hospitals are not prohibited if properly diluted at the source;

8. Materials which exert or cause:

a. Concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to sodium chloride and sodium sulfate) which will cause obstruction to the flow in sewers, damage to the sewer system or interference with the sewage treatment plant,

b. BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute an interference in the sewage treatment works,

c. Volume of flow or concentration of wastes constituting "slugs" as defined herein;

9. Wastewater containing objectionable substances which are not amendable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the regulatory agency;

10. Any wastewater that may cause the wastewater treatment facility effluent or any product of the treatment process residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process;

11. Any wastewater that could have a detrimental environmental impact or create a nuisance in the waters of the United States of America;

12. Any wastewater that could cause excessive collection or treatment costs or may use a disproportionate share of the agency facilities;

13. Wastes not permitted to be discharged into the municipal system and not otherwise adequately treated and discharged or recycled, must be transported to a state approved disposal site by a permitted waste hauler;

14. Any wastewater which causes hazard to human life or creates a public nuisance;

15. Any wastewater containing motor oils or lubricants removed from vehicles or other machinery;

16. Any wastewater where there is a significant likelihood of producing toxic effects to the biota in the receiving water of the treatment plant or the treatment plant's effluent.

In addition, the following activities are prohibited:

17. No person shall discharge wastewater into street inlets or through sewer manholes.

18. No person who generates wastewater at one property shall discharge it at another property without approval from the approving authority.

19. No person shall store or handle any material including hazardous substances defined by CERCLA, in any area draining to the city sewer system, because discharge or leakage from such storage or handling may create an explosion hazard in the sewer system or treatment plant or may constitute a hazard to human beings or animals or the receiving stream or in any other way may have a deleterious effect upon the wastewater treatment facilities. Such storage or handling shall be subject to review by the city and shall require a spill control plan with reasonable safeguards to prevent discharge or leakage of such materials into the sewers.

When it is determined that a user is contributing to the POTW amounts of wastewater described in subsections (A)(1) through (16) of this section or is involved in activities described in subsections (A)(17) through (19) of this section so as to interfere with the operation of the POTW then the approving authority shall: (1) advise the user(s) of the impact of the contribution on the POTW; and (2) develop effluent limitation(s) for such user to correct the interference with the POTW without the need to amend these regulations.

B. Notification of the Discharge of Hazardous Wastes.

1. The industrial/commercial user shall notify the city's POTW, the EPA Regional Waste Management Division Director and state of Tennessee hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number and the type of discharge (continuous, batch or other). If the industrial user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: 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 waste stream expected to be discharged during the following twelve (12) months. All notifications must take place within one hundred eighty (180) days of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than one hundred eighty (180) days after the discharge of the listed or characteristic hazardous waste. Any notification under this subdivision need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b), (d) and (e).

2. Dischargers are exempt from the requirements of subsection (B)(1) of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.

3. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the city's POTW, the EPA Regional Waste Management Waste Division Director and the state of Tennessee hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

4. In the ease of any notification made under subsection B of this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

C. For industries covered under a discharge agreement, the aforementioned materials or characteristics of waste or wastewater discharge limitations shall be determined by the city and incorporated into such agreement. Parameters and conditions identified in Table 2 set out at the end of this section shall be used as guidance in establishing monitoring requirements and in allowing exceptions or variances to Table 1 set out at the end of this section. Such exception or variance will be determined during the preparation and periodic review of the sewer use agreement. Consideration of a variance shall be based on the following criteria as a minimum:

1. Age, location, land availability and type of manufacturing processes employed;
2. Total mass of pollutant discharged by the industry;
3. Volume of industrial waste in proportion to the total wastewater flow in the system;
4. Energy requirements of the application of control and treatment technology, but only if the discharger demonstrates that less energy consumptive alternative control technology is not available.

In no case shall a variance be granted for those parameters defined by federal pretreatment regulations as "prohibited discharges."

Table 1
Maximum Effluent Standards for Discharge of Waste into the Municipal Sewerage System

Constituent	Daily Average* Maximum Concentration mg/l	Instantaneous Maximum Concentration mg/l
Biochemical oxygen demand	(1)	(1)
Settleable solids (ml/l)	(1)	(1)
Total suspended solids	(1)	(1)
Nitrogen (total Kjedahl)	(1)	(1)
Arsenic	1.0	2.0
Cadmium	(2)	(2)
Chromium (hexavalent)	1.0	2.0
Chromium (total)	5.0	10.0
Copper	5.0	10.0
Cyanide (oxidizable)	2.0	4.0
Cyanide (total)	4.0	8.0
Lead	(2)	(2)
Mercury	(2)	(2)
Nickel	5.0	10.0
Zinc	5.0	10.0
Ammonia NH3-N	125 ppm	250 ppm

* Based on twenty-four (24) hour flow-proportionate composite sample.

(1) Consistent with treatment plant capacity.
(2) Cadmium, mercury and lead discharges are severely restricted due to limitations placed on the disposal of sewage sludge containing cadmium, mercury and/or lead. Actual allowable discharge concentrations for these constituents will be determined on a case by case basis.

No person shall discharge wastewater containing any of the materials listed herein into the municipal sewer system or shall have any connection to the municipal sewer system without obtaining written permission from the approving authority.

1,1,1,2-Tetrachloroethane
1,1,2-Trichloroethane
1,1-Dichloropropane
1,1-Dichloroethane
1,1-Dichloroethlyene
1,2 trans, dichloroethylene
1,2,3, 7,8,9-Hexachlorodibenzo-P-Dioxin
1,2,3,4,6,7,8-Heptachlorodibenzofuran
1,2,3,4, 6,7,8-Heptachlorodibenzo-P-Dioxin
1,2,3,4,7,8 Hexachlorodibenzo-P-Dioxin
1,2,3,4,7,8,9-Heptachlorodibenzofuran
1,2,3,4,7,8-Hexachlorodibenzofuran
1,2,3,6,7,8-Hexachlorodibenzofuran
1,2,3,6,7,8-Hexachlorodibenzo-P-Dioxin
1,2,3,7,8,9-Hexachlorodibenzofuran
1,2,3,7,8-Pentachlorodibenzofuran
1,2,3,7,8-Pentachlorodibenzo-P-Dioxin
1,2,3-Trichloropropane
1,2-Cis, dichloroethylene
1,2-Dibromo-3-Chloropropane
1,2-Dichloroethane
1,2-Dichloropropane
1,3-Dichloropropene
1,4-Dichlorobenzene(p)
2,2-Dichloropropane
2,3, 7, 8-Tetrachlorodibenzo-P-Dioxin
2,3,4,6,7,8-Hexachlorodibenzofuran
2,3,4,7,8-Pentachlorodibenzofuran
2,3,7,8-Tetrachlorodibenzofuran
2,4-Dinitroluene
2,4-Dinitrophenol
2-Chlorophenol
3,3-Dichlorobenzidene
Acrylonitrile
Aldrin
Alpha BHC
Aluminum
Barium
Benzene
Benzo (a) pyrene
Benzotrichloride
Beryllium
Bis (2-ethylhexyl)phthalate (DEHP)

Bromobenzene
Bromodichloromethane
Bromoform
Carbon tetrachloride
Chlordane
Chlorobenzene
Chlorodibromomethane
Chloroethane
Chloroform
Cumene
DDT/DDE/DDD
Dibutylphthalate
Dichloroethyl ether (Bix (2-chloroethyl))
Dieldrin
diisobutylenes
Dimethylnitrosamine
Ethyl benzene
Heptachlor
Hexachlorobenzene
Hexachlorobutadiene
Isopropylbenzene
Lindane
M-Dichlorobenzene
Methyl chloride (Chloromethane)
Molybdenum
O,M,P-Xylenes
O-Chlorotoluene
Octachlorodibenzofuran
Octachlorodibenzo-P-Dioxin
O-Dichlorobenzene
PCB-1260
Para-Dichlorobenzene
P-Chlorotoluene
Phenols
Pyrene
Tin
Titanium
Toluene
Total Heptachlorodibenzofurans
Total Heptachlorodibenzo-P-Dioxins
Total Hexachlorodibenzofurans
Total Hexachlorodibenzo-P-Dioxins
Total Pentachlorodibenzofurans
Total Pentachlorodibenzo-P-Dioxins
Total Tetrachlorodibenzofurans
Total Tetrachlorodibenzo-P-Dioxins
Toxaphene (chlorinated camphene)
Trichloroethylene
Vinyl chloride

Approving authority reserves the right to modify this list of materials prohibited from entering the POTW as may become necessary.

Table 2
Guidance Concentrations in Municipal Sewage Treatment Influent

Parameter	South Plant Average Influent Concentrations	North Plant Average Influent Concentrations
BOD (Biochemical oxygen demand)	(1)	(1)
SS (Settleable solids)	(1)	(1)
TSS (Total suspended solids)	(1)	(1)
Nitrogen (Total Kjeldahl)	(1)	(1)
pH	6—9	6—9
Temperature	(2)	(2)
Arsenic	—	—
Cadmium	0.033 ppm	0.033 ppm
Chromium (Hexavalent)	—	—
Chromium (Total)	0.375 ppm	0.375 ppm
Cyanide (Oxidizable)	—	—
Cyanide (Total)	0.605 ppm	0.605 ppm
Lead	0.25 ppm	0.25 ppm
Mercury	0.0042 ppm	0.0042 ppm
Nickel	0.273 ppm	0.273 ppm
Zinc	1.0 ppm	1.0 ppm
Copper	0.5 ppm	0.5 ppm
Silver	0.0294 ppm	0.0294 ppm
Phenols	4.5 ppm	4.5 ppm
Oil & Grease	100 ppm	100 ppm
Toluene	0.429 ppm	2.0 ppm
Phenol	1.273 ppm	0.909 ppm
Methylene Chloride	0.25 ppm	0.25 ppm
Benzene	0.100 ppm	0.043 ppm
1,1,1 Trichloroethane	0.5 ppm	0.25 ppm
Ethyl Benzene	0.04 ppm	0.04 ppm
Carbon Tetrachloride	0.075 ppm	0.075 ppm
Chloroform	0.224 ppm	0.368 ppm
Tetrachloroethylene	0.139 ppm	0.139 ppm
Trichloroethylene	0-15 ppm	0-15 ppm
1,2 Transdichloroethylene	0-3 ppm	0-3 ppm
Naphthalene	0.312 ppm	0.312 ppm
Bis(2 Ethyl Hexyl) Phthalate	0.105 ppm	0.105 ppm
Butyl Benzl Phthalate	0.333 ppm	0.333 ppm
Di-n-butyl Phthalate	0.0625 ppm	0.0625 ppm
Diethyl Phthalate	0.222 ppm	0.222 ppm

Mass Limitations. No individual shall discharge a mass loading of the compounds detailed in Table 2 more than fifteen (15) percent of the average allowable influent loading on a daily average maximum level. When comparing these mass limitations and the concentration based on limitations in Table 1, whichever limitation that is more restrictive will apply, unless a variance is obtained as described in subsection C of this section.

(1) Consistent with treatment plant capacity as determined by the Division of Public Works. (2) Temperature always to be less than one hundred four (104) degrees Fahrenheit (forty (40) degrees Centigrade).

(Ord. 5099 § 3, 2005; Ord. 4023 § 1, 3-26-91; Code 1985 § 33-104)

Sec. 13-24-5 Discretionary actions of approving authority with respect to restricted discharges.

A. If any waters or wastes are discharged or are proposed to be discharged to the public sanitary sewers, which waters contain the substances or possess the characteristics enumerated in Section 13-24-4 and which, in the judgment of the approving authority, are incompatible with the capacities of the treatment works and may therefore have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the approving authority shall do one of the following:

1. Reject the wastes;

2. Require pretreatment or an acceptable condition for discharge to the public sanitary sewers;

3. Require control over the quantities and rate of discharge;

4. Require payment to cover the added cost of handling and treating the wastes, as provided in Chapter 13-28.

B. If the approving authority permits the pretreatment or equalization of waste flows, the design and installation of any nonprocess pretreatment or flow equalization system installed in connection therewith shall be subject to the review and approval of the approving authority and subject to the requirements of all applicable ordinances and laws. However, this section shall not be interpreted as granting the approving authority any rights to inspect or to require the approval of manufacturing process changes instituted for the purpose of correcting pretreatment or flow equalization problems.

C. Interceptors, traps or separators shall be provided by industrial and commercial dischargers (in addition to those cases specified in Section 13-24-4(A)(2)) when, in the opinion of the approving authority, they are necessary for the proper handling of water or waste containing such materials as grease, sand, flammable liquids, substances which may solidify or become viscous in the system or other harmful ingredients. In maintaining these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by the approving authority. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-105)

Sec. 13-24-6 Maintenance and inspection of preliminary treatment or flow equalization facilities.

Where preliminary treatment or flow equalization facilities are required for any water or wastewater, they shall be maintained continuously and satisfactorily and in effective operation by the owner at his or her expense and shall be subject to periodic inspection by the approving authority. The owner shall maintain and make available, as requested, operating records as prescribed by the approving authority. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-106)

Sec. 13-24-7 Control facilities for sampling and observation of industrial wastes.

When required by the approving authority, the owner of any property serviced by a sewer carrying industrial wastes shall install a suitable control facility together with such necessary meters and other appurtenances in the sewer to facilitate observation, sampling and measurement of the wastes. As a minimum, those industries with an average daily maximum BOD5 of ten thousand (10,000) pounds per day or greater and/or with concentrations of one or more of the incompatible waste constituents listed in Table 1 of Section 13-24-4 shall install a monitoring manhole. Those parameters identified in Table 2 of Section 13-24-4 shall be used as guidance in developing the monitoring program. The facility, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the approving authority. The facility shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times. Plans for such facilities for the installation of control and related equipment must be

approved by the approving authority before construction is begun. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-107)

Sec. 13-24-8 Measurement and testing methods.

All measurements and tests and analyses of the characteristics of waters and wastes to which reference is made in Chapters 13-4 through 13-36 shall be determined in accordance with the current edition of Standard Methods for the Examination of Water and Waste Water, published by the American Public Health Association or as specified by the division of public works and shall be determined at the control facility provided or upon suitable samples taken at such control facility. Laboratory procedures shall be periodically reviewed by the approving authority and appropriate modifications implemented by the user where unacceptable procedures are identified. In the event that no special facility has been required, the control facility shall be considered to be the nearest downstream manhole in the public sanitary sewer to the point at which the sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. For users without a sewer use agreement, the particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended-solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples. Those users operating under a sewer use agreement will have the method, sample point and frequency of sampling stated in the agreement. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-108)

Sec. 13-24-9 Alternate data bases for determination of waste characteristics.

Until an adequate analysis of a representative sample of the user's waste has been obtained, the approving authority may, for the purpose of Chapters 13-4 through 13-36, make a determination of the character and concentration of the waste by using data based on analyses of similar processes or data for this type of business that are available. This method, if selected by the approving authority, shall continue until an adequate analysis has been made. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-109)

Sec. 13-24-10 Accidental and slug discharges.

A. Each user shall provide protection from accidental and/or slug discharge of prohibited materials or other substances regulated by these regulations. Facilities to prevent accidental and/or slug discharge of prohibited material shall be provided and maintained at the owner of user's own cost and expense. Detailed plans showing facilities and operation procedures to provide this protection shall be submitted to the department for review and shall be approved by the department before construction of the facility. The plan shall contain, at a minimum, the following elements:

1. Description of discharge practices, including nonroutine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the POTW of slug or accidental discharge, including any discharges that would violate a prohibition under Section 13-24-3, with procedures for follow-up written notification within five days;
4. 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 operation, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (include solvents) and/or measure and equipment for emergency response.

B. All existing users shall complete such a plan within three months of notice to do so by the department. No user who commences a new discharge to the POTW after effective date of these regulations shall be permitted to introduce pollutants into the system until accidental and/or slug discharge procedures have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of these regulations. In the case of accidental discharge, it is the responsibility of the user to immediately notify the department of the incident. The notification shall include volume of discharge, duration of event and corrective actions.

1. Written Notice. Within five days following an accidental discharge the user shall submit to the department a detailed written report describing the cause 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 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 user of any fines, civil penalties or other liability which may be imposed by these regulations or other applicable law.

2. Notice to Employees. A notice shall be permanently posted on the user's bulletin board(s) or other prominent places advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-110)

Sec. 13-24-11 Discharge hauled wastes.

In accordance with Federal Regulation, 40 CFR 403.5(b)(8), trucked or hauled pollutants shall not be introduced into a POTW except at the discharge points designated by the POTW.

To comply with these regulations no person may discharge hauled wastewater of any type into the sewer system except at a discharge point designated by the city of Memphis and with proper license, approval and manifest. Alternate site locations must be approved or designated by the director of public works of the city of Memphis or his designate. No hauled wastewaters shall be discharged at any point in any sewer system which is treated by the city of Memphis wastewater treatment plants except at the designated discharge point. Sewer systems treated by the city of Memphis treatment plants include all sewer systems located in Memphis, and Germantown, and certain systems located in Bartlett, Lakeland, unincorporated Shelby County, unincorporated Desoto County, Mississippi, Southaven, Mississippi, and Horn Lake, Mississippi.

Any person engaged in the hauling of wastewater to the city of Memphis' designated point must obtain a waste hauler permit. Waste hauler permits can be obtained from the Memphis and Shelby County Plumbing Code enforcement department. Permitted haulers shall be responsible for complying with all the terms and conditions contained in the permit, in addition to Section R.5 of the Septic Cleaner Regulations of the Memphis and Shelby County Plumbing Code. Additionally, if the waste hauler intends to use the city of Memphis disposal site, the hauler must obtain a disposal agreement from the city of Memphis division of public works and shall be responsible for complying with all the terms and conditions contained in the agreement and the city of Memphis Sewer Use Ordinance. All trucks must be marked with the company name, phone number, waste hauler permit number, city and state. The tank must also be marked with the company name and capacity of the tank in gallons.

Hauled wastewaters permitted for disposal at the designated discharge point with properly completed manifest, but without prior written approval, include only residential household septic tanks, restaurant grease traps, drive-through carwash traps, and portable toilets. These four types of wastes will be accepted at the discharge point for a charge based on a rate established by the division of public works in accordance with the gallon capacity of the truck, notwithstanding the originating point of the wastewater.

No industrial wastewater and/or wastewater of any kind originating from an industrial entity located in the city of Memphis sewer service area maybe picked up for disposal unless the entity producing the waste has a letter of approval from the city of Memphis environmental department. The generator of the waste must write a letter containing all required information requesting approval to dispose of the waste and must receive the letter of approval prior to the pick up of the waste. A copy of the approval letter and properly completed manifest must accompany the permitted waste hauler during the disposal at the city of Memphis' designated discharge point. The disposal fee will be a charge based on a rate established by the division of public works in accordance with the gallon capacity of the truck.

Special permits can be obtained, upon approval by the city of Memphis, for the disposal of portable toilet wastewater at specific locations within the city of Memphis sewer service area. No other hauled wastewater shall be disposed of at these locations. The disposal fee will be based on the domestic fee set in Section 13-28-1 of this code.

Industrial wastewaters and sludges generated outside the city of Memphis sewer service area will have to be evaluated on a case by case basis. The disposal fees for such waste will be based on the type of wastewater generated and must be agreed upon with the generator of the waste and the city of Memphis prior to transporting the waste. After the city and the waste generator have agreed in a formalized document, a letter of approval must be issued, and a copy of the approval letter must accompany the licensed waste hauler during the disposal in addition to the properly completed manifest. The disposal fee will be determined on a case-by-case basis for industrial wastewaters and sludges from outside the city of Memphis sewer service area.

No hazardous waste may be picked up from any source for disposal at the city of Memphis' designated discharge point. All hauled wastewater must have a pH of 5.5 standard units or above and have been certified by the originator of the wastewater as containing no compounds in concentrations that would make the wastewater classified as a hazardous waste. Decanting or back flushing of the grease trap or its wastes for the purpose of reducing the volume to be hauled is prohibited.

Failure to renew and/or obtain a waste hauler permit or recurrence of late payment of disposal fees will result in the waste hauler not being allowed to use the city of Memphis' designated discharge point for disposal.

A. Violations and Enforcement Actions. A violation of any of the foregoing shall result in enforcement actions which may include administrative fines, withdrawal of the privilege to use the city of Memphis wastewater system, and suspension of the existing waste hauler permit and/or prohibition from obtaining a new waste hauler permit.

Any person who willfully and negligently violates permit conditions shall be subject to criminal penalties imposed by the state of Tennessee and/or the United States.

B. Specific Charge for Hauled Waste Transported for Disposal at the Discharge Point Designated by the City of Memphis. The disposal fee charge for hauled wastewater originated from residential household septic tanks, restaurant grease traps, drive through car washes, portable toilets, and industrial wastewater and sludges generated in the city of Memphis sewer service area shall be a flat rate based upon the volume of the truck (tank capacity). All customers will be charged on a volumetric charge based on rate in cents per gallon of wastewater multiplied by the capacity in gallons of the truck hauling the wastewater. The rate will be reviewed and adjusted if necessary annually by the division of public works. The disposal fee will be determined on a case-by-case basis for industrial wastewaters and sludges from outside the city of Memphis sewer service area. (Ord. 5099 § 4, 2005: Ord. 4023 § 1, 3-26-91; Code 1985 § 33-111)

Chapter 13-26

FOOD ESTABLISHMENT WASTEWATER

Sections:

13-26-1	**Waste disposal—Construction plans approval and permit required.**
13-26-2	**Subject to industrial wastewater limitations.**
13-26-3	**Permit for food establishment wastewater discharge.**
13-26-4	**Permit application.**
13-26-5	**Duration of permits.**
13-26-6	**Transfer of permit.**
13-26-7	**Revocation of food establishment wastewater permit.**
13-26-8	**Grease pretreatment required.**
13-26-9	**Maintenance reports.**
13-26-10	**Penalty for violation and civil liability.**

Sec. 13-26-1 Waste disposal—Construction plans approval and permit required.

A. Grease Trap Required: All food service establishments discharging wastewater to the city's wastewater facilities shall install, operate, and maintain a sufficiently sized oil and grease, water and solids separator (hereinafter called grease trap) necessary to prevent the accumulation of oil and grease in the sewer collection system. Approval of the city of Memphis, division of public works, shall be required during the construction plans approval process.

B. Design Criteria. All grease traps used in conjunction with food service establishments shall have the capacity of fifteen (15) gallons per seat of dining capacity, except that no single grease trap shall be smaller than seven hundred fifty (750) gallons or larger than three thousand (3,000) gallons. In certain cases, multiple grease traps may be utilized. Alternative treatment technologies shall be considered on a case-by-case basis for food establishments that are to be located in an existing building where a large grease trap is not feasible.

C. General Permit to Discharge. All food establishments shall obtain a permit to discharge to the wastewater system from the approving authority. This permit shall be posted on the premises and renewed as needed. (Ord. 5099 § 5 (part), 2005)

Sec. 13-26-2 Subject to industrial wastewater limitations.

Wastewater discharged into public sewers from facilities engaged in preparing food for consumption by the public shall be subject to the limitations set forth in Sections 13-24-3 and 13-24-4 of this code and such other conditions and requirements as are set forth in Section 13-26-3. The permit for food establishment wastewater discharge shall be subject to all provisions of this ordinance and all other regulations, user charges, and fees established from time to time by resolution of the council of the city of Memphis. (Ord. 2099 § 5 (part), 2005)

Sec. 13-26-3 Permit for food establishment wastewater discharge.

The permit for food establishment wastewater discharge may require pretreatment of wastewater before discharge, restriction of peak flow discharges, discharge of certain wastewater only to specified sewers of the city, relocation of point of discharge, prohibition of discharge of certain wastewater components, restriction of discharge to certain hours of the day, payment of additional charges to defray increased costs of the city created by the wastewater discharge, and such other conditions as may be required. (Ord. 5099 § 5 (part), 2005)

Sec. 13-26-4 Permit application.

Persons seeking a food establishment wastewater discharge permit shall complete and file with the approving authority, an application in the form prescribed by the approving authority. The applicant may be required to submit, in units and terms appropriate for evaluation, the following information:

Name and address of applicant;

Volume of wastewater to be discharged;

Time of daily food preparation operations;

Description of food preparation, dining room capacity by seats, number of employees, and size of kitchen;

Any other information as maybe deemed by the approving authority to be necessary to evaluate the permit application.

The approving authority will evaluate the data furnished by the applicant and may require additional information. After evaluation and acceptance of the data furnished, an on-site inspection of the waste discharge system, treatment systems or other systems relating to the waste discharge may be required. The approving authority may then issue a food establishment wastewater discharge permit subject to the terms and conditions provided herein. (Ord. 5099 § 5 (part), 2005)

Sec. 13-26-5 Duration of permits.

Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. If the permittee is not notified by the city thirty (30) days prior to the expiration of the permit; the permit shall be extended one additional year. The terms and conditions of the permit may be subject to modification and change by the city during the life of the permit as limitations or requirements as identified in Sections 13-24-3 and 13-24-4 are modified and changed. The permittee shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. (Ord. 5099 § 5 (part), 2005)

Sec. 13-26-6 Transfer of permit.

Food establishment wastewater discharge permits shall be issued only for specific use for a specific operation. Any sale, lease, transfer, or assignment of the premises or operation for which the permit was issued shall require a new permit to be issued. Any new or changed conditions of operation shall require a new permit to be issued. (Ord. 5099 § 5 (part), 2005)

Sec. 13-26-7 Revocation of food establishment wastewater permit.

The approving authority may revoke the permit of any permittee who is found to be in violation of this ordinance or who:

Fails to install grease pretreatment devices as required by permit;

Fails to fulfill reporting requirements or pretreatment maintenance as required by permit;

Refuses reasonable access to the permittee's premise for the purpose of inspection or monitoring; or

Violates conditions of the permit. (Ord. 5099 § 5 (part), 2005)

Sec. 13-26-8 Grease pretreatment required.

Permittee shall make wastewater acceptable under the limitations established herein before discharging to any public sewer. All permittees shall be required to install an approved type grease pretreatment device in the waste line leading from the food preparation area, or from sinks, drains, appliances, and other fixtures or equipment used in food preparation or cleanup where grease may be introduced into the sewerage system. Such grease pretreatment devices shall be installed to remove grease from wastewater and shall be maintained in efficient operating conditions by periodic removal of the accumulated grease. No such collected grease shall be introduced into any drainage piping or public sewer.

Each permittee shall also be required to provide a collection drum or container for the purpose of physically segregating oils, greases, and greasy solids. Permittees shall establish procedures for personnel to practice maximum segregation of oils, greases, and greasy solids to the collection drum or container prior to washing and other water cleaning, which goes into sewers. The permittee shall be responsible for the proper removal and disposal by appropriate means of the material captured from either grease pretreatment devices on wastewater lines or the collection drum for segregating oils, grease, and greasy solids. (Ord. 5099 § 5 (part), 2005)

Sec. 13-26-9 Maintenance reports.

The approving authority shall require the permittee to keep records of grease pretreatment device cleaning, maintenance and grease removal on site. The approving authority may require the permittee to provide results of periodic measurements of its discharge, which is to include chemical analysis of oil and grease content. Permittees shall allow the city or its representative ready access at all reasonable times to all parts of the premises for purposes of sampling and inspections. (Ord. 5099 § 5 (part), 2005)

Sec. 13-26-10 Penalty for violation and civil liability.

Any person(s) discharging wastewater in violation of the food establishment wastewater discharge permits is subject to fines, penalties, cost recovery, injunction, termination of sewer service, permit revocation, and/or such other remedies as are available to the approving authority under Section 13-36-3 of this code (ord. 5099 § 5 (part), 2005)

Chapter 13-28

SEWER FEES AND CHARGES

Sections:

13-28-1	**Established—Bases for determination.**
13-28-2	**Distribution of funds—Accounting therefor.**
13-28-3	**Sewer fee review.**
13-28-4	**Appeals.**
13-28-5	**Grays Creek special sewer service district 1.**
13-28-6	**Loosahatchie River special sewer service area.**
13-28-7	**Billing and collection.**
13-28-8	**Mary's Creek special sewer service area.**
13-28-9	**Grays Creek special sewer service district 2.**

Sec. 13-28-1 Established—Bases for determination.

A. Requirements Generally. In accordance with Public Law 92-500 and Title 40, Chapter 1, Subchapter B, Part 35, Subpart E, Section 35.925-11, which requires the city to implement a wastewater treatment user's charge, each user will pay its proportionate share of the cost for operation and maintenance of the total treatment works. Direct and incidental costs to the city including, but not limited to, administrative, technical and legal expenses, shall be considered a part of the cost of operations and maintenance of the total treatment works. There shall be two types of charges: the first type of charge is volumetric charge; the second is a charge for treating wastewater which has an excessive strength.

B. Sewer Service Charge. The sewer service charge shall be made up of two types of charges.

1. Volumetric Charge. All customers will be charged a volumetric charge based on the equivalent strength of domestic sewage (BOD5 of two hundred fifty (250) milligrams per liter, SS of three hundred (300) milligrams per liter). Since seven and forty-eight one hundredths (7.48) gallons equals one cubic foot, one thousand (1,000) gallons equals 133.689 cubic feet (cf) or one thousand (1,000) gallons equals 1.33629 hundred cubic feet (cf). The volumetric charge per one thousand (1,000) gallons shall be based on the following formula:

$$VC(1000) = 1{,}000 \left[\frac{1}{Q}(T(Q)) + \frac{1}{Q}\frac{(T(B)\,B(R))}{B} + \frac{T(S)S(R)}{S} \right]$$

The factors in this formula are based on a projected three year average. Due to the annual debt, service, capital costs, treatment and operations, and maintenance costs, the volumetric charge will be 87.5 cents per one thousand (1,000) gallons of flow until changed by amendment to this section. A residential maximum volume fee of eighteen dollars ($18.00) and a minimum of two dollars and twenty-five cents ($2.25) per month per individual dwelling unit is herewith established.

Commencing and retroactive to July 1, 2004 the 87.5 cents flow charge fee shall be assessed against the name in which a meter has been installed; provided, further, however, in the case of multifamily dwellings a portion of this cost may be recovered through a monthly flat rate per customer charge. The charge, as determined by the director of public works, shall not exceed three dollars and seventy-five cents ($3.75) per monthly flat rate charge per customer. Amounts collected through any monthly flat rate charge shall be credited to the appropriate master meter flow charge fee. Billing of any such cost shall be made in accordance with Section 13-28-7.

Commencing July 1, 2004 all industrial customers assigned an industrial discharge agreement will be charged a sewer fee of 87.5 cents per one thousand (1,000) gallons of flow for the first ten million gallons per month discharged by each industrial customer. For volumes in excess of ten million (10,000,000) gallons per month each industrial customer will be charged a volumetric sewer fee according to the following schedule:

From July 1, 2004 through December 31, 2004	61.3 cents per 1000 gallons
From January 1, 2005 through December 31, 2005	65.6 cents per 1000 gallons
From January 1, 2006 through June 30, 2006	74.4 cents per 1000 gallons
Beginning July 1, 2006	87.5 cents per 1000 gallons

The above industrial sewer fee schedule will remain in effect until changed by amendment to this section.

U(B) = BOD loading in excess of 250 milligrams per liter

T(B) = Treatment costs assigned to BOD (includes debt service, operation, maintenance and replacement costs)

B = Total BOD loading or BOD capacity of treatment plants, whichever is less

U(S) = Suspended solids loading in excess of 300 milligrams per liter

T(S) = Treatment costs assigned to suspended solids (includes debt service, operation, maintenance, and replacement costs)

S = Total suspended solids loading or suspended solid capacity of treatment plants, whichever is less

Effective 1 July 2004, all non-governmental industrial customers with valid city of Memphis issued sewer discharge agreements having wastewater flows less than ten million (10,000,000) gallons per month will pay one hundred (100) percent of the latest adopted sewer rate for all wastewater discharged up to a fee amount of one thousand dollars ($1,000.00) per month. All wastewater discharge costs in excess of one thousand dollars ($1,000.00) per month will be adjusted per the following schedule:

1 July 2004 through 30 June 2005: 20% increase over FY04 rates

1 July 2005 through 30 June 2006: 30% increase over FY04 rates

Beginning 1 July 2006, all industrial customers will pay one hundred (100) percent of the then current sewer rate. This fee schedule will remain in effect until changed by amendment to this section.

Sampling frequency for determination of the ATC will be specified in the sewer use agreement.

COD or TOC analytical results may be used in lieu of the BOD test if the DOD test is not applicable due to a toxic effect of the wastewater or a substantial correlation can be developed between HOD and the substitute test and if allowed by the approving authority. If a BOD test is not applicable due to a toxic effect, then the approving authority has the authority to require the discharger to determine the cause of the toxic effect and then to eliminate the constituent causing the toxic effect.

C. Cooperative Agreements. The sewer service charges in this section are applicable to every person inside and outside the corporate limits of the city whose sewage or wastewater empties into the city's sewage system for eventual disposal through the sewage system and sewage or wastewater treatment plants. The city shall enter into appropriate agreements with the county and all other municipalities in the county or elsewhere using the city's sewage system for the disposal of their sewage or wastewater, which agreements shall provide for the implementation of the charges herein and the billing and collection thereof. Such county and municipalities shall be required to enter into such agreement in order to continue their position of discharging their sewage and wastewater through the sewerage system established by the city. All funds collected shall be deposited with the city in the sewer treatment fund in accordance with applicable agreements.

D. Private Wells. Those users having private wells will install either water meters on the wells or approved metering devices on wastewater discharged to the city sewers. Users will be classified as residential or commercial industrial according to classifications established by the light, gas and water division or other water-serving utility.

Any user desiring to exercise his or her option of installing an approved metering device shall notify the approving authority of his or her exercise of the option and the approving authority from the date of installation of the metering device shall adjust its charges back to the date of the notice of the user to install the metering device or ninety (90) days, whichever is sooner and such adjustment shall be based upon the average charge for the ninety (90) days following the installation of the metering device. Those users having private wells shall have ninety (90) days in which to install a water meter or a metering device for measuring wastewater discharged into the city sewer system. The city shall estimate charges for the period of time prior to the installation of the device and shall adjust the charges based on ninety (90) days' experience after the installation of the device. If a private well owner installs a water meter and thereafter elects to install a metering device for measuring wastewater discharge into the city sewerage system, then he or she likewise shall have his or her charges adjusted from the time of the installation of the device back to the date of notice to the approving authority or ninety (90) days, whichever is sooner and such adjustment shall be based on the charges for ninety (90) days following the installation. Wherever used in this section, the word "sewer" shall mean "sanitary sewer." (Ord. 5099 § 6, 2005; Ord. 5036 § 1 (part), 2004; Ord. 4023 § 1, 3-26-91; Code 1985 § 33-131)

Sec. 13-28-2 Distribution of funds—Accounting therefor.

The approving authority shall institute an accounting system reflecting an equal distribution of total funds produced under the division based upon the respective needs of each segment of the wastewater treatment operations and maintenance functions, including but not limited to, treatment plant operations; sewer maintenance; sewer design; sewer construction; pollution control monitoring; wastewater treatment capital improvements bond indebtedness loan repayments; direct and incidental costs to the

city, including, but not limited to, administrative, technical and legal expenses and other expenditures necessary for an effective wastewater treatment program. Revenue generated under this chapter shall be used exclusively for the wastewater treatment program. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-132)

Sec. 13-28-3 Sewer fee review.

Costs used in the above formulas shall be based upon a five-year average, and rates generated under Chapters 13-4 through 13-36 shall be reviewed annually and approved or adjusted by the city council resolution. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-133)

Sec. 13-28-4 Appeals.

Appeals related to sewer use fees, connection fees, development fees and/or sewer extension fees in situations in which the owner, user, company, etc., feels that extenuating circumstances exist that warrant a modification of the applicable fee should be made to the director of public works. The director of public works shall have authority to modify or waive fees as is considered appropriate. The decision of the director of public works shall be final. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-134)

Sec. 13-28-5 Grays Creek special sewer service district 1.

There is now established the Grays Creek special sewer service district 1. Due to the cost of designing, construction and financing a sewer system for the Grays Creek drainage basin the following sewer infrastructure surcharge fees are established for any person directly or indirectly served by the Grays Creek outfall sewer:

A. Residential lot infrastructure surcharge development fee (which fee shall be in addition to normal development fees) shall be one thousand dollars ($1,000.00) per lot.

B. Multifamily dwelling infrastructure surcharge development fee (which fee shall be in addition to normal development fees shall be the greater of three thousand five hundred dollars ($3,500.00) per acre or four hundred fifteen dollars ($415.00) per lot.

C. Commercial and industrial multiunit building infrastructure surcharge development fee (which fee shall be in addition to normal development fees) shall be the greater of fifty dollars ($50.00) per front foot or three thousand five hundred dollars ($3,500.00) per acre.

D. Residential and commercial infrastructure user surcharge fee (which shall be in addition to normal user fees) shall be six dollars ($6.00) per month.

E. Industrial user infrastructure surcharge fee (which shall be in addition to normal user fees) shall be sixty cents ($0.60) per one thousand (1,000) gallons. (Ord. 5196 § 2, 12-19-06; Ord. 4443 § 3, 11-5-96; Code 1985 § 33-135)

Sec. 13-28-6 Loosahatchie River special sewer service area.

There is now established the Loosahatchie River special sewer service area. Due to the cost of designing, constructing and financing a sewer system for the Loosahatchie River Drainage Basin east of the Illinois Central railroad and north of the existing city limits for the city (as of March 31, 1999), the following sewer infrastructure surcharge fees are established for any person directly or indirectly served by the Loosahatchie River interceptor within the bounds delineated above.

A. Residential lot infrastructure surcharge development fee (which fee shall be in addition to normal development fees) shall be one thousand dollars ($1,000.00) per lot.

B. Multifamily dwelling infrastructure surcharge development fee (which fee shall be in addition to normal development fees) shall be the greater of three thousand five hundred dollars ($3,500.00) per acre or four hundred fifteen dollars ($415.00) per lot.

C. Commercial and industrial multiunit building infrastructure surcharge development fee (which fee shall be in addition to normal development fees) shall be the greater of fifty dollars ($50.00) per front foot or three thousand five hundred dollars ($3,500.00) per acre. (Ord. 4734 § 1, 1-18-00; Code 1985 § 33-136)

Sec. 13-28-7 Billing and collection.

A. The sewer service charge shall be included each month on the bills rendered by the light, gas and water division or other serving utility, in accordance with its standard billing practices. Such charges shall be rendered on the first bill of the serving utility sent out on and after June 1, 1979 and for each month thereafter. Billings separate from those made by the light, gas and water division, as determined by the director of public works, may be made to commercial and industrial users. Failure to pay the sewer service charge within thirty (30) days from due date of the utility statement shall be grounds for terminating water service by the serving utility.

B. When service commences or ceases, applicable charges may be prorated.

C. If service shall be supplied to a location, the occupant or tenant of which was vacated and the city is satisfied that there has been a termination of sewer service,

then the city, on timely application of the owner or agent thereof, may suspend liability for such charges and such charges shall be reinstated for the next utility bill rendered to the occupant or tenant of such premises.

D. Charges based on metered measurement of volume discharged to the sewer system and/or additional treatment costs based on wastewater strength, shall be paid monthly to the city in a manner prescribed by the approving authority.

E. The sewer service charges are applicable to every person, inside and outside the corporate limits of the city, whose sewage and wastewater empties into the city's collection and treatment systems.

F. Credit for prior billing errors is limited to errors occurring less than or equal to twelve (12) months prior to the date that the claim for credit is made by residential or commercial customers.

G. In accordance with the apartment credit program the approving authority has the right to charge each tenant three dollars and seventy-five cents ($3.75) per month if so requested in writing by the apartment owner. The total amount collected will then be credited against the amount billed from the master water meter reading each month.

H. Commercial and industrial users that are billed separately from the MLG&W billing system will be charged a late fee of one percent or two hundred dollars ($200.00), whichever is less, for any portion of each month in which billing information as required is not submitted to the sewer billing office by the fifteenth of each month for the previous month. (Ord. 5099 § 7, 2005; Ord. 5036 § 1 (part), 2004; Ord. 4023 § 1, 3-26-91; Code 1985 § 33-156)

Sec. 13-28-8 Mary's Creek special sewer service area.

There is now established the Mary's Creek special sewer service area. Due to the cost of designing, constructing, and financing a sewer system for the Mary' s Creek special drainage basin the following sewer infrastructure surcharge fees are established for any person directly or indirectly served by the Mary's Creek. Mary's Creek is a tributary of Grays Creek in an area north of Wolf River, east of the city of Memphis, and in the city of Memphis annexation reserve area as of July, 2004. Mary's Creek runs generally east to west. Sewer service provided Mary's Creek will only serve land in the city and/or city annexation area.

A. Residential lot infrastructure surcharge development fee (which fee shall be in addition to normal development fees) shall be two thousand, two hundred dollars ($2,200.00) per lot.

B. Multi-family dwelling infrastructure surcharge development fee (which fee shall be in addition to normal development fees) shall be the greater of seven thousand seven hundred dollars ($7,700.00) per acre or nine hundred and fifteen dollars ($915.00) per unit.

C. Commercial and industrial multi-unit building infrastructure surcharge development fee (which fee shall be in addition to normal development fees) shall be the greater of one hundred ten dollars ($110.00) per foot, or seven thousand seven hundred dollars ($7,700.00) per acre.

D. Residential and commercial infrastructure user surcharge fee (which shall be in addition to normal user fees) shall be twelve dollars ($12.00) per month.

E. Industrial user infrastructure surcharge fee (which shall be in addition to normal user fees) shall be one dollar and twenty cents ($1.20) per one thousand (1,000) gallons. (Ord. 5070 § 1, 2004)

Sec. 13-28-9 Grays Creek special sewer service district 2.

There is now established the Grays Creek special sewer service district 2. Due to the cost of designing, construction and financing a sewer system for the Grays Creek special sewer service district 2, the following sewer infrastructure surcharge fees are hereby established for any person directly or indirectly served by this portion of the Grays Creek sewer basin. Grays Creek district 2 begins at the upstream terminus of the interceptor constructed under the original Grays Creek special sewer service area (hereinafter called district 1). The general boundaries of district 2 are the Memphis annexation area in the Grays Creek drainage basin that is upstream of a point approximately one mile east of Pisgah Road. This encompasses the area outside of Grays Creek district 1 that is bounded on the north by U.S. Highway 64, on the west by (1) the eastern ridge line of an unnamed tributary to Grays Creek that is approximately two thousand (2,000) feet west of Roland Road; said tributary is north of and drains southwardly into Grays Creek and (2) the eastern ridge line of an unnamed tributary to Grays Creek approximately one thousand eight hundred (1,800) feet east of Pisgah Road; said tributary is south of and drains northwardly into Grays Creek. The southern boundary of this district is the Grays Creek Basin ridge line which generally follows Macon Road east of Pisgah. The eastern boundary is the Shelby County line which is also the eastern limit of the City of Memphis annexation reserve area. Sewer service will only be provided to those areas in Grays Creek district 2 that are within the current limits of the City of Memphis and/or the City of Memphis annexation reserve area.

A. Residential lot infrastructure surcharge development fee (which fee shall be in addition to normal sewer development fees) shall be two thousand dollars five hundred ($2,500.00) per lot.

B. Multifamily dwelling infrastructure surcharge development fee (which fee shall be in addition to normal sewer development fees) shall be the greater of eight thousand seven hundred fifty dollars ($8,750.00) per acre or one thousand forty dollars ($1,040.00) per lot.

C. Commercial and industrial multi-building infrastructure surcharge development fee (which fee shall be in addition to normal sewer development fees) shall be the greater of one hundred twenty-five dollars ($125.00) per front foot, or eight thousand seven hundred fifty dollars ($8,750.00) per acre.

D. Residential and commercial infrastructure user surcharge fee (which shall be in addition to normal sewer user fees) shall be twelve dollars ($12.00) per month.

E. Industrial user infrastructure surcharge fee (which shall be in addition to normal user fees) shall be one dollar twenty cents ($1.20) per one thousand (1,000) gallons. (Ord. 5196 § 1, 12-19-06)

Chapter 13-32

INSPECTION OF WASTEWATER TREATMENT FACILITIES

Sections:

13-32-1	**Authority to enter—Limitation on extent of inquiry.**
13-32-2	**Injury to or by city employees engaged in inspection activities.**
13-32-3	**Authority to enter upon easements for the purposes of inspection of sewerage works.**
13-32-4	**Termination of service upon finding of violation.**

Sec. 13-32-1 Authority to enter—Limitation on extent of inquiry.

Representatives of the approving authority regulatory agency and other duly authorized employees of the city, bearing proper credentials and identification, shall be permitted to enter appropriate property areas at all reasonable times for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of Chapters 13-4 through 13-36. The approving authority shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-141)

Sec. 13-32-2 Injury to or by city employees engaged in inspection activities.

While performing the necessary work on private properties referred to in Section 13-32-1, the approving authority or duly authorized representatives of the city shall observe all safety rules applicable to the premises established by the company. The company shall be held harmless for injury or death to the city employees, except as hereinafter provided, and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the performance of the necessary work on private property by such city employees, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 13-24-7. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-142)

Sec. 13-32-3 Authority to enter upon easements for the purposes of inspection of sewerage works.

The approving authority and other duly authorized representatives of the city, bearing proper credentials and identification, shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewerage works lying within such easement. All entry and subsequent work, if any, on such easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-143)

Sec. 13-32-4 Termination of service upon finding of violation.

The approving authority may enter upon private property and terminate service to the property in which a violation of any rule or regulation of Chapters 13-4 through 13-36 is found to exist. Prior to termination of service, however, the approving authority shall notify, in writing, the owner and tenant, if any, of such property that service is intended to be terminated and conduct a hearing thereon as herein provided. Such notice shall be mailed to the owner at the address shown on the records of the assessor of the county or as known to the clerk and a copy shall be delivered to the tenant or posted conspicuously on the property. The notice shall state the date of the proposed termination of service and reasons therefor and the approving authority shall hold a hearing upon such intended termination. Such hearing shall not be held less than ninety (90) days subsequent to the giving of notice as herein required. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-144)

Chapter 13-36

SEWAGE PRETREATMENT ENFORCEMENT

Sections:

13-36-1	**Local hearing authority.**
13-36-2	**Complaint procedures.**
13-36-3	**Violations and penalties.**
13-36-4	**Damages assessment.**

Sec. 13-36-1 Local hearing authority.

A. General Duties. The local hearing authority, pursuant to Tennessee Code Annotated 3-103, is responsible for the administration and enforcement of the pretreatment program and the said state statute.

B. Hearings. Any hearing or rehearing brought before the local hearing authority shall be conducted in accordance with the following:

1. Upon receipt of a written petition from the alleged violator pursuant to this section, the director shall give the petitioner thirty (30) days' written notice of the time and place of the hearing, but in no case shall such hearing be held more than sixty (60) days from the receipt of the written petition, unless the director and the petitioner agree to a postponement.

2. The hearing herein provided may be conducted by a local hearing authority at a regular or a special meeting.

3. A verbatim record of the proceedings of such hearing shall be taken and filed with the local hearing authority, together with the findings of fact and conclusions of law made pursuant to subdivision 6 of this subsection. The transcript so recorded shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the local hearing authority to cover the costs of preparation.

4. In connection with the hearing, the director shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the Shelby County Chancery Court shall have jurisdiction upon the application of the local hearing authority or the director to issue an order requiring such person to appear and testify or produce evidence as the case may require and any failure to obey such order of the court may be punished by such court as contempt thereof.

5. The local hearing authority may administer oaths and examine witnesses.

6. On the basis of the evidence produced at the hearing, the local hearing authority shall make findings of fact and conclusions of law and enter such decisions and orders as in its opinion will best further the purposes of the pretreatment program and shall give written notice of such decisions and orders to the alleged violator. The order issued under this subsection shall be issued no later than thirty (30) days following the close of the hearing by the person or persons designated by the local hearing authority.

7. The decision of the local hearing authority shall become final and binding on all parties unless appealed to the courts as provided in subsection C of this section.

8. Any person to whom an emergency order is directed pursuant to Section 13-36-3 shall comply therewith immediately but on petition to the local hearing authority shall be afforded a hearing as soon as possible, but in no case shall such hearing be held later than three days from the receipt of such petition by the local hearing authority.

C. Appeal. An appeal may be taken from any final order or other final determination of the local hearing authority by any party, including the pretreatment agency, who is or may be adversely affected thereby, to the chancery court pursuant to the common law writ of certiorari set out in the Tennessee Code Annotated, Section 27-8-101, within sixty (60) days from the date such order or determination is made. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-171)

Sec. 13-36-2 Complaint procedures.

A. Complaint Issued by Director.

1. Whenever the director has reason to believe that a violation of any provision of the pretreatment program of the pretreatment agency or orders of the local hearing authority issued pursuant thereto has occurred, is occurring or is about to occur, the director may cause a written complaint to be served upon the alleged violator or violators.

2. The complaint shall specify the provision or provisions of the pretreatment program or order alleged to be violated or about to be violated, the facts alleged to constitute a violation thereof, may order that necessary corrective action be taken within a reasonable time to be prescribed in such order and shall inform the violators of the opportunity for a hearing before the local hearing authority.

3. Any such order shall become final and not subject to review unless the person or persons named therein request by written petition a hearing before the local hearing authority as provided in subsection (B)(8) of Section 13-36-1, no later than thirty (30) days after the date such order is served; provided, however, that the local hearing author-

ity may review such final order on the same grounds upon which a court of the state may review default judgments.

B. Emergency Circumstances.

1. Whenever the director finds that an emergency exists imperatively requiring immediate action to protect the public health, safety or welfare, the health of animals, fish or aquatic life, a public water supply or the facilities of the publicly owned treatment works of the pretreatment agency, the local administrative officer may, without prior notice, issue an order reciting the existence of such an emergency and requiring that such action be taken as the director deems necessary to meet the emergency up to and including immediate termination of sewer service.

2. If the violator fails to respond or is unable to respond to the director's order, the director may take such emergency action as he or she deems necessary or contract with a qualified person or persons to carry out the emergency measures. The director may assess the person or persons responsible for the emergency condition for actual costs incurred by the local administrative officer in meeting the emergency.

C. Except as otherwise expressly provided, any notice, complaint order or other instrument issued by or under authority of this part may be served on any person affected personally, by the director or any person designated by him or her or such service may be made in accordance with Tennessee statutes authorizing service of process in civil action. Proof of service shall be filed in the office of the director. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-172)

Sec. 13-36-3 Violations and penalties.

A. Violations.

1. Any person including, but not limited to industrial users, who does any of the following acts or omissions shall be subject to a civil penalty of up to ten thousand dollars ($10,000.00) per day for each day during which the act or omission continues or occurs:

a. Violates an effluent standard or limitation imposed by a pretreatment program;

b. Violates the terms or conditions of a discharge agreement issued pursuant to a pretreatment program;

c. Fails to complete a filing requirement of a pretreatment program;

d. Fails to allow or perform an entry, inspection, monitoring or reporting requirement of a pretreatment program;

e. Fails to pay user or cost recovery charges imposed by a pretreatment program;

f. Violates a final determination or order of the local hearing authority or the local administrative officer; or

g. Violates the regulations for transportation or disposal of hauled wastes.

2. Any civil penalty shall be assessed in the following manner:

a. The director may issue an assessment, administrative order, cease and desist order or notice of violation against any person or industrial user responsible for the violation.

b. Any person or industrial user against whom an assessment has been issued may secure a review of such assessment by filing with the director a written petition setting forth the grounds and reasons for his or her objections and asking for a hearing in the matter involved before the local hearing authority and if a petition for review of the assessment is not filed within thirty (30) days after the date the assessment is served, the violator shall be deemed to have consented to the assessment and it shall become final.

c. Whenever any assessment has become final because of a person's failure to appeal the director's assessment, the director may apply to the appropriate court for a judgment and seek execution of such judgment and the court, in such proceedings, shall treat a failure to appeal such assessment as a confession of judgment in the amount of the assessment.

d. In assessing the civil penalty the director may consider the following factors:

i. Whether the civil penalty imposed will be substantial economic deterrent to illegal activity;

ii. Damages to the pretreatment agency, including compensation for the damage or destruction of the facilities of the publicly owned treatment works and also including any penalties, costs and attorneys' fees incurred by the pretreatment agency as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damages;

iii. Cause of the discharge or violation;

iv. The severity of the discharge and its effect upon the facilities of the publicly owned treatment works and upon the quality and quantity of the receiving waters;

v. Effectiveness of action taken by the violator to cease the violation;

vi. The technical and economic reasonableness of reducing or eliminating the discharge;

vii. The economic benefit gained by the violator.

e. The director may institute proceedings for assessment in the chancery court in which all or part of the pollution or violation occurred, in the name of the pretreatment agency.

3. The local hearing authority may establish by regulation a schedule of the amount of civil penalty which can

be assessed by the director for certain specific violations or categories of violations.

a. Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the commissioner of the department of health and environment for violations of Tennessee Code Annotated, Section 69-3-115(a)(1)(F). Provided, however, the sum of penalties imposed by this section and by Tennessee Code Annotated, Section 69-3-115(a) shall not exceed ten thousand dollars ($10,000.00) per day for each day during which the act or omission continues or occurs. The state's share of any additional costs of this section shall be funded in accordance with Tennessee Code Annotated, Section 9-6-303, from the increase in state imposed taxes which are earmarked to counties and which are not designated by such counties for a particular purpose.

4. Any person who willfully or negligently violates any section of this chapter including, but not limited to, Federal Pretreatment Program Standards, wastewater discharge agreement, hauled wastewater permit or food establishment wastewater permit conditions may be subject to criminal and civil penalties and/or injunctive relief imposed by the state of Tennessee and/or the United States.

B. Public Notification and Significant Noncompliance.

1. As required by 40 CFR 403.8, Federal Pretreatment Program Requirement, the city will publish annually in the largest daily newspaper the names of all industrial/commercial users which at any time during the year were in significant noncompliance with applicable pretreatment requirements. For purposes of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

a. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

b. Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH;

c. Any other violation of a pretreatment effluent limit (daily maximum or long term average) 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 general public);

d. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority;

e. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;

f. Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports and reports on compliance with compliance schedules;

g. Failure to accurately report noncompliance;

h. Any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program. (Ord. 5099 §§ 7—8, 2005; Ord. 4023 § 1, 3-26-91; Code 1985 § 33-173)

Sec. 13-36-4 Damages assessment.

A. The director may assess the liability of any polluter or violator for damages to the pretreatment agency resulting from any person's or industrial user's pollution or violation, failure or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program of this section or Section 13-36-1, 13-36-2 or 13-36-3.

B. If an appeal from such assessment is not made to the local hearing authority by the polluter or violator within thirty (30) days of notification of such assessment, he or she shall be deemed to have consented to such assessment and it shall become final.

C. Damages may include any expenses incurred in investigating and enforcing the pretreatment program or Tennessee Code Annotated, Section 69-3-103 in removing, correcting and terminating any pollution and also compensation for any actual damages caused by the pollution or violation.

D. Whenever any assessment has become final because of a person's failure to appeal within the time provided, the director may apply to the appropriate court for a judgment and seek execution on such judgment. The court, in such proceedings, shall treat the failure to appeal such assessment as a confession of judgment in the amount of the assessment. (Ord. 4023 § 1, 3-26-91; Code 1985 § 33-174)

Chapter 13-40

STORMWATER MANAGEMENT AND POLLUTION CONTROL

Article 1
General Provisions

Sections:

13-40-1	Purpose.
13-40-2	Definitions.
13-40-3	Abbreviations.
13-40-4	Unauthorized discharge a public nuisance.
13-40-5	Improper disposal.
13-40-6	Exceptions—Allowable discharges.
13-40-7	Illicit connection defined.
13-40-8	Monitoring and inspection.
13-40-9	Construction activity.
13-40-10	Construction activity regulated.
13-40-11	Construction activity letter of intent required.
13-40-12	Data required in construction activity letter of intent.
13-40-13	Private infrastructure defined.
13-40-14	Maintenance criteria.
13-40-15	Enforcement options.

Article 2
Stormwater Discharges from Industrial Sources

13-40-16	Purpose.
13-40-17	Industry defined.
13-40-18	Right of inspection defined.
13-40-19	Availability of information on discharger to public—Use of information accepted as confidential.
13-40-20	Information required.
13-40-21	SWPPP plan requirements.
13-40-22	Samples.
13-40-23	Reporting.
13-40-24	Stormwater discharge to sanitary sewer—Approval required.
13-40-25	Accidental discharges.
13-40-26	Fraud and false statements.
13-40-27	Administrative enforcement remedies.
13-40-28	Unlawful acts—Misdemeanor.
13-40-29	Civil penalty.
13-40-30	Processing a violation.
13-40-31	Appeal judicial proceedings and relief.
13-40-32	Damages—Disposition of funds.
13-40-33	Records retention.
13-40-34	Requests for reconsideration.

Article 1
General Provisions

Sec. 13-40-1 Purpose.

A. It is the purpose of this chapter to protect, maintain and enhance the environment of the city of Memphis and the short-term and long-term public health, safety and the general welfare of the citizens of the city by controlling discharges of pollutants to the city MS4 and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including without limitation, lakes, rivers, streams, ponds, wetlands and ground water of the city.

B. It is further the purpose of this chapter to enable the city to comply with the NPDES permit and applicable regulations (at 40 CFR 122.26) for stormwater discharges. (Ord. 4538 § 1, 11-18-97; Code 1985 § 33-200)

Sec. 13-40-2 Definitions.

For the purpose of this chapter the following terms, phrases and words and their derivatives, shall have the meaning given herein:

"Accidental discharge" means a discharge prohibited by this chapter into the MS4 which occurs by chance and without planning or consideration prior to occurrence.

"Best management practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollution of stormwater runoff. BMPs also include treatment requirements, operating procedures and practices to control site runoff, spillage or leaks, sludge or waste disposal or drainage from raw materials storage.

"Clean Water Act" or the "Act" means the Federal Water Pollution Control Act, as amended, codified at 33 U.S.C. 1251 et. seq.

"Commercial" means property devoted in whole or in part to commerce, that is, the exchange and buying and selling of commodities or services. The term shall include, by way of example, but not be limited to, the following businesses: amusement establishments, animal clinics or hospitals, automobile service stations, automobile dealerships for new or used vehicles, automobile car washes, automobile and vehicular repair shops, banking establishments, beauty and barber shops, bowling alleys, bus terminals and repair shops, camera shops, dental offices or clin-

ics, day care centers, department stores, drug stores, funeral homes, furniture stores, gift shops, grocery stores, hardware stores, hotels, jewelry stores, laboratories, laundries and dry cleaning establishments, liquor stores, medical offices and clinics, motels, movie theaters, office buildings, paint stores or shops, parking lots, produce markets, professional offices, radio stations, repair establishments, retail stores, restaurants and similar establishments serving prepared foods and beverages, rooming houses, shopping centers, stationary stores, television stations and production facilities, theaters, truck or construction equipment service stations, truck or construction equipment dealerships for new or used vehicles, truck or construction equipment washing facilities and truck or construction equipment repair shops.

"Erosion and sediment control plan" means a written plan, including drawings or other graphic representations, for the control of soil erosion and sedimentation resulting from a construction activity.

"Impervious" means not allowing the passage of water through the surface of the ground or ground covering or a substantial reduction in the capacity for water to pass through the surface of the ground or ground covering.

"Industrial" means a business engaged in industrial production or service, that is, a business characterized by manufacturing or productive enterprise or a related service business. This term shall include by way of example, but not be limited to the following: apparel and fabric finishers, automobile salvage and junk yards, blast furnace, blueprint and related shops, boiler works, cold storage plants, contractor's plants and storage facilities, foundries, furniture and household goods manufacturing, forge plants, greenhouses, manufacturing plants, metal fabrication shops ore reduction facilities, planing mills, rock crushers, rolling mills, saw mills, smelting operation, stockyards, stone mills or quarries, textile production, utility transmission or storage facilities, truck or construction equipment salvage or junkyards, warehousing and wholesaling facilities.

"Institutional" means an established organization, especially of a public or charitable nature. This term shall include, by way of example, but not be limited to, the following: churches, community buildings, colleges, day care facilities, dormitories, drug or alcohol rehabilitation facilities, fire halls, fraternal organizations, golf courses and driving ranges, government buildings, hospitals, libraries, kindergartens or preschools, nursing homes, mortuaries, schools, social agencies, synagogues, parks and playgrounds.

"Manager" means the person designated by the city to supervise the operation of the stormwater management program and who is charged with certain duties and responsibilities by this chapter, or his or her duly authorized representative.

"Multifamily residential" means an apartment building or other residential structure built for three or more units or lots under common ownership and condominiums of three (3) or more units.

"National Pollutant Discharge Elimination System" or "NPDES permit" means a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

"Notice of intent" or "N.O.I." means a written notice by the discharge to the Commissioner of the Tennessee Department of Environment and Conservation or his or her designee, that a person wishes his or her discharge to be authorized under a general permit authorized by state law or regulation, particularly Tennessee NPDES general permit number TNR050000 for stormwater discharges associated with industrial activity.

"Non-stormwater" means any discharge to the MS4 that is not; discharged pursuant to a NPDES permit; discharged pursuant to a state of Tennessee multi-sector general permit for stormwater discharges associated with industrial activity or any discharge as described at 40 CFR Part 122.26(d)(2)(iv)(B)(1).

"Person" means any individual, partnership, copartnership, firm, company, trust estate, governmental entity or any other legal entity or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.

"Pollution prevention plans" means a written site specific plan to eliminate or reduce and control the pollution of stormwater through designed facilities, sedimentation ponds, natural or constructed wetlands and best management practices.

"Significant spills" includes, but is not limited to releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (at 40 CFR 110.10 and CFR 117.21) or Section 102 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), (at 40 CFR 302.4).

"Stormwater" means stormwater runoff, snow melt runoff and surface runoff and drainage.

"Stormwater management" means the collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner to meet the objectives of this chapter and its terms, including, but not be limited to measures that control the increased volume and rate of stormwater runoff and water quality impacts caused by manmade changes to the land.

"Stormwater management plan" or "SWMP" means the set of drawings and other documents that comprise all of the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques for the control of stormwater and which is incorporated at part of the NPDES permit for the city and as part of this chapter.

"Toxic pollutant" means any pollutant or combination of pollutants listed as toxic in 40 CFR Part 401 promulgated by the Administrator of the Environmental Protection Agency under the provisions of 33 U.S.C. 1317.

"Variance" means the modification of the minimum stormwater management requirements contained in this chapter and the stormwater management plan for specified circumstances where strict adherence of the requirement would result in unnecessary hardship and not fulfill the intent of this chapter.

"Water quality" means characteristics that are related to the physical, chemical, biological and/or radiological integrity of stormwater. (Ord. 4538 § 1, 11-18-97; Code 1985 § 33-201)

Sec. 13-40-3 Abbreviations.

"CERCLA" means the Comprehensive Environmental Response, Compensation and Liability Act in its original form or as amended.

"CFR" means Code of Federal Regulations.

"U.S.C." means United States Code.

(Ord. 4538 § 1, 11-18-97; Code 1985 § 33-202)

Sec. 13-40-4 Unauthorized discharge a public nuisance.

Discharge of stormwater in any manner in violation of this chapter; or any violation of any condition of a permit issued pursuant to this chapter; or any violation of any condition of a stormwater discharge permit issued by the state of Tennessee Department of Environment and Conservation is declared a public nuisance and shall be corrected or abated. (Ord. 4538 § 1, 11-18-97; Code 1985 § 33-206)

Sec. 13-40-5 Improper disposal.

A. It is unlawful for any person to improperly dispose any contaminant into the MS4. Contaminants include, but are not limited to the following:

1. Trash or debris;
2. Construction materials;
3. Petroleum products including but not limited to oil, gasoline, grease, fuel oil, heating oil or hydraulic fluids;
4. Antifreeze and other automotive products;
5. Metals in either particulate or dissolved form;
6. Flammable or explosive materials;
7. Radioactive materials;
8. Batteries, including but not limited to, lead acid automobile batteries, alkaline batteries, lithium batteries or mercury batteries;
9. Acids, alkalis or bases;
10. Paints, stains, resins, lacquers or varnishes;
11. Degreasers and/or solvents;
12. Drain cleaners;
13. Pesticides, herbicides or fertilizers;
14. Steam cleaning wastes;
15. Soaps, detergents or ammonia;
16. Swimming pool backwash including chlorinated swimming pool discharge;
17. Chlorine, bromine and other disinfectants;
18. Heated water;
19. Animal waste, either from domestic animals or from feeder lot operations;
20. Known leaking sanitary sewers and connections which have remained uncorrected for more than seven days;
21. Recreational vehicle waste;
22. Animal carcasses;
23. Food wastes;
24. Medical wastes;
25. Bark and other fibrous materials;
26. Collected lawn clippings, leaves or branches;
27. Silt, sediment or gravel;
28. Dyes, except as stated in subsection B of this section;
29. Chemicals, not normally found in uncontaminated water;
30. Any hazardous material or waste, not listed above;
31. Washing of fresh concrete for cleaning and/or finishing purposes or to expose aggregates;
32. Junk motor vehicles, as defined in subsection C of this section;
33. Leaking solid waste disposal containers.

It is not the city's intent to propose penalties for de minimis discharges that have no significant adverse impact on safety, health, the welfare of the environment or the functionality of the city's stormwater collection system.

B. Dye Testing. Dye testing is allowed but requires verbal notification to the city's stormwater manager a minimum of twenty-four (24) hours prior to the date of the test. The city and Shelby County governmental agencies are exempt from this requirement.

C. Junk Motor Vehicles Defined.

"Junk motor vehicle" means any vehicle which shall include by way of example but not be limited to the fol-

lowing vehicle types: automobiles, construction equipment, motorcycles and trucks, which meets all of the following requirements.

1. Is three years old or older;

2. Is extensively damaged, such damage including, but not limited to any of the following: a broken window or windshield or missing wheels, engine or transmission;

3. Is apparently inoperable;

4. Is without a valid current registration;

5. Has a fair market value equivalent only to the value of the scrap in it. (Ord. 4538 § 1, 11-18-97; Code 1985 § 33-207)

Sec. 13-40-6 Exceptions—Allowable discharges.

The following types of discharges shall not be considered prohibited discharges for the purpose of this chapter unless the director of public works determines that the type of discharge, whether singly or in combination with others, is causing significant contamination of the MS4:

A. Potable water;

B. Potable water line flushing;

C. Uncontaminated water from crawl space, pumps or footing drains;

D. Lawn watering;

E. Residential car and boat washing;

F. Dechlorinated swimming pool water;

G. Materials placed as part of an approved habitat restoration or bank stabilization project;

H. Natural uncontaminated surface water or ground water;

I. Flows from riparian habitats and wetlands;

J. Common practices for water well disinfection; and other discharges as described at 40 CFR 122.26(d)(2)(iv)(B)(1), some of which are described above;

K. Other types of discharges as determined by the director of public works;

L. Unless otherwise prohibited by this chapter, any discharge that could be made directly to waters of the state without a federal or state permit being required. (Ord. 4538 § 1, 11-18-97; Code 1985 § 33-208)

Sec. 13-40-7 Illicit connection defined.

Any connection, existing or future, identified by the director of public works, as that which could convey anything not composed entirely of surface and stormwater directly to the MS4 is considered an illicit connection and is prohibited with the following exceptions.

A. Connections conveying allowable discharges as defined in Section 13-40-6;

B. Connections conveying discharges pursuant to an NPDES permit (other than an NPDES stormwater permit). (Ord. 4538 § 1, 11-18-97; Code 1985 § 33-209)

Sec. 13-40-8 Monitoring and inspection.

A. Monitoring. The manager shall periodically monitor the quantity of and the concentration of pollutants in stormwater discharges from the areas and locations designated in the city stormwater management plan and the NPDES stormwater permit.

B. Detection of Illicit Connections and Improper Disposal.

1. The manager shall take appropriate steps to detect and eliminate illicit connections to the city MS4, including the adoption of a program to screen illicit discharges and identify their source or sources.

2. The manager shall take appropriate steps to detect and eliminate improper discharges, including programs to screen for improper disposal and programs to provide for public education, public information and other appropriate activities to facilitate the proper management and disposal of used oil, toxic materials and household hazardous waste.

C. Inspections.

1. The manager or his or her designee, bearing proper credentials and identification, may enter and inspect all properties for regular periodic inspections, investigations, monitoring, observation, measurement, enforcement, sampling and testing, to effectuate the provisions of this chapter, the stormwater management plan and/or the NPDES stormwater permit. The manager or his or her designee shall duly notify the owner of the property or the representative on site and the inspection shall be conducted at reasonable times.

2. Upon refusal by any property owner to permit an inspector to enter or continue an inspection, the inspector shall terminate the inspection or confine the inspection to areas which no objection is raised. The inspector shall immediately report the refusal and the grounds to the manager. The manager may seek appropriate compulsory process.

3. In the event the manager or his or her designee reasonably believes that discharges into the city MS4 may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any time and without notice to the owner of the property or a representative on site. The inspector shall present proper credentials upon reasonable request by the owner or representative.

4. At any time during the conduct of an inspection or at such other times as the manager or his or her designee

may request information from an owner or representative, the owner or representative may identify areas of the facility or establishment, material or processes which contains or may contain a trade secret. If the manager or his or her designee has no clear and convincing reason to question such identification, the inspection report shall note that trade secret information has been omitted. To the extent practicable, the manager shall protect all information which is designated as a trade secret by the owner or their representative. (Ord. 4538 § 1, 11-18-97; Code 1985 § 33-210)

Sec. 13-40-9 Construction activity.

All construction activity, defined below, shall be in compliance with all applicable requirements under this section.

If one or more acres are disturbed by construction activity, an application shall be applied for under the "State of Tennessee's General Permit for Stormwater Discharges Associated with Construction Activity." If a Tennessee General NPDES Permit is applied for, a copy of the notice of intent (N.O.I.) shall be sent to the manager of the stormwater management section. To seek coverage under the Tennessee Department of Environment and Conservation General Permit, the N.O.I. shall be submitted to the following address:

Stormwater N.O.I. Processing
Division of Water Pollution Control
401 Church Street
Tennessee Department of Environment and Conservation
Nashville, TN 37243-1534

The copy of the N.O.I. should be sent to the following address:

Attn:
Manager/Stormwater Management
City of Memphis-Environmental Engineering
125 N. Main Room 620
Memphis, TN 38103

(Ord. 5116 (part), 2005: Ord. 4538 § 1, 11-18-97; Code 1985 § 33-221)

Sec. 13-40-10 Construction activity regulated.

A. It shall be unlawful for any person to permit any discharge of stormwater from a construction activity from land owned or controlled by them on a total land area of one or more acres disturbed by construction activity without having received coverage under the general permit for stormwater discharges associated with construction activity from the Tennessee Department of Environment and Conservation, with a copy of the notice of intent (N.O.I.) provided to the Stormwater management section at the same address listed in Section 13-40-9.

B. "Construction activity" shall mean any clearing, grading, or excavating that results in the disturbance of more than one acre of total land area. The term shall not include the following:

1. "Surface mining" as the same as defined in Tennessee Code Annotated, Section 59-8-202;

2. Such minor construction activities as home gardens and individual home landscaping, home repairs, home maintenance work and other related activities which result in minor soil erosion;

3. The construction of single-family residences when built separately on lots within subdivisions which have been approved and recorded in the office of the Shelby County Register that are not a part of a larger common plan of development; provided that excavation is limited to trenches for the foundation, basements, service and sewer connections, and minor grading for driveways, yard areas and sidewalks;

4. Individual service and sewer connections for single or two family residences;

5. Agricultural practices involving the establishment, cultivation or harvesting of products of the field or orchard, preparing and planting of pasture land, forestry land management practices including harvesting, farm ponds, daily operations, and livestock and poultry management practices and the construction of farm buildings;

6. Any project carried out under the technical supervision of the Soil Conservation Service of the United States Department of Agriculture;

7. Construction, installation or maintenance of electrical, natural gas, telephone and cable television lines or poles;

8. Installation, maintenance, and repair of any underground public utility lines when such activity occurs in an existing hard surface road, street or sidewalk, provided the activity is confined to the area of the road, street or sidewalk which is hard surfaced and a street, curb, gutter or sidewalk permit has been obtained;

9. Construction, repair or rebuilding of track or other related facilities of a railroad company;

These activities may be undertaken without formal notice; however, the persons conducting these excluded activities shall remain responsible for otherwise conducting those activities in accordance with the provisions of this

chapter and other applicable law including responsibility for controlling sedimentation and runoff.

C. Best Management Practices for Construction Activities. The minimum standards for controlling erosion and sedimentation from the discharge of stormwater from a construction activity, shall be set forth in the city of Memphis' - "Erosion Control Guide" as adopted and amended from time to time. A copy of this guide will be maintained on file in the offices of the manager of stormwater management and the city engineer. Until such time as this guide document is prepared, the guidelines in the Tennessee Department of Environment and Conservation's "Erosion and Sediment Control Handbook" shall be used. (Ord. 5116 (part), 2005: Ord. 4538 § 1, 11-18-97; Code 1985 § 33-222)

Sec. 13-40-11 Construction activity letter of intent required.

No discharge of stormwater from a construction activity, whether temporary or permanent, shall be conducted within the corporate boundaries of the city of Memphis unless the developer has submitted a notice of intent to be covered under the state's general NPDES permit for stormwater discharges associated with construction activity ("N.O.I."). (Ord. 5116 (part), 2005: Ord. 4538 § 1, 11-18-97; Code 1985 § 33-223)

Sec. 13-40-12 Data required in construction activity letter of intent.

A. To be covered under a L.O.I., the developer shall submit the following information to:

Attn:
Manager/Stormwater Management
664 St. Jude Place
Memphis, TN 38105-2800

B. The L.O.I. shall include:

1. Name, mailing address and location for which the letter of intent is submitted;

2. Name, mailing address, telephone number, ownership status (federal, state, private, public or other entity) of the developer responsible for the construction activity;

3. A site map, on eight and one-half by eleven (11) inch sized paper with boundaries one to two miles outside the site property, with the site and construction area outlined and with the receiving water or receiving storm sewer highlighted and identified.

C. Construction activities may begin after submission of the letter of intent. One need not wait for approval from the city. When the construction activity is finished the developer shall notify the Memphis MS4 and request termination of the L.O.I. under this chapter. Coverage under this chapter terminates twenty (20) days after the MS4's receipt of such notice. (Ord. 4538 § 1, 11-18-97; Code 1985 § 33-224)

Sec. 13-40-13 Private infrastructure defined.

Private detention facilities, defined in Chapter 6, page 10 of the city's Drainage Design Manual, located in the city engineer's office shall be maintained so as to enhance water quality to meet the requirements of this chapter and the NPDES stormwater permit. (Ord. 4538 § 1, 11-18-97; Code 1985 § 33-229)

Sec. 13-40-14 Maintenance criteria.

Maintenance of detention facilities shall consist of, but not be limited to, the following items: outlet cleaning, mowing, herbicide spraying, litter control, removal of sediment from basin and outlet control structures and repair of drainage structures. Any material removed from a detention structure shall be disposed of in an environmentally sound manner. Herbicide spraying shall be conducted in an environmentally sound manner. (Ord. 4538 § 1, 11-18-97; Code 1985 § 33-230)

Sec. 13-40-15 Enforcement options.

Maintenance criteria not performed as listed in Section 13-40-14; that results in water quality problems, as determined by the manager through inspections and/or sampling, that affect the MS4 may be subject to the provisions of Section 13-40-27. (Ord. 4538 § 1, 11-18-97; Code 1985 § 33-231)

Article 2
Stormwater Discharges from Industrial Sources

Sec. 13-40-16 Purpose.

It is the purpose of this article to control stormwater runoff from industrial sources in order to minimize, to the maximum extent practicable, pollutants discharged from industrial sources into the MS4. This reduction will be achieved by a combination of management practices, control techniques, system design, engineering methods and plan review. (Ord. 4538 § 1, 11-18-97; Code 1985 § 33-236)

Sec. 13-40-17 Industry defined.

An "industry" is one defined in Section 13-40-2. (Ord. 4538 § 1, 11-18-97; Code 1985 § 33-237)

Sec. 13-40-18 Right of inspection defined.

"Right of inspection" is defined in Section 13-40-8. (Ord. 4538 § 1, 11-18-97; Code 1985 § 33-238)

Sec. 13-40-19 Availability of information on discharger to public—Use of information accepted as confidential.

All information and data on a discharger obtained from reports, questionnaires, permits, monitoring programs and from inspections shall be available to the public without restriction unless the discharger specifically requests confidential treatment and is able to demonstrate to the satisfaction of the approving authority that the release of such information would divulge information regarding processes or methods which would be detrimental to the discharger's competitive position. Information accepted by the approving authority as confidential shall not be transmitted to any other governmental agency by the approving authority until and unless prior and adequate notification is received by the discharger. Information accepted by the approving authority as confidential shall not be transmitted to the general public by the approving authority unless written permission has been obtained from the discharger. All information relating to the discharge form a discharger into the MS4 shall not be confidential information. All such information which is submitted to the approving authority shall be available to the public without restrictions. (Ord. 4538 § 1, 11-18-97; Code 1985 § 33-239)

Sec. 13-40-20 Information required.

As required in the Tennessee multi-sector permit (TMSP) for stormwater discharges associated with industrial activity and any NPDES stormwater permit, all industries discharging into the city storm sewer system shall prepare a stormwater pollution prevention plan (SWPPP). A copy of this SWPPP must be kept on the industrial site and available for inspection and copying at reasonable times by the manager or his or her designee. (Ord. 4538 § 1, 11-18-97; Code 1985 § 33-240)

Sec. 13-40-21 SWPPP plan requirements.

The SWPPP must follow, at a minimum, the outline of the plan listed in the Tennessee multi-sector permit language or a facility NPDES stormwater permit language, whichever is applicable. (Ord. 4538 § 1, 11-18-97; Code 1985 § 33-241)

Sec. 13-40-22 Samples.

A. Samples of stormwater collected for compliance monitoring shall be representative of the discharge. Sampling locations will be those defined in the Tennessee multi-sector permit or a NPDES permit. Sampling and analyses shall be in accordance with 40 CFR Part 122.21 and 40 CFR Part 136 and/or applicable permit language.

B. Samples taken by city personnel for the purpose of determining compliance with the requirements of this chapter or rules adopted hereunder may be split with the discharger if requested before the time of sampling.

C. Sampling Manhole or Access. The division may require a stormwater discharger to install and maintain at the discharger's expense a suitable manhole or sampling facility at the discharger's facility or suitable monitoring access to allow observation, sampling and measurement of all stormwater runoff being discharged into the city storm sewer system. The manhole shall be constructed in accordance with plans approved by the division and shall be designed so that flow measurement and sampling equipment can be installed. Access to the manhole or monitoring access shall be available to city representatives at all times. (Ord. 4538 § 1, 11-18-97; Code 1985 § 33-242)

Sec. 13-40-23 Reporting.

A. Any facility required to sample under either the TMSP or an NPDES stormwater permit shall provide a copy of the periodic monitoring report to the city as required in the applicable permit's language.

B. The division may require reporting by dischargers of stormwater runoff to the city stormwater system, where an NPDES stormwater permit is not required, to provide information to the city. This information may include any data necessary to characterize the stormwater discharge. (Ord. 4538 § 1, 11-18-97; Code 1985 § 33-243)

Sec. 13-40-24 Stormwater discharge to sanitary sewer—Approval required.

Stormwater discharges to the sanitary sewer are prohibited unless prior written approval is granted from the industrial pretreatment section of the division of public works. (Ord. 4538 § 1, 11-18-97; Code 1985 § 33-244)

Sec. 13-40-25 Accidental discharges.

A. In the event of any discharge of a material as defined in Section 13-40-2 in amounts which could cause a threat to public drinking water suppliers, a significant spill as defined in definitions or any other discharge which could constitute a threat to human health or the environment, the owner or operator of the facility shall give notice to the manager of the stormwater management department

and the local field office of the Tennessee Department of Environment and Conservation as soon as practicable, but in no event later than the close of business on the day following the accidental discharge or as soon as the discharger becomes aware of the circumstances.

If an emergency response by governmental agencies is needed, the owner or operator should also call the city's emergency management agency, immediately to report the discharge. A written report must be provided to the manager of stormwater management within five days of the time the discharger becomes aware of the circumstances, unless this requirement is waived by the manager for good cause shown on a case-by-case basis, containing the following particulars.

1. A description of the discharge, including an estimate of volume;

2. The exact dates and times of discharge;

3. Steps being taken to eliminate and prevent recurrence of the discharge;

4. A site drawing should be rendered that shows the location of the spill on the impacted property, the direction of flow of the spill in regards to the topographical grade of the property, the impacted watercourse(s) and the property or properties adjacent to the spill site.

B. The discharger shall take all reasonable steps to minimize any adverse impact to the MS4, including such accelerated or additional monitorings as necessary to determine the nature and impact of the discharge. It shall not be a defense for the discharger in an enforcement action that it would have been necessary to halt or reduce the business or activity of the facility in order to maintain water quality and minimize any adverse impact that the discharge may cause.

C. It is unlawful for any entity, whether an individual, residential, commercial or industry to fail to comply with the provisions of this section. (Ord. 4538 § 1, 11-18-97; Code 1985 § 33-245)

Sec. 13-40-26 Fraud and false statements.

Any reports required by this chapter or rules adopted hereunder and any other documents required by the city to be submitted or maintained by the discharger shall be subject to the enforcement provisions of this chapter and any other applicable local and state laws and regulations pertaining to fraud and false statements. Additionally, the discharger shall be subject to the provisions of 18 U.S. Code Section 1001 relating to fraud and false statements and the provisions of Section 309 of the Clean Water Act, as amended, governing false statements and responsible corporate officials. (Ord. 4538 § 1, 11-18-97; Code 1985 § 33-246)

Sec. 13-40-27 Administrative enforcement remedies.

The enforcement remedies enumerated herein shall be applicable to all sections of this chapter.

A. Notification of Violation. Whenever the manager finds any permittee or person discharging stormwater has violated or is violating this chapter, or a stormwater permit or order issued hereunder, the manager or his or her agent may serve upon the user written notice of the violation. This notice shall be by registered or certified mail with return receipt. Within ten (10) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specified required actions, shall be submitted to the manager. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.

B. Consent Orders. The director of public works is empowered to enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the permittee or person discharging stormwater to correct the noncompliance within a time period specified by the order. Consent orders shall have the same force and effect as compliance orders issued pursuant to subsection D of this section.

C. Show Cause Hearing. The director of public works may order any person who causes or contributes to violation of this chapter or stormwater permit or order issued hereunder to show cause why a proposed enforcement action not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail with return receipt at least ten (10) days prior to the hearing. Such notice may be served on any person, principal executive, general partner or corporate officer.

D. Compliance Order. When the director of public works finds that any person has violated or continues to violate this chapter or a permit or order issued thereunder, he or she may issue an order to the violator directing that, following a specified time period, adequate structures and/or devices be installed or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the con-

struction of appropriate structures, installation of devices, self monitoring and management practices.

E. Cease and Desist Orders. When the director of public works finds that any person has violated or continues to violate this chapter or any permit or order issued hereunder, the director of public works may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

1. Comply forthwith; or

2. Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge. (Ord. 4538 § 1, 11-18-97; Code 1985 § 33-247)

Sec. 13-40-28 Unlawful acts—Misdemeanor.

It is unlawful for any person to:

A. Violate a provision of this chapter;

B. Violate the provisions of any permit issued pursuant to this chapter;

C. Fail or refuse to comply with any lawful notice to abate issued by the manager, which has not been timely appealed to the director of public works within the time specified by such notice; or

D. Violate any lawful order to the director of public works within the time allowed by such order shall be guilty of a misdemeanor; and each day of such violation or failure or refusal to comply shall be deemed a separate offense and punishable accordingly. Any person found to be in violation of the provisions of this chapter shall be punished by a fine as set out in Section 1-24-1 of this code. (Ord. 4538 § 1, 11-18-97; Code 1985 § 33-248)

Sec. 13-40-29 Civil penalty.

Any person who performs any of the following acts or omissions shall be subject to a civil penalty as set out in Section 1-24-1 of this code per day for each day during which the act or omission continues or occurs.

A. Who fails to obtain any permit required;

B. Violates the terms and conditions of such required permit in subsection A of this section;

C. Violates a final determination or order of the director of public works; or

D. Violates any provision of this chapter.

(Ord. 4538 § 1, 11-18-97; Code 1985 § 33-249)

Sec. 13-40-30 Processing a violation.

A. The director of public works may issue an assessment against any person or permittee responsible for the violation.

B. Any person against whom an assessment has been issued may secure a review of such assessment by filing with the director of public works a written petition setting forth the grounds and reasons for his or her objections and asking for a hearing in the matter involved before the director of public works and if a petition for review of the assessment is not filed within thirty (30) days after the date the assessment is served, the violator shall be deemed to have consented to the assessment and it shall become final.

C. Whenever any assessment has become final because of a person's failure to appeal the director of public works assessment, the director of public works may apply to the appropriate court for a judgement and seek execution of such judgement and the court, in such proceedings, shall treat a failure to appeal such assessment as a confession of judgement in the amount of the assessment.

D. The director of public works may consider the following factors.

1. Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

2. Damages to the city, including compensation for the damage or destruction of the MS4 and also including any penalties, costs and attorney's fees incurred by the city as a result of the illegal activity as well as the expenses involved in enforcing this chapter and the costs involved in rectifying any damages;

3. Cause of the discharge or violation;

4. The severity of the discharge and its effect on the MS4;

5. Effectiveness of action taken by the violator to cease the violation;

6. The technical and economic reasonableness of reducing or eliminating the discharge;

7. The economic benefit gained by the violator.

E. Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the commissioner of the Tennessee Department of Environment and Conservation for violations of T.C.A. 69-3-115, however, the sum of penalties imposed by this section and by T.C.A. 69-3-115 shall not exceed ten thousand dollars ($10,000.00) per day during which the act or omission continues or occurs. (Ord. 4538 § 1, 11-18-97; Code 1985 § 33-250)

Sec. 13-40-31 Appeal judicial proceedings and relief.

The director of public works may initiate proceedings in any court of competent jurisdiction against any person who has or is about to:

A. Violate the provisions of this chapter;

B. Violate the provisions of any permit issued pursuant to this chapter;

C. Fail or refuse to comply with any lawful order issued by the director or public works which has not been timely appealed to the director of public works, within the time allowed by this chapter;

D. Violates any lawful order of the director of public works within the time allowed by such order.

Any person who shall commit any act declared unlawful under this chapter shall be guilty of a misdemeanor and each day of such violation or failure shall be deemed a separate offense and punishable accordingly.

The director of public works, with consent of the mayor may also initiate civil proceedings in any court of competent jurisdiction seeking monetary damages for any damages caused to the MS4 by any person, and to seek injunctive or other equitable relief to enforce compliance, with any lawful orders of the director of public works or the manager. (Ord. 4538 § 1, 11-18-97; Code 1985 § 33-251)

Sec. 13-40-32 Damages—Disposition of funds.

All damages collected under the provisions of Section 13-40-30 and civil penalties collected under the provisions of Section 13-40-29, following the adjustment for the expenses incurred in making such collections shall be allocated and appropriated to the stormwater management program for its administration. (Ord. 4538 § 1, 11-18-97; Code 1985 § 33-252)

Sec. 13-40-33 Records retention.

All discharges subject to this chapter shall maintain and preserve for no fewer than five years, all records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of the discharger in connection with its discharge. All records which pertain to matters which are the subject of any enforcement or litigation activities brought by the city pursuant hereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired. (Ord. 4538 § 1, 11-18-97; Code 1985 § 33-253)

Sec. 13-40-34 Requests for reconsideration.

A discharger may request from the director of public works to reconsider any determination made under this chapter if there is reason to believe that sufficient data or information is available to support a different determination. Any request for reconsideration shall be accompanied by the data and the information that the discharger used as a basis for the request. The director of public works may then revise the initial determination based upon the submitted request. Any appeal of this final determination shall be made to a court of competent jurisdiction. (Ord. 4538 § 1, 11-18-97; Code 1985 § 33-254)

Chapter 13-41

STORMWATER ENTERPRISE FUND

Sections:

13-41-1	**Definitions.**
13-41-2	**Declaration of purpose—Establishment of enterprise service area.**
13-41-3	**Powers, duties and responsibilities.**
13-41-4	**Organization.**
13-41-5	**Establishment of SFU, SFU rate and stormwater fee—Establishment of policy regarding expenditure of enterprise revenues.**
13-41-6	**Stormwater fee for single-family detached residential property.**
13-41-7	**Stormwater fee for multi-family residential property.**
13-41-8	**Reserved.**
13-41-9	**Stormwater fee for nonresidential property.**
13-41-10	**Reserved.**
13-41-11	**Appeal of impervious surface calculation.**
13-41-12	**Rate determinations—Compliance with bond covenants.**
13-41-13	**Billing procedures—Delinquent accounts and collection procedures.**
13-41-14	**Review of SFU rate.**
13-41-15	**Reserved.**
13-41-16	**Reserved.**
13-41-17	**Expense of collection of stormwater fees.**
13-41-18	**Reserved.**

Sec. 13-41-1 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Bonds" means revenue bonds, notes, loans or any other debt obligations issued or incurred to finance the costs of construction, engineering, and other studies.

"City" means the city of Memphis.

"Contributor" or "user" means any person owning, operating, or otherwise responsible for property within the city which directly or indirectly discharges stormwater, surface or subsurface waters, to any portion of the stormwater system, including direct or indirect discharges to the city's stormwater drainage system, or which is directly or in directly protected by the city's flood protection system or stormwater drainage system. The term "contributor" or "user" means any person responsible for the direct or indirect discharge of stormwater (surface or subsurface waters) to the city's stormwater drainage system.

"Costs of construction" means costs reasonably incurred in connection with providing capital improvements to the system or any portion thereof, including but not limited to the costs of the following:

1. Acquisition of all property, real or personal, and all interests in connection therewith including all rights-of-way and easements therefore;
2. Physical construction, installation and testing including the costs of labor, services, materials, supplies and enterprise services used in connection therewith;
3. Architectural, engineering, legal and other professional services;
4. Insurance premiums during construction, to the extent not paid for by a contractor for construction and installation;
5. Any taxes or other charges which become due during construction;
6. Expenses incurred by the city or on its behalf with its approval in seeking to enforce any remedy against any contractor or subcontractor in respect of any default under a contract relating to construction;
7. Principal and interest on any bonds; and
8. Miscellaneous expenses incidental thereto.

"Debt service" means the amount of money necessary annually to pay the interest on outstanding debt and pay the principal of maturing debt.

"Developed property" means real property upon which a structure or impervious surface has been placed or constructed, thus increasing the amount of rainwater or surface water runoff.

"Director" means the director of the division of public works or designee.

"Dwelling unit" means a singular residential housing unit or apartment providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

"Exempt property" means public right-of-ways including public streets, alleys, sidewalks, and public drainage facilities.

"Extension and replacement" means costs of extensions, additions and capital improvements to or the renewal and replacement of capital assets or purchasing and

installing new equipment for the system or land acquisition for the system and any related costs thereto or paying extraordinary maintenance and repair, including the costs of construction, or any other expenses which are not costs of operation and maintenance or debt service.

"Fiscal year" means a twelve (12) -month period commencing on July 1, and ending on June 30 of the succeeding year.

"Flood protection system" means the system of levees, floodwalls, floodgates, storm sewer gatewells, and stormwater pumping stations lying adjacent to rivers, creeks, and streams within the city, including associated control and operating equipment and facilities whether adjacent to such rivers, creeks, or streams or remotely located, which are intended to provide flood protection to properties adjacent to such rivers, creeks, and streams.

"Impervious area" means the number of square feet of hard-surfaced areas which either prevent or retard the entry of water into the subsurface soil, as it entered under natural conditions as undeveloped property, and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions as undeveloped property, including but not limited to roofs, roof extensions, patios, porches, driveways, sidewalks, concrete/asphalt pavement, gravel surfaces and athletic courts.

"Implementation date" means the date that the City of Memphis will begin charging the storm water fee to its customers (1 May 2006). The fee will become due at the end of the month upon which it is charged and will be payable in the following month. For example, the first charge will be due on 31 May 2006. Depending upon the billing cycle it will appear on MLGW utility bills sometime during the month of June 2006. The fee will then be collected in the month of July 2006 when those bills are paid.

"Multi-family residential property" means a residential structure designed with two or more dwelling units to accommodate two or more families or groups of individuals living separately and not sharing the same living space.

"Nonoperating revenues" refers to revenues derived from activities other than the basic operations of the stormwater enterprise fund, but excluding interest income on bond proceeds and on contributed capital.

"Nonresidential property" means any property developed for commercial, industrial, governmental, or institutional use, including churches, hospitals, and other eleemosynary institutions and including multiuse properties incorporating residential uses, but excluding undeveloped property, golf courses, nurseries, and property used exclusively for agricultural purposes.

"Operating budget" means the annual operating budget for the stormwater enterprise fund adopted by the city council for the succeeding fiscal year.

"Operations and maintenance expense" means the current expenses, paid or accrued, of operation, maintenance and current repair of the system, as calculated in accordance with sound accounting practice, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses including recordkeeping, the cost of materials and supplies used for current operations, and. charges for the accumulation of appropriate reserves for current expenses not annually incurred, but which are such as may reasonably be expected to be incurred in accordance with sound accounting practice.

"Revenues" means all rates, fees, assessments, rentals, civil penalties, fines, or other charges or other income received by the enterprise fund, in connection with the management and operation of the system, including amounts received from the investment or deposit of monies in any fund or account and any amounts contributed by the City, all as calculated in accordance with sound accounting practice.

"SFU rate" means the dollar value periodically determined and assigned to each SFU as a charge for stormwater services, and expressed as a dollar value per SFU per month.

"Single-family residential property" means a detached residential structure designed as a single dwelling unit to accommodate one family or group of individuals living together and sharing the same living space, but excluding multi-class (i.e. commercial, residential, industrial, institutional etc.) properties which include single-family residential uses.

"Single-family unit" or "SFU" means the average impervious area of a single-family detached residential dwelling unit located within the city as periodically determined and established as provided in this chapter.

"Stormwater drainage system" means the system of publicly or privately owned or operated rivers, creeks, ditches, drainage channels, pipes, basins, street gutters, and lakes within the city through which or into which stormwater runoff, surface water, or subsurface water is conveyed or deposited.

"Stormwater fee" means the fee authorized by state law and this chapter which is established to pay operations and maintenance, extension, replacement and debt service of the stormwater drainage system.

"Stormwater enterprise fund" or" enterprise" means the enterprise fund created by this chapter to operate, maintain and improve the storm drainage system and for such other purposes as stated in this chapter.

"Stormwater system" or "system" means the existing stormwater facilities, stormwater drainage system, and flood protection system of the city and all improvements thereto which by this chapter are constituted as the property and responsibility of the enterprise, to be operated as an enterprise fund to, among other things; control discharges and flows necessitated by rainfall events; and incorporate methods to collect, convey, store, absorb, inhibit, treat, to prevent or reduce flooding, overdrainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system.

"Total annual revenue requirements" refers to the total amount of revenue required in one year to meet all expenditures incurred during that year for the financing of construction and for the operations and maintenance, including administration and renewal and replacement funding, of the stormwater drainage system, including facilities for the collection, transportation, and treatment of stormwater, and of the flood control protection system, including river levees and stormwater pumping stations.

"Undeveloped property" means real property that has no impervious area. (Ord. 5157 § 1, 2006; Ord. 5135 § 1 (part), 2005)

Sec. 13-41-2 Declaration of purpose—Establishment of enterprise service area.

A. The city finds, determines, and declares it to be conducive to the health, welfare, safety and convenience of the city and its residents that a stormwater service area be established within the city. Consequently, pursuant to Tennessee Code Sections 68-221-1101 through 68-221-1113, a stormwater enterprise fund, to be known as "The Memphis Stormwater Enterprise Fund," is established, and it is ordained and declared that the city limits shall be and constitute the stormwater enterprise fund service area, and that the enterprise shall comprise and include elements of the city's stormwater drainage and flood protection systems which provide for the collection, treatment and disposal of stormwater, surface water, and groundwater. It is further found, determined, and declared that the elements of the stormwater enterprise fund are of benefit and provide services to all real properties within the incorporated city limits, including property not directly served by the stormwater drainage system, and that such benefits and services may include, but are not limited to, the provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater; the reduction of hazard to property and life resulting from stormwater runoff and flooding; improvement in general health and welfare through reduction of undesirable stormwater conditions and flooding; and improvement to the water quality in the stormwater and surface water system and its receiving waters.

B. It is further determined and declared to be necessary and conducive to the protection of the public health, welfare, safety and convenience of the city and its residents that charges be levied upon and collected from the owners or occupants of all lots, parcels of real estate, 'and buildings that discharge stormwater (surface or subsurface waters), directly or indirectly, to the city stormwater drainage system, and that the proceeds of such charges so derived be used for the purposes of operation, maintenance, repair, replacement and debt service for construction of the stormwater drainage and flood protection improvements comprising the stormwater enterprise fund. (Ord. 5135 § 1 (part), 2005)

Sec. 13-41-3 Powers, duties and responsibilities.

The stormwater enterprise fund shall have the following powers, duties, and responsibilities:

A. Prepare ordinances as needed to implement this chapter and forward the ordinances to the city council for consideration and adoption, and adopt such regulations and procedures as are required to implement this chapter and carry out its duties and responsibilities;

B. Prepare and administer an adjustment and credit manual to set guidelines under which the city will grant adjustments and credits to stormwater user fees.

C. Administer and enforce this chapter and all ordinances, regulations and procedures adopted relating to the design, construction, maintenance, operation and alteration of the stormwater drainage system, including but not limited to the quantity, quality and/or velocity of the stormwater conveyed thereby;

D. Prepare and revise a comprehensive drainage and flood protection plan for periodic review and adoption by the city council;

E. Establish and enforce regulations to protect and maintain water quality within the system in compliance with water quality standards established by state, regional and/or federal agencies as adopted or amended;

F. Prepare an annual operating budget for the enterprise fund and make recommendations regarding the financing of the cost of extending, maintaining, and replacing the system. (Ord. 5135 § 1 (part), 2005)

Sec. 13-41-4 Organization.

The stormwater enterprise fund shall be under the direction, management and control of the director of the division of public works. In that capacity, the director or his

designee shall supervise the day-to-day operation of the stormwater enterprise fund, shall enforce this chapter and. the provisions of all ordinances and regulations adopted pursuant to this chapter and shall carry out the policy. (Ord. 5135 § 1 (part), 2005)

Sec. 13-41-5 Establishment of SFU, SFU rate and stormwater fee—Establishment of policy regarding expenditure of enterprise revenues.

A. For purposes of this chapter, an SFU shall be equivalent to three thousand one hundred forty-seven (3,147) square feet of impervious property.

B. Except as provided in this chapter, every contributor owning or occupying a single-family residential property, multi-family residential property, or a nonresidential property, other than exempt property, shall pay to the city, at the same time payment is made for other city services, a stormwater fee to be determined and billed as provided in this chapter. In the event the owner and the occupant of a particular property are not the same, the liability for payment of the stormwater fee attributable to that property shall be joint and several as to the owner and occupant. The stormwater fee shall be a monthly service fee and shall be determined by this chapter and the SFU rate which is established in this chapter and from time to time adjusted as provided in this chapter.

C. The stormwater fees provided in Sections 13-41-5 through 13-41-9 of this chapter shall be applied and computed for each contributor during the customary billing periods.

D. The SFU rate to be applied to residential and nonresidential properties for fiscal years 2007 through 2011 are identified below:

FY 2007*	$2.177/SFU/month
FY 2008	$2.88/SFU/month
FY 2009	$3.30/SPU/month
FY 2010	$3.64/SFU/month
FY 2011	$4.02/SFU/month

* For the purposes of this article, the rate shown for FY2007 is based upon the inclusion of the last two months of FY2006 for a total billing period of 14 months.

E. Any changes to the stormwater fee shall be accomplished by adoption of an ordinance amending this section.

F. No revenues generated by the stormwater enterprise user fee shall be used for any purpose other than stormwater expenses. (Ord. 5157 § 2, 2006; Ord. 5135 § 1 (part), 2005)

Sec. 13-41-6 Stormwater fee for single-family detached residential property.

A. The stormwater fee for a single-family detached residential property shall be the following percentage of the SFU rate:

Impervious Area of the Property (square feet)	Percentage of SFU Rate
1,841 or less	58%
1,842 to 4,794	100%
4,795 or more	152%

B. As to a new single-family detached residence, the stormwater fee attributable to that residence shall commence upon the earlier of the following:

1. The issuance of a permanent water-meter;

2. If no electric-meter is issued for that development or if development has halted, on the date that the director or the director's designee determines in reasonable judgment that the development is substantially complete or has been halted for at least three months.

C. Any owner or occupant of a residential property aggrieved by the directors calculation of the stormwater fee as provided in this section may appeal such determination to the director as provided in section 13-41-11 of this chapter. (Ord. 5135 § 1 (part), 2005)

Sec. 13-41-7 Stormwater fee for multi-family residential property.

A. The stormwater fee for a non-single family detached residential property shall be the following percentage of the SFU rate multiplied by the number of dwelling units on the property:

Non-Single Residential Family Property Classification	Percentage of SFU Rates
Multi-family (excluding high rise multi-family, condominiums and mobilehomes)	41%
Townhome/Condominium	57%
Mobilehome	77%
High rise Multi-family apartment	13%

(Ord. 5135 § 1 (part), 2005)

Sec. 13-41-8 Reserved.

Sec. 13-41-9 Stormwater fee for nonresidential property.

A. The stormwater fee for nonresidential property shall be the SFU rate multiplied by the numerical factor obtained by dividing the total impervious area of a nonresidential property by the number of square feet in one SFU. The minimum fee for any nonresidential property shall be equal to one SFU rate. For newly developed nonresidential property, the fee attributable to that property shall commence or increase, for additional development to

property which is already developed, upon the issuance of the certificate of occupancy for such additional development or, if no certificate of occupancy will be issued for that development or if development has halted, on the date that the director or the directors designee determines in reasonable judgment that the development is substantially complete or has been halted for at least three months.

B. For separately electric-metered occupancy units within a nonresidential property with joint users of common impervious areas, the director shall either (1) calculate and allocate the pro rata stormwater fee among the users based upon the proportionate share of the total building area for each occupancy unit, (2) calculate and allocate the stormwater fee for the property to an existing electric meter that services the common impervious areas used by the occupants, or (3) a combination of these methods.

C. Any owner or occupant of a nonresidential property aggrieved by the director's calculation of the stormwater fee or allocation among users as provided in this section may appeal such determination to the director as provided in Section 13-41-11 of this chapter.

D. An adjustment to the stormwater fee may be granted by the director who is hereby authorized to establish procedures and standards for the adjustment of fees. (Ord. 5135 § 1 (part), 2005)

Sec. 13-41-10 Reserved.

Sec. 13-41-11 Appeal of impervious surface calculation.

A. Any owner or occupant of a single-family residential property aggrieved by the initial or any subsequent determination of the stormwater fee for such property, as provided in Section 13-41-6 of this chapter, may appeal such determination and calculation to the director, utilizing information supplied by the appealing owner or occupant, provided such information is verified as correct by a registered professional engineer or registered land surveyor at the owner or occupant's expense.

B. Any owner or occupant of a multi-family residential property aggrieved by the initial or any subsequent calculation of the stormwater fee, as provided in Section 13-41-7 of this chapter, may appeal such calculations and allocation to the director as outlined herein.

C. Any owner or occupant of nonresidential property aggrieved by the initial or any subsequent calculation of the total impervious area of such property, calculation of the stormwater fee for such property, as provided in Section 13-41-9 of this chapter, may appeal such calculations or allocation to the director. Upon approval of such appeal, the stormwater fee shall be recalculated using information obtained as provided in this section.

D. An appeal by the owner, occupant, or occupant organization of a single-family or multi-family residential property must be filed in writing within ninety (90) days after the initial billing of the stormwater fee for that property or within ninety (90) days after any billing showing a recalculation of the stormwater fee for that property. For an appeal occurring within ninety (90) days of the initial billing of a property, any adjustment of the stormwater fee resulting from such appeal shall be retroactive to the date of the initial billing. For an appeal occurring within ninety (90) days of a billing showing a recalculation of the stormwater fee, any adjustment of the stormwater fee resulting from such appeal shall be retroactive to the date the recalculated bill went into effect.

E. The owner, occupant, or occupant organization of a nonresidential property, who is aggrieved: (i) by the initial or any subsequent calculation of the impervious area of the property, (ii) by the calculation of the stormwater fee, or (iii) by the allocation of such fee among occupants, may appeal such determinations, provided that such appeal must be filed in writing within ninety (90) days after the initial billing of the stormwater fee for that property or within ninety (90) days after any billing showing a recalculation of the stormwater fee for that property. If an appeal occurs within ninety (90) days after the initial billing of a property, any adjustment of the stormwater fee resulting from such appeal shall be retroactive to the date of the initial billing. If an appeal occurs within ninety (90) days after a billing showing a recalculation of the stormwater fee, any adjustment of the stormwater fee resulting from such appeal shall be retroactive to the date the recalculated bill went into effect.

F. Appeals by the owners, occupants, or occupant organizations of multifamily residential properties or nonresidential properties shall include a statement of the total property area, and/or total impervious area, as appropriate for the particular grounds for appeal. Appeals by the owners of single-family residential properties shall include a statement or data showing the actual square footage of the lot or parcel. Such information may be shown on stormwater enterprise reporting forms or on appeal forms and may be accompanied by plats, County Assessor's records, or survey data. The director may request additional information from the appealing party. Based upon the information provided by the enterprise fund and appealing party, the director shall make a final calculation of the stormwater fee. The director shall notify the parties, in writing, of his or her decision within ninety (90) days after receipt of the appeal. (Ord. 5135 § 1 (part), 2005)

Sec. 13-41-12 Rate determinations—Compliance with bond covenants.

A. In calculating the SFU rate as provided in Section 13-41-5 of this chapter, the director shall include in the budgeted expense and revenue amounts sufficient funds as will ensure compliance with any and all rate covenants applicable to any outstanding bonds, notes or other obligations issued in connection with the construction and operation of the stormwater enterprise fund system. (Ord. 5135 § 1 (part), 2005)

Sec. 13-41-13 Billing procedures—Delinquent accounts and collection procedures.

A. The procedures for billing of the stormwater fees provided in Sections 13-41-6 through 13-41-9 of this chapter and for the collection of delinquent stormwater service fees shall be as provided in Section 13-41-17.

B. Contributors who are not subject to billing by Memphis Light, Gas, and Water division shall be directly billed for stormwater services by the city. In such instances, the billing and collection of stormwater fees shall be subject to the same rules and procedures as to delinquency in payment, certification of delinquency, and property lien as provided in Section 13-41-17. (Ord. 5135 § 1 (part), 2005)

Sec. 13-41-14 Review of SFU rate.

Under this chapter, the director shall review the SFU rate as conditions require and revise the rate as necessary to ensure that the system generates adequate revenues to pay total annual revenue requirements. (Ord. 5135 § 1 (part), 2005)

Sec. 13-41-15 Reserved.

Sec. 13-41-16 Reserved.

Sec. 13-41-17 Expense of collection of stormwater fees.

The approving authority shall institute an accounting system reflecting an equal distribution of total funds produced under the division based upon the respective needs of each segment of the stormwater operations and maintenance functions; including, but not limited to, stormwater drainage system maintenance; design, and construction; flood control and protection; stormwater capital improvements bond indebtedness loan repayments; direct and incidental costs to the city, including, but not limited to, administrative, technical and legal expenses; and other expenditures necessary for an effective stormwater program. Revenue generated under this division shall be used exclusively for the stormwater program. (Ord. 5135 § 1 (part), 2005)

Sec. 13-41-18 Reserved.

Title 14

BUILDINGS AND CONSTRUCTION

Chapters:

14-4	**Housing Code**
14-8	**Dangerous, Derelict or Abandoned Structures in Multifamily Housing, Commercial and Industrial Districts**
14-12	**Boiler and Unfired Pressure Vessel Code**
14-16	**Elevators, Dumbwaiters, Escalators and Amusement Devices**
14-20	**Trailers and Trailer Courts**
14-24	**Landmarks Preservation**

Chapter 14-4

HOUSING CODE

Article 1
General Provisions

Sections:

14-4-1 Short title.
14-4-2 Definitions.
14-4-3 Purpose.
14-4-4 Applicability.
14-4-5 Penalty for violations.
14-4-6 Department of housing and code enforcement and manager of housing and code enforcement generally.
14-4-7 General powers and duties of the manager of housing and code enforcement.
14-4-8 Assistants may act for the manager of housing and code enforcement.
14-4-9 Resisting or interfering with housing and code enforcement employee.
14-4-10 Responsibilities of occupants.
14-4-11 Occupant to give owner access to premises.
14-4-12 Inspections and orders generally.
14-4-13 Inspection fee.
14-4-14 Report to city attorney of failure to comply with orders or removal of notices.
14-4-15 General duties of city attorney.
14-4-16 Disconnection of utility services when certain orders not complied with.
14-4-17 Recordation of orders.
14-4-18 Changes to be made in accord with building code.
14-4-19 Chapters do not permit zoning violations.
14-4-20 Chapters do not abolish or impair other remedies.
14-4-21 Conflicts with other ordinances.
14-4-22 Personal liability of city officers, agents or employees for acts—Suits to be defended by city attorney.
14-4-23 Enforcement—Designation of special officers.

Article 2
Buildings, Structures and Premises not in Compliance with the Housing Code

14-4-24 What constitutes—General powers and duties of the manager of housing code enforcement—Notice and vacation.
14-4-25 Notice of hearing—Generally.
14-4-26 Notice of hearing—Service.
14-4-27 Order to repair, alter, secure or demolish.
14-4-28 Vacation of premises.
14-4-29 Defacing or removing placards or notices posted under article.
14-4-30 Renting or occupying unfit dwelling.
14-4-31 Failure to remove personal property.
14-4-32 Requirements for unoccupied buildings.
14-4-33 Appeals from orders under article.

Article 3
Dangerous Structures

14-4-34 Dangerous structures defined.
14-4-35 Declared a public nuisance.
14-4-36 Closing of adjacent streets and sidewalks.
14-4-37 Standards for ordering repair, vacation or demolition.
14-4-38 Notice to correct conditions.
14-4-39 Condemnation generally.
14-4-40 Execution of condemnation order.
14-4-41 Failure to comply with order.
14-4-42 Repair, vacation or demolition by city.
14-4-43 Emergency authority of the director of public service and neighborhoods.

Article 4
Environmental Requirements

Division 1
General Provisions

14-4-44 Applicability.

Division 2
Exterior Property Areas

14-4-45 Compliance with division.

14-4-46 To be maintained in clean and sanitary condition.
14-4-47 Accumulations of stagnant water—Erosion.
14-4-48 Excessive weeds and grass, trees and shrubs.
14-4-49 Extermination of insects and rodents.
14-4-50 Exterior surfaces.
14-4-51 Stairs, porches, walks and parking areas.
14-4-52 Windows, doors and hatchways generally.
14-4-53 Guards and screens for windows and doors.
14-4-54 Maintenance of accessory structures.

Division 3
Interior Structures
14-4-55 Compliance with division.
14-4-56 General maintenance requirements—Storage of refuse.
14-4-57 Cellars, basements and crawl spaces to be kept dry.
14-4-58 Extermination of insects and rodents.
14-4-59 Soundness of supporting structural members.
14-4-60 Walls, ceilings and floor generally.
14-4-61 Bathroom and kitchen floors.
14-4-62 Stairs.

Article 5
Basic Facilities
Division 1
Required Facilities
14-4-63 Compliance with division.
14-4-64 Sanitary facilities.
14-4-65 Water and sewer system.
14-4-66 Water heating facilities.
14-4-67 Heating and air conditioning facilities.
14-4-68 Rubbish containers.
14-4-69 Garbage cans.

Division 2
Installation and Maintenance Requirements
14-4-70 Compliance with division.
14-4-71 General requirements.
14-4-72 Plumbing.
14-4-73 Space heating, cooking and water heating devices.
14-4-74 Electrical outlets and fixtures.

Article 6
Light and Ventilation
14-4-75 Compliance with article.
14-4-76 Natural light in habitable rooms.
14-4-77 Light in nonhabitable work spaces.
14-4-78 Light in public halls and stairways.
14-4-79 Electric outlets required.
14-4-80 Ventilation generally.
14-4-81 Light and ventilation in bathrooms and water closet compartments.

Article 7
Space and Occupancy Requirements
14-4-82 Compliance with article.
14-4-83 Minimum ceiling heights.
14-4-84 Minimum floor area—Generally.
14-4-85 Minimum floor area—For sleeping rooms.
14-4-86 Bathroom or water closet compartment not to open into or be used in conjunction with room used for public purposes.
14-4-87 Occupancy of dwelling unit below grade.

Article 8
Fire Safety Requirements
14-4-88 Generally.
14-4-89 Dwelling unit prohibited where flammable liquids are handled, dispensed or stored.
14-4-90 Cooking and heating equipment.

Article 9
Abandoned, Junked or Wrecked Vehicles and Parking Vehicles
14-4-91 Declared a public nuisance.
14-4-92 Parking and storage of vehicles.
14-4-93 Notice to remove or correct condition.
14-4-94 Failure to comply.
14-4-95 Abatement and removal by city.

14-4-96 **Title search.**
14-4-97 **Sale at public auction.**
14-4-98 **Return of vehicle to owner.**
14-4-99 **Storage and sale of valuable property found in abandoned vehicles.**

Article 1
General Provisions

Sec. 14-4-1 Short title.

This and Chapter 14-8 shall be known as the "Residential Anti-Neglect Ordinance" or as the housing code. (Ord. 4232, 1-4-94; Code 1985 § 48-1)

Sec. 14-4-2 Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of the housing code, have the meanings indicated in this section:

Generally. Where terms are not defined in this section and are defined in the building code, they shall have the meanings ascribed to them in the building code. Where the terms are not defined under the provisions of the housing code or under the provisions of the building code, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may apply.

Whenever the words "multifamily dwelling," "residence building," "dwelling unit," "rooming house" or "premises" are used in the housing code, they shall be construed as though they were followed by the words "or any part thereof."

"Abandoned vehicle" means any motor vehicle to which the last registered owner of record thereof has relinquished all further dominion and control and/or any vehicle which is wrecked or partially dismantled or inoperable for a period often (10) days. There shall be a presumption that the last registered owner thereof has abandoned such vehicle, regardless of whether the physical possession of such vehicle remains in the technical custody or control of such owner, if it has remained inoperable or partially dismantled or if the owner has relinquished dominion or control of such vehicle for ten (10) days.

"Accessory structure" means a building, structure or fence, the use of which is incidental to that of the main building and which is located on the same lot.

"Approved," as applied to a material, device or method of construction, means approved by the manager of housing and code enforcement under the provisions of the housing code or approved by other authority designated by law to give approval in the matter in question.

"Basement" means a portion of the building partly underground, but having less than half its clear height below the average grade of the adjoining ground.

"Boardinghouse," "lodging house," "tourist house" means a building, other than a hotel, where, for compensation and by arrangement, meals or lodging and meals are provided for five but not more than twenty (20) persons.

"Building" means any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.

"Building code" means the building code adopted by the city council.

"Building official" means the official designated by the city to enforce building, zoning or similar laws or his or her duly authorized representative.

"Cellar" means the portion of the building partly underground, having half or more than half of its clear height below the average grade of the adjoining ground.

"Court" means an open, uncovered, unoccupied space partially or wholly surrounded by the walls of a structure.

"Court, Enclosed or Inner." "Enclosed or inner court" means a court surrounded on all sides by the exterior walls of a structure or by such walls and an interior lot line.

"Court, Outer." "Outer court" means a court having at least on side thereof opening onto a street, alley or yard or other permanent open space.

"Director" means the director of the city division of public service and neighborhoods. The official designated herein or otherwise charged with the responsibility of administering the housing code or his or her authorized representatives.

"Dormitory" means a space or unit where group sleeping accommodations are provided with or without meals for persons living in one room or in a series of closely associated rooms, under joint occupancy and single management, as in college dormitories.

"Dwelling" means any building or structure or part thereof used and occupied for human habitation or intended to be so used including any accessory building and appurtenances (right-of-way, i.e., driveway) belonging thereto or usually enjoyed therewith.

1. "Single-family dwelling" means a building designed for or occupied exclusively by one family.
2. "Two-family dwelling" means a building designed for or occupied exclusively by two families.
3. "Multifamily dwelling" means a building designed for or occupied exclusively by three or more families.

"Dwelling unit" means one or more rooms arranged for the use of one or more individuals living together as a sin-

gle housekeeping unit, with cooking, living, sanitary and sleeping facilities.

"Exterior property areas" means the open space on the premises and an adjoining property under the control of owners, operators or occupants of such premises.

"Extermination" means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

"Family" means one or more persons living together, whether related to each other by birth or not, having common housekeeping facilities.

"Garbage" means the animal, vegetable and mineral waste resulting from the handling, preparation, cooking and consumption of food.

Gender. Words importing the masculine gender shall include the feminine and neuter.

"Gross floor area" means the total area of all habitable space in a building or structure.

"Habitable room" means a room or enclosed floor space arranged for living, eating and/or sleeping purposes (not including bathrooms, water closet compartments, laundries, pantries, foyers, hallways and other accessory floor spaces).

"Hotel" means any building containing six or more guest rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests.

"Infestation" means the presence, within or contiguous to a multifamily dwelling, unit, rooming house, rooming unit, building, structure or premises, of insects, rodents, vermin or other pests.

"Junkyard" means a place where odds and ends of materials, rubbish and/or garbage, appliances, furniture, machinery or equipment rags, cordage, metals, old machinery and parts, old apparatus or fixtures or parts of same, worn out motor vehicles and parts of same, etc., are stored, collected, bought or sold.

"Lot" means a parcel of land, considered as a unit, with or without a structure on it.

"Manager" means the manager of the department of housing and code enforcement. The official designated by the city to enforce the housing code or his or her duly authorized representatives.

"Mobilehome" means a one-family dwelling unit of vehicular, portable design built on a chassis and designed to be moved from one site to another and to be used without a permanent foundation.

"Motor court" or "motel" means a building or group of buildings used for the temporary residence of transient motorist or travelers.

"Nuisance" means an act or use of property which endangers the life or health of others or which gives offense to the senses or violates the laws of decency or obstructs the reasonable and comfortable use of property or creates an unsightly condition upon the property tending to reduce the value thereof, or invites plundering or creates a fire hazard or promotes urban blight and deterioration in the community.

"Occupancy" means the purpose for which a building is used or intended to be used. Change of occupancy is not intended to include change of tenants or proprietors.

"Occupant" means any person over one year of age (including owner or operator) living and sleeping in a dwelling unit or having actual possession of such dwelling or rooming unit.

"Openable area" means that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

"Operator" means any person who has charge, car or control of a multifamily dwelling or, rooming house, in which dwelling units or rooming units are let or offered for occupancy.

"Owner" means the holder of the title in fee simple. Any person, group of persons, company, association or corporation in whose name tax bills on the property are submitted. It shall also mean any person who, alone or jointly or severally with others:

1. Shall have legal title to any dwelling unit with or without accompanying actual possession thereof; or

2. Shall have charge, care or control of any dwelling unit as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, assignee of rents, lessee or other person, firm or corporation in control of a building or their duly authorized agents. Any such person thus representing the actual owner shall be bound to comply with the provisions of the housing code, and the rules and regulations adopted pursuant thereto, to the same extent as if he or she were owner. It is his or her responsibility to notify the actual owner of the reported infractions of these regulations pertaining to the property which apply to the owner.

"Plumbing" or "plumbing fixtures" means water heating facilities, water pipes, gas pipes, garbage and disposal units, lavatories, bathtubs, shower baths, installed clothes washing machines or other similar equipment, catch basins, drams, vents or other similarly supplied fixtures, together with all connections to water, gas, sewer or vent lines.

"Premises" means a lot, plot or parcel of land including the building or structures thereon.

"Property" means any improved or unimproved real property within the city, including but not limited to streets, highways, alleys and right-of-ways.

"Repair" means the replacement of existing work with the same kind of material used in the existing work, not including additional work that would change the structural safety of the building or that would affect or change required exit facilities, a vital element of an elevator, plumbing, gas piping, wiring or heating installation or that would be in violation of a provision of law or ordinance. The term "repair" or "repairs" shall not apply to any change of construction.

"Residence building" means a building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided except when classified as an institution under the building code.

"Required" means required by some provisions of the housing code.

"Rooming house" means any residence building or any part thereof, containing one or more rooming units, in which space is let by the owner or operator to five but not more than twenty (20) persons who are not members of the family.

"Rooming unit" means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

"Rubbish" means combustible and noncombustible waste materials, except garbage. The term shall include appliances, furniture, vehicle parts, the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and other similar material.

"Stairway" means one or more flights of stairs and necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one story to another in a building or structure.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

"Structure" means that which is built or constructed, an edifice or building of any kind or any piece of work, artificially built or composed of parts joined together in some definite manner.

"Supplied" means installed, furnished or provided by the owner, operator or occupant.

"Travel trailer" means a vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreation or vacation use.

"Vehicle" means a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggies and wagons.

"Ventilation" means the process of supplying or removing air by natural or mechanical means to or from any space.

"Ventilation, Mechanical" means ventilation by power-driven devices.

"Ventilation, Natural" means ventilation by an opening to outer air through windows, skylights, doors, louvers, or stacks without wind-driven devices.

"Workmanlike." Whenever the words "workmanlike state of maintenance and repair" are used, they mean that such maintenance and repair shall be made in a reasonably skillful manner as approved by the manager of housing and code enforcement or his or her designee.

"Yard" means any open unoccupied space on the same lot with a building extending along the entire length of a street or rear or interior lot line.

"Yard, Front" means a yard extending across the entire front of the lot measured between the front lot line of the lot and a line drawn parallel to the front lot line at the required building line on the lot; as defined in the zoning ordinances. (Ord. 4755 § 1, 4-11-00; Ord. 4232, 1-4-94; Code 1985 § 48-2)

Sec. 14-4-3 Purpose.

The purpose of the housing code is to protect the public health, safety and welfare in buildings, structures and premises as hereinafter provided by:

A. Establishing minimum standards for basic equipment and facilities for light, ventilation, space, heating and sanitation; for safety from fire; for space, use and location; for safe and sanitary maintenance; for cooking equipment in all dwellings and multifamily dwellings now in existence;

B. Fixing the responsibilities of owners, operators and occupants of buildings, structures and premises;

C. Providing for administration, enforcement and penalties. (Ord. 4232, 1-4-94; Code 1985 § 48-3)

Sec. 14-4-4 Applicability.

A. Generally. The provisions of the housing code shall apply to all buildings, structures and premises which are now or may become in the future, substandard with respect to structure, protection against fire hazard, equipment or maintenance, inadequate provisions for light and air, lack of proper heating, unsanitary conditions and overcrowding or otherwise may be deemed to constitute a menace to the safety, health or welfare of their occupants. The existence of such conditions, factors or characteristics adversely affect public safety, health and welfare and lead to the continuation, extension and aggravation of urban blight. Adequate protection of the public, therefore, requires the establishment of these minimum standards. Every portion of a building or premises, except hotels and motels serving transient guests only, rest home, convalescent homes and nursing homes, shall comply with the provisions of the housing code, irrespective of when such buildings shall have been constructed, altered or repaired, except as hereinafter provided.

B. Mobilehomes. All moveable units used for human occupancy and the area, grounds or parcels on which they are located, as provided for in the building code or such other codes, laws and ordinances of the municipality applicable thereto shall comply with the requirements of the housing code.

C. Existing Buildings. The housing code establishes minimum requirements for the initial and continued occupancy of all buildings and does not replace or modify requirements otherwise established for the construction, repair, alteration or use of buildings, equipment or facilities except as provided in this section. (Ord. 4232, 1-4-94; Code 1985 § 48-4)

Sec. 14-4-5 Penalty for violations.

It is unlawful for any owner, occupant, mortgagee, lessee or any other person to violate any of the provisions of the housing code and upon conviction thereof, shall be punished by a fine for each offense and/or any remedial action that shall be deemed necessary pursuant to the inherent power of the court. Each day a violation continues after a service of notice specifying a compliance date shall be deemed a separate offense. (Ord. 4232, 1-4-94; Code 1985 § 48-5)

Sec. 14-4-6 Department of housing and code enforcement and manager of housing and code enforcement generally.

There is created a department to be known and designated as the department of housing and code enforcement and the manager of housing and code enforcement is designated and authorized to exercise the powers prescribed in the housing code. Personnel to properly operate the department and carry out the provisions of the housing code are authorized. Such department shall be considered a bureau within the city government within the division of public service and neighborhoods, which division shall provide operating funds for the department of housing and code enforcement within its budget and all funds for the department of housing and code enforcement shall be expended as provided for expenditures of any other bureau of the city government. (Ord. 4755 § 1, 4-11-00; Ord. 4232, 1-4-94; Code 1985 § 48-6)

Sec. 14-4-7 General powers and duties of the manager of housing and code enforcement.

A. The manager of housing and code enforcement is authorized to make inspections to determine the condition of all buildings, structures and premises, including but not limited to, dwellings, dwelling units, apartment buildings, rooming houses and rooming units, buildings, structures and premises, whether improved or unimproved, located within the city, in order that he or she may perform his or her duty of safeguarding the health, safety and welfare of the occupants and of the general public.

B. It shall be the duty and responsibility of the manager of housing and code enforcement to enforce the provisions of the housing code.

C. The manager of housing and code enforcement shall make or cause to be made inspections to determine the conditions of dwellings, multifamily dwellings, dwelling units, rooming houses, rooming units, buildings, structures and premises in order to safeguard the safety, health and welfare of the public under the provisions of the housing code. The manager of housing and code enforcement is authorized the enter any dwelling, dwelling unit, multifamily dwelling, rooming house, building, structure or premises at any reasonable time for the purpose of performing his or her duties under the housing code. (Ord. 4232, 1-4-94; Code 1985 § 48-7)

Sec. 14-4-8 Assistants may act for the manager of housing and code enforcement.

Any duty or act required of or authorized to be done by the manager of housing and code enforcement may be performed by one of his or her assistants to whom the manager may delegate such powers, subject to his or her revision and the approval of the director of public service and neighborhoods. (Ord. 4755 § 1, 4-11-00; Ord. 4232, 1-4-94; Code 1985 § 48-8)

Sec. 14-4-9 Resisting or interfering with housing and code enforcement employee.

It is unlawful for any person to resist or interfere with a housing and code enforcement employee in the performance of their duties by acting in a violent and tumultuous manner toward any housing and code enforcement employed so that such employee is placed in danger of safety of his or her life, limb or health. (Ord. 4232, 1-4-94; Code 1985 § 48-9)

Sec. 14-4-10 Responsibilities of occupants.

A. Generally. Occupants of dwellings, multifamily dwellings, dwelling units, buildings, structures and premises shall be responsible for maintenance thereof as provided in this section.

B. Cleanliness. Every occupant of a building, structure and premises shall keep that part which he or she occupies, controls or uses, in a clean and sanitary condition.

C. Rubbish Disposal. Every occupant of a building, structure or premises shall dispose of all his or her rubbish in a clean and sanitary manner by placing it in the rubbish containers required by Section 14-4-68.

D. Garbage Disposal. Every occupant of a building, structure or premises shall dispose of his or her garbage in a clean and sanitary manner by placing it in the garbage disposal facilities or if such facilities are not available, by removing all nonburnable matter and securely wrapping such garbage and placing it in tight metal garbage containers as required by Section 14-4-69 or by such other disposal method as may be required by applicable laws or ordinances of the city.

E. Plumbing Facilities. Every occupant of a building, structure or premises shall keep the supplied plumbing fixtures therein clean and sanitary and shall be responsible for the exercise of reasonable care in their proper use and operation. Every plumbing fixture furnished by the occupant of a building, structure or premises shall be properly installed and shall be maintained in good working condition, kept clean and sanitary and free of defects, leaks or obstructions. (Ord. 4232, 1-4-94; Code 1985 § 48-10)

Sec. 14-4-11 Occupant to give owner access to premises.

Every occupant of a building, structure or premises shall give the owner or operator thereof, or his or her agent or employee, access to any part of such building, structure or premises at reasonable times, for the purpose of making such inspections, maintenance, repairs or alterations as are necessary to comply with the provisions of the housing code. (Ord. 4232, 1-4-94; Code 1985 § 48-11)

Sec. 14-4-12 Inspections and orders generally.

Inspections of premises and the issuing of orders in connection therewith under the provisions of the housing code shall be the exclusive responsibility of the department of housing and code enforcement. Wherever, in the opinion of the manager of housing and code enforcement, it is necessary or desirable to have inspections of any condition by any other department, he or she shall arrange for this to be done in such manner that the owners or occupants of buildings, structures or premises shall not be subjected to visits by numerous inspectors nor to multiple or conflicting orders. No order for correction of any violation under the housing code shall be issued without the approval of the manager of housing and code enforcement and it shall be the responsibility of that official before issuing any such order to determine that it has the concurrence of any other department or official of the government concerned with any matter involved on the case in question. (Ord. 4232, 1-4-94; Code 1985 § 48-12)

Sec. 14-4-13 Inspection fee.

A. Whenever a request is made by any person for an inspection of property to determine whether or not it complies with the local city codes for any Federal Housing Administration or Veterans Administration, loan commitments or any other request of a similar nature, involving preparation of a special report and initial filing fee in the amount of one hundred dollars ($100.00) shall be paid to the treasury office of the city, which shall be paid at the time the request is made, and such fee shall include one reinspection of property. If the structure fails to pass after first reinspection and additional fee of fifty dollars ($50.00) will be required for any, two succeeding inspections until such time as the structure has passed inspection. The above fee applies to family-type dwellings containing one to four units only. An additional fee of ten dollars ($10.00) per unit shall be made for such structures exceeding four units.

B. The report or certificate issued as a result of this inspection is not a warranty or guarantee that there are no defects in the building, structure or premises, nor shall the city be held responsible for defects not noted.

C. All fees must be collected prior to any physical inspection of properties. Once any fee has been paid, it shall not be refundable for any reason whatsoever. This fee shall be for the purpose of defraying the costs of making an inspection, preparing a report and to cover any related administrative costs involved. (Ord. 4232, 1-4-94; Code 1985 § 48-13)

Sec. 14-4-14 Report to city attorney of failure to comply with orders or removal of notices.

The manager of housing and code enforcement shall report to the city attorney, or his or her designee, the names of all persons who shall fail to comply with any order he or she is obliged to issue under the provisions of the housing code, or who shall remove any official notice he or she is obliged to issue under the provisions of the housing code, or who shall remove any official notice he or she is obliged to post, for such legal action as the city attorney, or his or her designee, may deem necessary. (Ord. 4232, 1-4-94; Code 1985 § 48-14)

Sec. 14-4-15 General duties of city attorney.

The city attorney, or his or her designee, shall:

A. Prosecute all persons failing to comply with the orders issued by the manager of housing and code enforcement as provided in the housing code;

B. Appeal at all hearings before the city council where action is to be taken by the manager of housing and code enforcement;

C. Bring suit to collect all municipal liens for costs incurred to enforce orders to repair, vacate, demolish or remove personal property under the housing code;

D. Take such other legal action as is necessary to carry out the terms of the housing code and advise the manager of housing and code enforcement in the proper procedure in the performance of his or her duties and exercising his or her authority. (Ord. 4232, 1-4-94; Code 1985 § 48-15)

Sec. 14-4-16 Disconnection of utility services when certain orders not complied with.

Whenever the manager of housing and code enforcement is of the opinion that a building or structure is a dangerous structure as defined in Section 14-4-34, or is unfit for human occupancy a defined in Section 14-4-24, and is of the opinion that the owners or other parties in interest have not complied with his or her orders and all proper appeals have been exhausted and the property is vacant, he or she shall serve a copy of his or her order on the light, gas and water division, which shall then disconnect any utility services (electric, water and gas) to such building, structure or premises until such time as the manager of housing and code enforcement declares such condition to have been rectified. In the event the owner and other parties in interest are of the opinion that they have complied with such order and the manager of housing and code enforcement still declines to state that such conditions have been rectified, the matter may be appealed to a court of competent jurisdiction. (Ord. 4232, 1-4-94; Code 1985 § 48-16)

Sec. 14-4-17 Recordation of orders.

Whenever the manager of housing and code enforcement is of the opinion that a building, structure or premises is dangerous as provided in Section 14-4-34, or is unfit for human occupancy as defined in Section 14-4-24, and is of the opinion that the owners or parties in interest have not complied with his or her orders and all proper appeals have been exhausted, he or she may record a copy of his or her order in the county registrars office, giving a full legal description of the building, structure or premises, including subdivision name and lot number. If and when the manager of housing and code enforcement declares the condition to have been rectified, he or she shall release his or her order by making a proper notation in the county registrars office. In the event the owner and other parties in interest are of the opinion that they have complied with such order and the manager of housing and code enforcement declines to state that such conditions have been rectified, the matter may be appealed to a court of competent jurisdiction. (Ord. 4232, 1-4-94; Code 1985 § 48-17)

Sec. 14-4-18 Changes to be made in accord with building code.

A. Any alterations to buildings, structures or premises or changes of use therein which may be caused directly or indirectly by the enforcement chapter shall be done in accordance with applicable sections of the building code.

B. Any owner, authorized agent or contractor who desires to after the use of occupancy of a building, structure or premises shall first make application to the building official and obtain the required permit. (Ord. 4232, 1-4-94; Code 1985 § 48-18)

Sec. 14-4-19 Chapters do not permit zoning violations.

Nothing in the housing code shall permit the establishment or conversion of a building, structure or premises in any zone except where permitted by the zoning ordinances, nor the continuation of such nonconforming use in any zone except as provided therein. (Ord. 4232, 1-4-94; Code 1985 § 48-19)

Sec. 14-4-20 Chapters do not abolish or impair other remedies.

Nothing in the housing code shall be deemed to abolish or impair existing remedies of the city or its officers or

agencies relating to the removal of rubbish, garbage, debris, abandoned vehicles or personal property or the demolition of any buildings or structures which are deemed to be dangerous or unsanitary. (Ord. 4232, 1-4-94; Code 1985 § 48-20)

Sec. 14-4-21 Conflicts with other ordinances.

Except as provided in Section 14-4-4(C), in any case where a provision of the housing code is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of this municipality currently existing, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail. In any case where a provision of the housing code is found to be in conflict with the provisions of any other ordinance or code of this municipality currently existing, which establishes a lower standard for the promotion and the protection of the safety and health of the people, the provisions of the housing code shall prevail. (Ord. 4232, 1-4-94; Code 1985 § 48-21)

Sec. 14-4-22 Personal liability of city officers, agents or employees for acts—Suits to be defended by city attorney.

Except as may otherwise be provided by statute, or local law or ordinance, no officer, agent or employee of the city charged with the enforcement of the housing code shall render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under the housing code. No person who institutes or assists in the prosecution of a criminal proceeding under the housing code shall be liable to damage hereunder unless he or she acted with actual malice and without reasonable grounds for believing that the person accused or prosecuted was guilty of an unlawful act or omission. Any suit brought against any officer, agent or employee of the municipality as a result of any act required or permitted in the discharge of his or her duties under the housing code, shall be defended by the city attorney until the final determination of the proceedings therein. (Ord. 4232, 1-4-94; Code 1985 § 48-22)

Sec. 14-4-23 Enforcement—Designation of special officers.

For the purposes of Articles 1 through 7 of this chapter, the following shall apply:

A. Authority. The director of housing and community development may designate certain employees to become special officers of the municipality for the purpose of issuance of citations in lieu of arrest of offenders in cases where they have jurisdiction.

B. Definitions.

1. "Citation" means any ticket issued to a person showing the offense charged and signed by the person agreeing to appear at the time and place indicated.

2. "Employee" means any employee in the department of housing and code enforcement.

3. "Summons" means process issued by the city courts and signed by the judge or the clerk, as provided for in Charter Section 280 of the city.

C. Designation as Special Officer. Pursuant to TCA 7-63-201 et seq., the director of housing and community development, may designate certain employees to become special officers, for the purpose of issuance of citations in lieu of arrest of offenders in cases where they have jurisdiction.

D. When Citation / Summons Deemed Lawful—Complaints. An employee designated as provided in this section is authorized to issue misdemeanor citations in lieu of arrest, for violations of the housing code and Articles 1 through 7 of this chapter. In the event the form of such citation includes information and is sworn to, it shall be deemed to be a lawful complaint for the purpose of prosecution under the section specified.

E. Procedure Applicable.

1. Every citation or summons issued shall provide for an appearance date. If any offender fails to appear, the court may take a default judgment against the defendant in favor of the city in an amount not to exceed fifty dollars ($50.00) plus costs, for each offense, plus penalties set by the judge, as authorized in Section 1-24-1 of this code.

2. The summons shall be sworn to by the officer before a person designated and authorized to take oaths.

F. Limitation of Action—When Action Deemed Commenced—Service of Summons. No action shall be commenced by the city in any court for the purpose of enforcing any violation of this chapter or section after one year from the commission of the offense.

1. For the purposes of Articles 1 through 7 of this chapter, a court action shall be deemed to be commenced:

a. Upon the issuance of a citation to the offender;

b. Upon the arrest of the offender; or

c. Upon the issuance of a summons to the offender.

2. A summons may be served by:

a. Personal service on the offender; or

b. Registered or certified mail, addressee only, return receipt requested.

G. Failure to Comply with Citation / Summons. In the event any person fails to comply with a citation given to such person or fails to make appearance pursuant to a

summons directing an appearance in court or any person fails or refuses to deposit bail, as required, the clerk of the city court shall secure and issue a warrant for arrest.

H. Police Officer's Duty. Nothing herein contained shall be construed as removal of the designated special police officers' authority under their jurisdiction, and it shall be the duty of all police officers to render any assistance necessary. (Ord. 4412 § 1, 6-4-96; Code 1985 § 48-23)

Article 2
Buildings, Structures and Premises Not in Compliance with the Housing Code

Sec. 14-4-24 What constitutes—General powers and duties of the manager of housing code enforcement—Notice and vacation.

A. Whenever the manager of housing and code enforcement finds that any building, structure or premises constitutes a hazard to the safety, health or welfare of the occupants or to the public or creates an unsightly condition tending to reduce the value thereof or invites plundering; or promotes urban blight and deterioration in the community because it lacks maintenance; or because the existing materials used expose the occupants to poisonous or corrosive substances; or is in disrepair, unsanitary, vermin-infested or rodent-infested; or when the premises, including among others and not limited to, garages, sheds or other similar accessory structures and fences, are a danger to the public health, safety and welfare or when there are upon the premises vehicles not in an operable condition; or refrigerators, stoves and/or any other piece of personal property which is a danger to the public health, safety or welfare; or creates a nuisance; or because it lacks the sanitary facilities or equipment or otherwise fails to comply with the minimum provisions of the housing code; but has not yet reached such state of complete disrepair as to be condemned as a dangerous structure as provided in the housing code, he or she may declare such building, structure or premises as not in compliance with the housing code and order it to be repaired or removed pursuant to this article.

B. If any building, structure or premises or any part thereof is occupied by more occupants than permitted under the housing code or was erected, altered or occupied contrary to law, such building, structure or premises shall be deemed an unlawful structure and the manager of housing and code enforcement may cause such building, structure or premises to be vacated. It is unlawful to again occupy such building, structure or premises or to permit its occupancy, as the case may be, until such has been made to conform to the law.

C. If, at the time of inspection or at any later time, any such building, structure or premises if found to be unoccupied, it shall be the duty of the manager of housing and code enforcement to post a sign showing that this building, structure or premises shall not be occupied until repairs are made and approved. (Ord. 4232, 1-4-94; Code 1985 § 48-31)

Sec. 14-4-25 Notice of hearing—Generally.

Whenever a petition is filed with the manager of housing and code enforcement by an officer in charge of any department or branch of the city government, the county government, or of the state relating to health, fire, building regulations or other regulations pertaining to the use or occupancy of dwellings, buildings or premises of the city, that any dwelling, building or premises is unfit for human occupancy, as defined in Section 14-4-24, or whenever it appears to the manager of housing and code enforcement, on his or her own motion that any dwelling, building or premises is unfit for human occupancy as so defined, he or she shall issue and cause to be served upon the parties listed in Section 14-4-26 a notice that a hearing will be held before him or her or his or her designated agent as a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of the notice and that the parties in interest as listed in Section 14-4-26 may appear in person or otherwise at the time and place fixed in the notice. (Ord. 4232, 1-4-94; Code 1985 § 48-32)

Sec. 14-4-26 Notice of hearing—Service.

A. Service of the notice provided for in Section 14-4-25 shall be as follows:

1. By delivery to the owner, occupant or mortgagee or lessee and any person having an interest in the premises personally or by leaving the notice at the usual place of abode of the aforementioned persons with a person of suitable age and discretion; or

2. By depositing the notice by letter in the United States post office addressed to the aforementioned parties at their last known addresses with postage prepaid thereon.

B. If the manager of housing and code enforcement is unable to find the owner of such unfit dwelling or structure, or part thereof, or the agent or person in possession, charge or control thereof, upon whom such notice may be served, then the manager of housing and code enforcement shall place or cause to be placed such notice upon such building at or near its principal entrance or at some other conspicuous place on or near the building. (Ord. 4232, 1-4-94; Code 1985 § 48-33)

Sec. 14-4-27 Order to repair, alter, secure or demolish.

If after the hearing provided for in Section 14-4-25, the manager of housing code enforcement determines that the dwelling, building or premises under consideration is unfit for human occupancy, as defined in Section 14-4-24, he or she shall state in writing his or her findings of fact in support of that determination and shall issue and cause to be served upon the owner or party in interest, in the manner set forth in Section 14-4-26, an order requiring him or her, to the extent and within the times specified in the order, to repair, alter, secure or demolish the dwelling, building or premises. (Ord. 4232, 1-4-94; Code 1985 § 48-34)

Sec. 14-4-28 Vacation of premises.

A. If the owner or party in interest fails to comply with the order of the manager of housing and code enforcement given pursuant to Section 14-4-27, set within the time prescribed, the manager of housing and code enforcement shall cause such dwelling, building or premises to be vacated and close the same and give the owner or parties in interest notice of such order in the manner prescribed in Section 14-4-26.

B. Any dwelling, multifamily dwelling, building or premises declared unfit for human occupancy and ordered to be vacated pursuant to this section shall be posted with a placard by the manager of housing and code enforcement. The placard shall include the following:

1. Name of city;
2. The name of the authorized department having jurisdiction;
3. The chapter and section of the code under which it is issued;
4. An order that the dwelling, multifamily dwelling, building or premises vacated, must remain vacant until the provisions of the order are complied with and the order to vacate is withdrawn;
5. The date that the placard is posted;
6. A statement of the penalty for defacing or removal of the placard. (Ord. 4232, 1-4-94; Code 1985 § 48-35)

Sec. 14-4-29 Defacing or removing placards or notices posted under article.

No person shall deface or remove any placard or notice placed on any dwelling, multifamily dwelling, building or premises pursuant to this article, except by authority from the manager of housing and code enforcement. (Ord. 4232, 1-4-94; Code 1985 § 48-36)

Sec. 14-4-30 Renting or occupying unfit dwelling.

No person shall knowingly rent, lease or occupy or permit any person to rent or occupy any dwelling, building or premises found unfit for human occupancy or detrimental to the public health, safety and welfare under the provisions of this article. (Ord. 4232, 1-4-94; Code 1985 § 48-37)

Sec. 14-4-31 Failure to remove personal property.

It is unlawful for any owner of personal property to fail or refuse to comply with the orders of the manager of housing and code enforcement to remove from the premises abandoned vehicles, appliances, vehicle parts and/or any other piece or pieces of personal property if such personal property is dangerous to the public health, safety or welfare; or creates an unsightly condition upon such property tending to reduce the value thereof; or is a nuisance; or invites plundering; or promotes urban blight and deterioration in the community; or creates a fire hazard; or violates the zoning regulations of the city. (Ord. 4232, 1-4-94; Code 1985 § 48-38)

Sec. 14-4-32 Requirements for unoccupied buildings.

A. An unoccupied building or structure which is unsafe, or unfit for human habitation or other authorized use or which does not conform with the provisions of this code is a vacant building.

B. A determination of vacancy and a determination of noncompliance with a notice or order issued under this section may be based on observation that a building or structure is open to casual entry; or a building or structure has boarded windows or doors; or a building lacks intact window sashes, walls or roof surfaces to repel weather entry.

C. Every such vacant building or structure is declared to be a fire hazard; is a danger to the public health, safety or welfare; invites plundering; constitutes a nuisance; and promotes urban blight and deterioration in the community.

D. All vacant buildings or structures shall be safeguarded by removing all litter, trash, accumulations of flammable or combustible waste or rubbish and all other debris. All windows, doors and other openings shall be closed and securely locked, barricaded or otherwise secured. All windows, doors and other openings within twenty (20) feet of the ground or readily accessible shall be further protected by boarding up with substantial material approved by the manager of housing and code enforcement.

E. While the building or structure remains vacant, it shall be kept boarded and secured; and the premises shall be kept free of all litter, trash, garbage, rubbish, all other debris and excessive weeds and grass at all times.

F. Such boarding and cleaning shall not relieve any owner or party in interest of responsibility to repair and maintain the property in conformity with provisions of this code. (Ord. 4232, 1-4-94; Code 1985 § 48-39)

Sec. 14-4-33 Appeals from orders under article.

Any person affected adversely by an order or ruling of the manager of housing and code enforcement or the director of public service and neighborhoods or his or her designee on matters pertaining to the enforcement of this article, and who takes exception to such order or ruling and desires a further adjudication of the matter, may appeal to a court of competent jurisdiction. (Ord. 4755 § 1, 4-11-00; Ord. 4232, 1-4-94; Code 1985 § 48-40)

Article 3
Dangerous Structures

Sec. 14-4-34 Dangerous structures defined.

All buildings or structures, including among others, garages, sheds, fences and similar accessory structures, which have any or all of the following defects shall be deemed "dangerous structures" and are defined as but not limited to the following:

A. Those which by reason of inadequate maintenance, dilapidation, obsolescence or abandonment are unsafe, unsanitary or which constitute a fire hazard;

B. Those whose exterior walls lean or buckle to such an extent that excessive bond or anchorage stresses are created;

C. Those whose foundation members, including joists, sills, piers, rafters, studs and footings, are damaged, deteriorated, missing and are not capable of bearing imposed loads safely;

D. Those which, by damage or deterioration of the nonsupporting outside walls or covering, including the roof and floors, are dangerous to the occupant or are detrimental to public safety and welfare;

E. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, morals or the general health and welfare of the occupants or the people of the city;

F. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used;

G. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human occupancy or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein;

H. Those which have parts thereof which are so attached or connected that they may fall or separate and injure occupants or members of the public or may damage property;

I. Those with roof covering, which leak to such an extent as to cause plaster to fall, or which repeatedly with every rainfall, saturate the chattels or the occupant or the supporting members of the roof, or the electric wiring or fixtures so as to render them unsafe;

J. Those having inadequate facilities for egress in case of fire or panic;

K. Those having light, air, ventilation and sanitation facilities, which are inadequate to protect the health, safety or general welfare of human beings, who live or may live therein. (Ord. 4232, 1-4-94; Code 1985 § 48-51)

Sec. 14-4-35 Declared a public nuisance.

All dangerous structures within the terms of Section 14-4-34 are declared to be a public nuisance and shall be condemned and vacated, repaired or demolished, as provided in this article. (Ord. 4232, 1-4-94; Code 1985 § 48-52)

Sec. 14-4-36 Closing of adjacent streets and sidewalks.

The manager of housing and code enforcement may, when necessary for the public safety, temporarily close the sidewalks and streets adjacent to a dangerous structure or part thereof and prohibit the same from being used and the police and fire departments when called upon by the manager of housing and code enforcement to cooperate, shall enforce such orders or requirements. (Ord. 4232, 1-4-94; Code 1985 § 48-53)

Sec. 14-4-37 Standards for ordering repair, vacation or demolition.

The following standards shall be followed in substance by the manager of housing and code enforcement in ordering repair, vacation or demolition of dangerous structures under this article:

A. Repairs.

1. If an existing building is damaged by fire or otherwise in excess of fifty (50) percent of its then physical value before such damage is repaired, it shall be made to conform to the requirements of the building code of the applicable governing body for new buildings.

2. If the cost of such alterations or repairs within any twelve (12) month period or the amount of such damage as referred to in subsection (A)(l) of this section is more than twenty-five (25) percent but not more than fifty (50) percent of the then physical value of the building, the portions to be altered or repaired shall be made to conform to the requirements of the building code of the applicable governing body for new buildings to such extent as the building official may determine.

3. Repairs and alterations, not covered by the preceding subdivisions of this subsection, restoring a building to its condition prior to damage or deterioration, or altering it in conformity with the provisions of the building code of the applicable governing body or in such manners as will not extend or increase an existing nonconformity or hazard, may be made with the same kind of materials as those of which the building is constructed.

B. Vacation. If the dangerous structure is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered vacated pending condemnation proceedings.

C. Demolition. In any case where a dangerous structure is fifty (50) percent damaged, decayed or deteriorated compared to its replacement value or its physical structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of the housing code, it shall be demolished. In all cases where a dangerous structure is a fire hazard existing or erected in violation of the terms of the housing code or any ordinance of the city, it shall be demolished. (Ord. 4232, 1-4-94; Code 1985 § 48-54)

Sec. 14-4-38 Notice to correct conditions.

Whenever the manager of housing and code enforcement has declared a building or structure to be dangerous under the provisions of this article, he or she shall give notice to the owner, occupant, mortgagee, lessee or any other person found to have an interest in the dangerous building or structure and placard the building or structure as dangerous such notice shall:

A. Be in writing and shall be delivered to an owner, occupant or mortgagee or lessee or any other person having an interest in the premises; or by leaving the notice at the usual place of abode of the aforementioned persons with a person of suitable age and discretion; or by depositing the notice by letter in the United States post office addressed to the aforementioned parties at their last known addresses with postage prepaid thereon;

B. Include a description of the real estate sufficient for identification;

C. Include a statement of the reason or reasons why it is being issued;

D. State the time to correct the condition which shall not exceed thirty (30) days from the date of the notice;

E. State the time the occupants must vacate the dwelling units. (Ord. 4232, 1-4-94; Code 1985 § 48-55)

Sec. 14-4-39 Condemnation generally.

A. Upon receipt of a report from the manager of housing and code enforcement of a dangerous structure as defined in Section 14-4-34 and a report that the time given the owners to repair such structures has passed, the director of the division of public service and neighborhoods or his or her designee shall grant a hearing of such report as soon as practicable and hear any testimony the owner or any interested person may wish to offer in rebuttal.

B. As soon as the date is set for a hearing, the director of public service and neighborhoods shall cause a notice to be sent to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in such dangerous structure notifying them of the date and time of such meeting, at which they will be granted an opportunity, if they so desire, to show cause why such dangerous structure should not be condemned as requested by the manager of housing and code enforcement.

C. At such hearing the director of public service and neighborhoods or his or her designee shall hear such testimony as the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in such dangerous structure shall offer, if they so desire and review the facts as to whether or not the structure in question is a dangerous structure within the terms of Section 14-4-34.

D. At such hearing the director of public service and neighborhoods or his or her designee shall make written finding of facts as to whether or not the structure in question is a dangerous structure within the terms of Section 14-4-34. If the director shall find that the facts justify the report, the report shall be confirmed and the director shall cause an order to be issued commanding the owner, occupant, mortgagee, lessee or any other person found to have an interest in the structure to vacate and repair or demolish same, as the order may require, within the time allocated for such order to be executed and condemning the structure for further use contrary to such order. (Ord. 4755 § 1, 4-11-00; Ord. 4232, 1-4-94; Code 1985 § 48-56)

Sec. 14-4-40 Execution of condemnation order.

The manager of housing and code enforcement shall be given a copy of the action by the director of public service and neighborhoods under Section 14-4-39 and shall execute the order of condemnation in the following manner:

A. He shall send a written notice of the order of condemnation by registered mail to the owner, occupant, mortgagee, lessee and any person found to have an interest in the dangerous structure.

B. The manager of housing and code enforcement shall also post a supplementary notice affixed to the original placard posted on the dangerous structure in conformity with Section 14-4-38. Such notice shall be a white card with red lettering stating in substance that the order to which it refers was confirmed and the building was condemned by the city, stating the date thereof and the time granted in which to execute such final order and that if such order is not carried out within the allotted time, the manager of housing and code enforcement will proceed to take such action as is necessary to carry out the order and have any expense charged against the property as provided in Section 14-4-42. (Ord. 4755 § 1, 4-11-00; Ord. 4232, 1-4-94; Code 1985 § 48-57)

Sec. 14-4-41 Failure to comply with order.

If an owner, occupant, mortgagee, lessee or other person having an interest in any property or structure, upon whom notice is provided for in the housing code, has been served, shall fail, neglect or refuse to comply with an order issued pursuant to the housing code, the owner, occupant, mortgagee, lessee or other person, shall be summons to the appropriate court to show why the order has not been complied with. (Ord. 4232, 1-4-94; Code 1985 § 48-58)

Sec. 14-4-42 Repair, vacation or demolition by city.

A. If the owner, occupant, mortgagee, lessee and other person having an interest in a dangerous structure, when notified, shall fail, neglect or refuse to comply with the orders of the manager of housing and code enforcement within the time specified in such notice, it shall be the duty of the manager of housing and code enforcement to proceed forthwith to do or cause to be done, any and all work necessary to place such building, structure or part thereof, in a safe condition or to vacate, or demolish the same as the case may be, according to the order given.

B. If the work of placing any building, structure or part thereof, in a safe condition shall devolve upon the manager of housing and code enforcement and it shall appear that such building, structure or part thereof is in such condition as not to warrant the expenditure thereon of a sufficient sum of money to make repairs or to do such work as is necessary to put it in a safe condition, the manager of housing and code enforcement shall have the authority to demolish such building, structure or part thereof.

C. If in the discharge of his or her duties, it becomes necessary for the manager of housing and code enforcement to cause a dangerous structure to be repaired, vacated or demolished, he or she shall with the assistance of the city attorney, cause the cost of such repair, vacation or demolition to be charged against the land as a lien on which such building or structure existed and that shall be assessed and collected as the city attorney shall determine. The manager of housing and code enforcement shall report to the city treasurer the cost of all such expenses.

D. If, in the discharge of his or her duties as provided in this section, it becomes necessary for the manager of housing and code enforcement to remove personal property from the premises, as defined in Section 14-4-24, such personal property shall be stored by the city and reasonable storage charges charged against the property. When the storage charges equal the fair cash market value of the personal property, the property may be sold to the highest bidder at a public sale giving notice of the time, date and place of such sale to the owner of the property by posting notice on the premises and sending a registered letter to the last known address of the owner at least five days in advance of the sale, if the owner's address is known. The money received from such sale shall go to the, city to compensate it for the reasonable storage charges.

E. As an alternative to subsection C of this section, the uncollected cost for repairing, vacating or demolishing a dangerous structure for the current year may be certified to the city treasurer. It shall then be the duty of the city treasurer to place the amount so certified on the bill for the city taxes assessed against the property on which such dangerous structure was located. It shall be the duty of the city treasurer to collect as a special tax the amount so certified which is declared to be a special tax on the property. This special tax may be collected in the same manner as other general taxes are collected by the city. (Ord. 4232, 1-4-94; Code 1985 § 48-59)

Sec. 14-4-43 Emergency authority of the director of public service and neighborhoods.

A. In case there shall be, in the opinion of the director of public service and neighborhoods, actual and immediate danger of the falling of any building, or part thereof, so as to endanger life or property, the housing director shall cause the necessary work to be done to render such building or part thereof, temporarily safe until the proper proceedings can be taken under this article as in the case of dangerous structure.

B. The director of public service and neighborhoods is authorized and empowered in the case of a dangerous structure or where any, building or part thereof, has fallen

and life is endangered by the occupation thereof, to order and require the inmates and occupants of such building or part thereof, to vacate the same forthwith. (Ord. 4755 § 1, 4-11-00; Ord. 4232, 1-4-94; Code 1985 § 48-60)

Article 4
Environmental Requirements

Division 1
General Provisions

Sec. 14-4-44 Applicability.

The provisions of this article shall govern the minimum conditions of property and building to be used for human occupancy. Every building or structure occupied by humans and the premises on which it stands, shall comply with the conditions herein prescribed as they may apply hereto. (Ord. 4232, 1-4-94; Code 1985 § 48-76)

Division 2
Exterior Property Areas

Sec. 14-4-45 Compliance with division.

No person shall occupy, as owner-occupant or let to another for occupancy and building, structure or premises or portion thereof, for the purpose of living therein, which does not comply with the requirements of this code. The manager of housing and code enforcement shall cause periodic inspections to be made of dwelling premises to secure compliance with these requirements. (Ord. 4232, 1-4-94; Code 1985 § 48-86)

Sec. 14-4-46 To be maintained in clean and sanitary condition.

All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. (Ord. 4232, 1-4-94; Code 1985 § 48-87)

Sec. 14-4-47 Accumulations of stagnant water—Erosion.

A. All premises shall be maintained so as to prevent the accumulation of stagnant water thereon or within any building, structure or swimming pool located thereon.

B. All premises shall be graded and maintained so as to prevent soil erosion which may damage the buildings, structures or premises. (Ord. 4232, 1-4-94; Code 1985 § 48-88)

Sec. 14-4-48 Excessive weeds and grass, trees and shrubs.

A. All exterior property areas shall be kept free of excessive weeds and grass.

B. Small tracts of land, whether improved or unimproved, within the city, shall be kept cut, clipped or controlled through chemical means as frequently as necessary to insure that weeds, rank grass and noxious growths do not exceed a height of twelve (12) inches.

"Small tracts" mean building lawns, sidewalk neutral strips, walkways, gardens, decorative landscaped areas and unimproved lots of two acres or less.

C. Grass walkways abutting the city streets shall be kept mowed to a height not exceeding six inches.

D. Large tracts shall be cut, clipped or controlled through chemical means at least twice each season, with cuttings or at least three months apart during the growing season. Cuttings or clippings shall be to a height not exceeding twelve (12) inches.

E. "Large tracts" mean unimproved property of a size of two acres in area or larger, except that if large tract are adjacent to improved residential property, they shall be kept clipped to the same standards as small tracts within one hundred thirty (130) feet of such improved residential property.

F. Any tract maintained in a natural state or as a wilderness area may be exempt from cutting except for the requirements of the provisions hereinabove.

G. All trees and shrubs shall be maintained so as not to imperil public health or safety or cause damage to any structure, premises or utility services. (Ord. 4232, 1-4-94; Code 1985 § 48-89)

Sec. 14-4-49 Extermination of insects and rodents.

Every owner of a building, structure or premises shall be responsible for the extermination of insects, rodents, vermin or other pests in all exterior areas of the premises, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the shared or public parts of the premises of other, than a single-family dwelling, extermination shall be the responsibility of the owner. (Ord. 4232, 1-4-94; Code 1985 § 48-90)

Sec. 14-4-50 Exterior surfaces.

A. Generally. Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be

kept in such condition as to exclude rodents and other vermin.

B. Foundations. The foundation elements shall adequately support the building at all points.

C. Walls—Wood Surfaces. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior wood surfaces, other than decay-resistant wood, but not limited to walls, shall be made impervious to adverse effects of weather by periodic application of paint or a similar protective coating and shall be maintained in a good state of repair. All new exterior wood surfaces, other than decay resistant wood, shall be protected from the elements and decay by painting or other protective covering or treatment. All exterior surfaces shall be kept free of defects including scaling, peeling and loose paint. All lead hazards shall be abated by employing the use of nationally accepted standards and techniques and in compliance with all applicable laws and ordinances. The use of lead based paint is specifically prohibited.

D. Roofs. The roof shall be structurally sound, with and have no defects which might admit rain and roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portions of the building. The placing of new roofing conforming to this section over existing combustible roofing shall not be prohibited, provided that the roofing is of a material which can be firmly and securely attached to form a weathertight covering and provided the existing roof structure is adequate to carry the additional load. (Ord. 4232, 1-4-94; Code 1985 § 48-91)

Sec. 14-4-51 Stairs, porches, walks and parking areas.

A. Stairs and other exit facilities shall be adequate for safety as provided in the building code and shall comply with the following subsections of this section.

B. Every outside stair, every porch, every walkway, every driveway and every appurtenance attached thereto, shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected as required by the building code, and shall be kept in sound condition and good repair.

C. All walkways, driveways and parking areas for multifamily dwellings shall be kept in sound condition and good repair.

D. Where the manager of housing and code enforcement deems it necessary for safety, every flight of stairs, which is more than three risers high, shall have handrails which shall be located as required by the building code and every porch which is more than three risers high shall have handrails so located and of such design as required by the building code. Every handrail and balustrade shall be firmly fastened and shall be maintained in good condition. (Ord. 4232, 1-4-94; Code 1985 § 48-92)

Sec. 14-4-52 Windows, doors and hatchways generally.

A. Every window, exterior door and basement hatchway shall be substantially tight and shall be kept in sound condition and repair.

B. Every window sash shall be fully supplied with glass window panes or an approved substitute.

C. Every window sash shall be in good condition and fit reasonably tight within its frame.

D. Every window, other than a fixed window, shall be capable of being easily opened.

E. Every exterior door shall be equipped with hinges and door latch and shall be maintained in good condition.

F. Every exterior door, when closed, shall fit reasonably well within its frame.

G. Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction as to exclude rain as completely as possible and to substantially exclude wind from entering the dwelling or multifamily dwelling.

H. Every basement hatchway shall be so constructed and main tamed as to prevent the entrance of rodents, rain and surface drainage water into the dwelling or multifamily dwelling.

I. Every door available as an exit shall be capable of being opened from the inside, easily and without the use of a key. (Ord. 4232, 1-4-94; Code 1985 § 48-93)

Sec. 14-4-53 Guards and screens for windows and doors.

Guards and screens shall be supplied for protection against rodents and insects in accordance with the following requirements:

A. Every basement or cellar window which is openable shall be supplied with corrosion resistant rodent-proof shields, screens or with other material affording equivalent protection against the entry of rodents, including storm windows.

B. With the exception of when the structure is air conditioned, every door opening directly from any dwelling or multifamily dwelling to the outdoors and every window or other outside opening used for ventilation purposes, shall be supplied with a screen of not less than sixteen (16) mesh per inch and every screen door, except a

sliding screen door, shall have a self-closing device in good working condition; except that no such screens shall be required for a dwelling unit on a floor above the fifth floor. (Ord. 4232, 1-4-94; Code 1985 § 48-94)

Sec. 14-4-54 Maintenance of accessory structures.

All accessory structures, including detached garages and fences, shall be maintained structurally sound and in good repair. (Ord. 4232, 1-4-94; Code 1985 § 48-95)

Division 3
Interior Structures

Sec. 14-4-55 Compliance with division.

No person shall occupy as owner-occupant or let to another for occupancy any building, structure or premises or portion thereof, for the purpose of living therein, which does not comply with the requirements of this division. (Ord. 4232, 1-4-94; Code 1985 § 48-106)

Sec. 14-4-56 General maintenance requirements—Storage of refuse.

The interior of every building or structure used for human occupancy shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. Rubbish, garbage, odor causing waste and other refuse shall be properly kept inside temporary storage facilities as required. (Ord. 4232, 1-4-94; Code 1985 § 48-107)

Sec. 14-4-57 Cellars, basements and crawl spaces to be kept dry.

In every building or structure to include cellars, basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conductive to decay or deterioration of the structure as required by the building code. (Ord. 4232, 1-4-94; Code 1985 § 48-108)

Sec. 14-4-58 Extermination of insects and rodents.

A. All buildings, structures and premises shall be kept free from insect and rodent infestation and where insects or rodents are found they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

B. Every owner of a dwelling or multifamily dwelling shall be responsible for the extermination of insects, rodents, vermin or other pests in the shared or public parts of the structure.

C. The occupant of a single-family dwelling unit shall be responsible for such extermination, excluding termites, within the unit occupied by the occupant. However, the owner shall be responsible for such extermination within each unit of a multifamily dwelling.

D. Notwithstanding the foregoing provisions, whenever infestation of rodents is caused by failure of the owner to maintain any dwelling or multifamily dwelling in a rodent-proof condition, extermination of such rodents shall be the responsibility of the owner. (Ord. 4232, 1-4-94; Code 1985 § 48-109)

Sec. 14-4-59 Soundness of supporting structural members.

The supporting structural members of every building or structure shall be maintained structurally sound, showing no evidence of deterioration which would render them incapable of carrying the imposed loads in accordance with the provisions of the building code. (Ord. 4232, 1-4-94; Code 1985 § 48-110)

Sec. 14-4-60 Walls, ceilings and floor generally.

A. Interior walls, ceilings and floors shall be repaired maintained in a safe condition.

B. Walls, ceilings, doors and door frames, window frames and facings, wood trim and built-in cabinets shall be kept smooth and free of defects including scaling, peeling and loose paint and falling plaster or other coverings. All lead hazards shall be abated by employing the use of nationally accepted standards and techniques and in compliance with all applicable laws and ordinances. All surfaces shall be decorated, and/or redecorated, as necessary to maintain a clean, hazard free and sanitary condition. The use of lead based paint is specifically prohibited.

C. Floor surfaces shall be kept free of breaks and defects which by their presence might cause injury to the occupants. All floors shall be reasonably level and adequately supported. (Ord. 4232, 1-4-94; Code 1985 § 48-111)

Sec. 14-4-61 Bathroom and kitchen floors.

Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition. (Ord. 4232, 1-4-94; Code 1985 § 48-112)

Sec. 14-4-62 Stairs.

A. Stairs shall be provided in every building and structure as required by the building code.

B. All interior stairs of every structure used for human occupancy shall be maintained in sound condition and good repair by replacing treads and risers that evidence

excessive wear or are broken, warped or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting a load as required by the provisions of the building code. (Ord. 4232, 1-4-94; Code 1985 § 48-113)

Article 5
Basic Facilities

Division 1
Required Facilities

Sec. 14-4-63 Compliance with division.

No person shall occupy as owner-occupant or let to another for occupancy, any building, structure or premises for the purpose of living, sleeping cooking or eating therein which does not comply with the requirements of this division. (Ord. 4232, 1-4-94; Code 1985 § 48-126)

Sec. 14-4-64 Sanitary facilities.

A. Generally. The minimum sanitary facilities specified in this section shall be supplied and maintained in sanitary and safe working condition.

B. Water Closet. Every dwelling unit shall contain within its walls a room, separate from the habitable rooms, which affords privacy and which is equipped with a water closet. Entry to such room shall be from within the unit only.

C. Lavatory. Every dwelling unit shall contain a lavatory, which shall be in close proximity to the water closet.

D. Bathtub or Shower. Every dwelling unit shall contain a which affords privacy to a person in the room and which is equipped with a bathtub or shower.

E. Kitchen Sink. Every dwelling unit shall contain a kitchen sink apart from the lavatory required by subsection C of this section. (Ord. 4232, 1-4-94; Code 1985 § 48-127)

Sec. 14-4-65 Water and sewer system.

Every kitchen sink, lavatory basin, bathtub or shower and water closet required under the provisions of Section 14-4-64 shall be properly connected to either a public water and sewer system or to an approved private water and sewer system. All sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water. (Ord. 4232, 1-4-94; Code 1985 § 48-128)

Sec. 14-4-66 Water heating facilities.

A. Every dwelling unit shall be supplied with water heating facilities which are installed in an approved manner, properly maintained and properly connected with hot water lines to the fixtures required to be supplied with hot water under Section 14-4-65. Water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower and laundry facility or other similar units, at a temperature of not less than on hundred thirty (130) degrees Fahrenheit at any time needed.

B. Every water heating facility shall be installed and shall operate in accordance with the requirements of the building code on the air pollution control ordinances of the city. (Ord. 4232, 1-4-94; Code 1985 § 48-129)

Sec. 14-4-67 Heating and air conditioning facilities.

A. Every dwelling and multifamily dwelling shall have provisions for heating facilities. The owner of the heating facilities shall be required to see that they are properly installed, safely maintained, in good working condition and that they are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein.

B. Every heating facility shall be installed and shall operate in accordance with the requirements, of the building code and the air pollution control ordinances of the city.

C. When air conditioning facilities are provided, the owner of the air conditioning facilities shall be required to see that they are properly installed, safely maintained and in good working condition. (Ord. 4232, 1-4-94; Code 1985 § 48-130)

Sec. 14-4-68 Rubbish containers.

Every dwelling, multifamily dwelling and dwelling unit shall be supplied with approved containers and covers for storage of rubbish and the owner, occupant or agent in control of such dwelling or multifamily dwelling shall be responsible for the removal of such rubbish. (Ord. 4232, 1-4-94; Code 1985 § 48-131)

Sec. 14-4-69 Garbage cans.

It shall be the duty of every owner, lessor, agent or property manager of any multiple dwelling, and it shall be the duty of every occupant of a single or double dwelling in the city, to provide adequate garbage receptacles as may be approved by the division of sanitation. (Ord. 4232, 1-4-94; Code 1985 § 48-132)

Division 2
Installation and Maintenance Requirements

Sec. 14-4-70 Compliance with division.

No person shall occupy as owner-occupant, or let to another for occupancy, any building, structure or premises for the purpose of living, cooking or eating therein which does not comply with the requirements of this division. (Ord. 4232, 1-4-94; Code 1985 § 48-146)

Sec. 14-4-71 General requirements.

A. All required equipment and all building space and parts in every dwelling and multifamily dwelling shall be constructed and maintained so as to properly and safely perform their intended function in accordance with the provisions of the building code.

B. All housing facilities shall be maintained in a clean and sanitary condition by the occupant so as not to breed insects and rodents or produce dangerous of offensive gases or odors. (Ord. 4232, 1-4-94; Code 1985 § 48-147)

Sec. 14-4-72 Plumbing.

A. In buildings and structures used for human occupancy, water lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order and shall be capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of the building code or plumbing code of the city.

B. In buildings and structures used for human occupancy, every plumbing stack, waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of the building code or plumbing code of the city. (Ord. 4232, 1-4-94; Code 1985 § 48-148)

Sec. 14-4-73 Space heating, cooking and water heating devices.

Every space heating, cooking and water heating device located in a dwelling or multifamily dwelling shall be properly installed, connected and maintained and shall be capable of performing the functions for which it was designed in accordance with applicable provisions of the housing code. (Ord. 4232, 1-4-94; Code 1985 § 48-149)

Sec. 14-4-74 Electrical outlets and fixtures.

A. Every electrical outlet and fixture required by Article 4 of this chapter shall be installed, maintained and connected to the source of electric power in accordance with the provisions of the building code or electrical code of the city.

B. Where it is found, in the opinion of the manager, of housing and code enforcement that the electrical system in a building constitutes a hazard to the occupants or the building by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage or for similar reasons, he or she shall refer the defects to the proper electrical official. (Ord. 4232, 1-4-94; Code 1985 § 48-150)

Article 6
Light and Ventilation

Sec. 14-4-75 Compliance with article.

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling, multifamily dwelling, dwelling unit, rooming house or rooming unit for the purpose of living therein which does not comply with the requirements of this article. (Ord. 4232, 1-4-94; Code 1985 § 48-166)

Sec. 14-4-76 Natural light in habitable rooms.

Every habitable room shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable room shall be ten (10) percent of the floor, area of such room, except kitchens when artificial light may be provided in accordance with the provisions of the building code. Whenever walls or other portions of a structure face a window or any room and, such obstructions are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room. (Ord. 4232, 1-4-94; Code 1985 § 48-167)

Sec. 14-4-77 Light in nonhabitable work spaces.

Every laundry, furnace room and all similar nonhabitable work spaces located in a dwelling or multifamily dwelling shall have one supplied electric light fixture available at all times. (Ord. 4232, 1-4-94; Code 1985 § 48-168)

Sec. 14-4-78 Light in public halls and stairways.

Every public hail and inside stairway in every multi-family dwelling shall be adequately lighted at all times. (Ord. 4232, 1-4-94; Code 1985 § 48-169)

Sec. 14-4-79 Electric outlets required.

Where there is electric service available to the building or structure, every habitable room of a dwelling or multi-family dwelling shall contain at least two separate and remote outlets, one of which may be a ceiling or wall-type electric light fixture In kitchen three separate and remote wall-type electric convenience outlets or two such convenience outlets and one ceiling or wall-type electric light fixture shall be provided. Every public hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one electric light fixture. In addition to the electric light fixture in every bathroom and laundry room, there shall be provided at least one electric outlet. (Ord. 4232, 1-4-94; Code 1985 § 48-170)

Sec. 14-4-80 Ventilation generally.

Every habitable room shall have at least one window which can be easily opened or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least forty-five (45) percent of the minimum window area size required by Section 14-4-76, except where mechanical ventilation is provided in accordance with the provisions of the building code. (Ord. 4232, 1-4-94; Code 1985 § 48-171)

Sec. 14-4-81 Light and ventilation in bathrooms and water closet compartments.

Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms as required by this article, except that no window shall be required in bathrooms or water closet compartments equipped with an approved ventilation system. (Ord. 4232, 1-4-94; Code 1985 § 48-172)

Article 7
Space and Occupancy Requirements

Sec. 14-4-82 Compliance with article.

No person shall occupy or let to another for occupancy, any building structure or premises for the purpose of living therein which does not comply with the requirements of this article. (Ord. 4232, 1-4-94; Code 1985 § 48-186)

Sec. 14-4-83 Minimum ceiling heights.

Habitable rooms in existing buildings shall have a clear ceiling height of not less than seven and one-third feet, except that in attics or top half-stories the ceiling height shall be not less than seven feet over not less than one-third of the area when used for sleeping, study or similar activity. In calculating the floor area of such rooms only those portions of the floor area of the room having a clear ceiling height of five feet or more may be included. (Ord. 4232, 1-4-94; Code 1985 § 48-187)

Sec. 14-4-84 Minimum floor area—Generally.

Every dwelling unit shall contain a minimum gross floor area of not less than one hundred fifty (150) square feet for the first occupant and one hundred (100) square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms. (Ord. 4232, 1-4-94; Code 1985 § 48-188)

Sec. 14-4-85 Minimum floor area—For sleeping rooms.

Every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor area and every room occupied for sleeping purposes by more than one person shall contain at least fifty (50) square feet of floor area for each occupant thereof. (Ord. 4232, 1-4-94; Code 1985 § 48-189)

Sec. 14-4-86 Bathroom or water closet compartment not to open into or be used in conjunction with room used for public purposes.

No bathroom or water closet compartment which is accessory to a dwelling unit shall open directly into or shall be used in conjunction with a food store, barber or beauty shop, doctor's or dentist's examination or treatment room or similar room used for public purposes. (Ord. 4232, 1-4-94; Code 1985 § 48-190)

Sec. 14-4-87 Occupancy of dwelling unit below grade.

No dwelling unit partially below grade shall be used for living purposes unless:

A. Floors and wall are watertight;

B. Total window area, total openable area and ceiling height are in accordance with the housing code; and

C. Required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area. (Ord. 4232, 1-4-94; Code 1985 § 48-191)

Article 8
Fire Safety Requirements

Sec. 14-4-88 Generally.

A. No person shall occupy as owner-occupant, or shall let another for occupancy, any dwelling, multifamily dwelling, dwelling unit, rooming house unit, lodging house or lodging unit which does not comply with the applicable provisions of the fire prevention code or the building code and other ordinances of the city and the additional requirements set out in this article for safety from fire.

B. Smoke detectors shall be installed in all residential properties in accordance with National Fire Protection Association Standard No. 74, 1989 Edition and shall be maintained in an operable condition. (Ord. 4232, 1-4-94; Code 1985 § 48-206)

Sec. 14-4-89 Dwelling unit prohibited where flammable liquids are handled, dispensed or stored.

No dwelling, multifamily dwelling, dwelling unit or rooming unit shall be located within a building containing any establishment handling, dispensing or storing flammable liquids. (Ord. 4232, 1-4-94; Code 1985 § 48-207)

Sec. 14-4-90 Cooking and heating equipment.

All cooking and heating equipment, components and accessories in every heating, cooking and water heating device shall be maintained free from leaks and obstructions and kept functioning properly so as to be free from fire, health and accident hazards. All installations and repairs shall be made in accordance with the provisions of the building code or other laws or ordinances of the city applicable thereto. Portable cooking and heating equipment flame is prohibited. (Ord. 4232, 1-4-94; Code 1985 § 48-208)

Article 9
Abandoned, Junked or Wrecked Vehicles and Parking Vehicles

Sec. 14-4-91 Declared a public nuisance.

The accumulation and storage of abandoned, wrecked, junked, partially dismantled or inoperable motor vehicles on public and private property is found to create an unsightly condition upon such property tending to reduce the value thereof, to invite plundering, to create fire hazards and to constitute a nuisance. Such accumulation and storage of vehicles is further found to promote urban blight and deterioration in the community; to violate the zoning regulations of the city in many instances, particularly where such vehicles are maintained in the required yard areas of residential property; and that such wrecked, junked, abandoned or partially dismantled or inoperable motor vehicles are in the nature of rubbish, litter and unsightly debris. Therefore the accumulation and storage of such vehicles on public and private property, except as expressly hereinafter permitted, is declared to constitute a nuisance which may be abated as such, which remedy shall be in addition to any other remedy provided by law. (Ord. 4232, 1-4-94; Code 1985 § 48-210)

Sec. 14-4-92 Parking and storage of vehicles.

A. No person shall park, store or leave or permit the parking, storing or leaving of any vehicle which is in a rusted, wrecked, junked, partially dismantled, inoperable or abandoned condition upon any property within the city for a period in excess often (10) days unless such vehicle is completely enclosed within a building or unless such vehicle is so stored or parked on such property in connection with a duly licensed business or commercial enterprise operated and conducted pursuant to law when such parking or storing of vehicles is necessary to the operation of the business or commercial enterprise.

B. No person shall park or store or permit the parking or storing of more than one boat and boat trailer, and no more than one camping trailer or recreational vehicle per dwelling unit. No part of such parking or storage area shall be located in a front yard. Such boat and camping trailer or recreational vehicle shall not be used for living, sleeping or housekeeping purposes.

C. All vehicles parked or stored in single-family residential, duplex or multifamily zoning districts shall be parked or stored on asphalt, concrete or other hard surface dustless materials as approved by the city or completely enclosed within a building.

D. It is unlawful for any person to park or store any motorized vehicle or equipment, such as, but not limited to campers, trailers, boats or other recreational type equipment, on any residential street in the city.

E. In single-family residential and duplex zoning districts, the number of vehicles parked or stored at a dwelling unit shall not exceed four in number for more than a ten (10) day period unless they are completely enclosed within a building. (Ord. 4232, 1-4-94; Code 1985 § 48-211)

Sec. 14-4-93 Notice to remove or correct condition.

Whenever it shall appear that a violation of the provisions of this article exist, the manager of housing code

enforcement shall give or cause to be given, notice to the registered owner of any vehicle which is in violation of this article, and he or she shall give such notice to the owner or person in lawful possession or control of the property upon which such vehicle is located, advising that such vehicle violates the provisions of this article and directing that such vehicle be moved to a place of lawful storage within ten (10) days. Such notice shall be served upon the owner of the vehicle by leaving a copy of such notice on or within the vehicle. Notice to the owner or person in lawful possession or control of the property upon which such motor vehicle is located may be served by conspicuously posting such notice upon the premises. In the case of publicly owned property, notice to the owner of the property where the vehicle is found is dispensed with.

At such time the owner is notified to move the vehicle to a lawful place of storage, the division of police services shall be notified of such fact and the make, model, license number and vehicle identification number of the vehicle, provided such license number and/or vehicle identification number is visible. When so notified, the division of police services shall make or cause to be made, a title search on the abandoned vehicle and after the title search has been completed by the division, the results thereof shall be transmitted to the manager of housing and code enforcement. The manager or his or her designee shall then notify the owner as reported by the division of police services that the vehicle will be towed by the city if it is not moved to a place of lawful storage in ten (10) days from the date of the notice. Such notice shall be sent by registered or certified mail. (Ord. 4232, 1-4-94; Code 1985 § 48-212)

Sec. 14-4-94 Failure to comply.

The owner of any vehicle who fails, neglects or refuses to remove such vehicle or to house such vehicle and abate such nuisance in accordance with the notice given pursuant to the provisions of Section 14-4-93 shall be in violation of the municipal code of the city, and subject to penalties as provided by law. (Ord. 4232, 1-4-94; Code 1985 § 48-213)

Sec. 14-4-95 Abatement and removal by city.

If such vehicle is not disposed of after the time provided for in the notice provided for in Section 14-4-93, the manager of housing code enforcement or his or her designee shall order the removal of the vehicle to the city's vehicle storage lot. At the time the vehicle is removed, a tow-in ticket shall be completed in triplicate. (Ord. 4232, 1-4-94; Code 1985 § 48-214)

Sec. 14-4-96 Title search.

At the time an abandoned vehicle is moved to the city's vehicle storage lot, the division of police services shall be notified immediately of such fact. The division of police services shall make, or cause to be made, a title search on the abandoned vehicle. (Ord. 4232, 1-4-94; Code 1985 § 48-214.1)

Sec. 14-4-97 Sale at public auction.

A. Procedure When Owner Known. After a title search of an abandoned vehicle has been made by the division of police services, the division of police services shall give notice by registered or certified mail to the owner of such vehicle that the vehicle will be sold at public auction. Such notice shall specify the date, hour and location of the sale. If the vehicle is sold from the city's storage lot, the division of police services shall determine the date of the sale of the abandoned vehicles. The vehicles shall be sold by the city purchasing agent and he or she may sell the vehicles individually or as a group. The vehicles shall not be sold within thirty (30) days after the title search. Each car at the sale shall be subject to the tow-in charge, storage charges and expenses of sale, which charges shall be approved by the division of police services. The title to the abandoned vehicle sold at the aforesaid public auction shall pass to the purchaser at the time of the sale. Any additional amount in excess of the tow-in charge, storage charges and expenses of sale shall be paid to the former owner of the vehicle if a claim is presented within ninety (90) days after the date of sale. The amount received for the vehicles shall be reported to the division of police services. Notice of sale shall be published and/or posted at the courthouse and such other places as the purchasing agent determines, fifteen (15) days in advance of the sale.

B. Procedure When Owner of Vehicle Cannot be Ascertained. If the owner of the vehicle cannot be ascertained by the title search of the division of police services, the vehicle shall be sold in accordance with the provisions of subsection A of this section, provided that the notice to the owner by registered or certified mail shall be dispensed with.

C. No Identification Number. If such vehicle has no serial number or other identification number, then the title search as hereinabove provided for shall be dispensed with and the vehicle shall be sold in accordance with the provisions of subsection A of this section after thirty (30) days of it being moved to the vehicle storage lot, provided that the notice by registered or certified mail to the owner shall also be dispensed with.

D. Disposition of Worthless Vehicles. Any vehicles as herein provided, which, after having been advertised

and listed for sale, shall bring no price, then and in that event, the purchasing agent or private storage lot operator shall deem such vehicle as worthless and shall dispose of such vehicle in such manner as he or she and the division of police services may deem right and proper.

E. Vehicles Over Six Years Old and Totally Inoperable. Not withstanding any other provision of this article, any person, firm, corporation or unit of government, upon whose property or in whose possession is found any abandoned motor vehicle or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher without that title and without the notification procedures of this article, if the motor vehicle is over six years old and has no engine or is totally inoperable. (Ord. 4232, 1-4-94; Code 1985 § 48-214.2)

Sec. 14-4-98 Return of vehicle to owner.

If during the time that the vehicle is being held at the vehicle storage lot the owner of the vehicle demands the return of such vehicle, then the vehicle shall be returned to the owner upon the payment of the storage and tow-in fees by the owner. The storage agent shall notify the director of the division of police services of such redemption by the owner of the vehicle. (Ord. 4232, 1-4-94; Code 1985 § 48-214.3)

Sec. 14-4-99 Storage and sale of valuable property found in abandoned vehicles.

Any valuable property found in any abandoned vehicle subject to this article shall be stored by the division of police services and sold at public auction by the purchasing agent or stored and sold with the abandoned vehicle. (Ord. 4232, 1-4-94; Code 1985 § 48-214.4)

Chapter 14-8

DANGEROUS, DERELICT OR ABANDONED STRUCTURES IN MULTIFAMILY HOUSING, COMMERCIAL AND INDUSTRIAL DISTRICTS

Article 1
General Provisions

Sections:

14-8-1 **Generally.**
14-8-2 **Purpose.**
14-8-3 **Exemption.**

Article 2
Definitions

14-8-4 **Definitions.**

Article 3
Neglected, Derelict, Abandoned or Dangerous Conditions—Inspection and Registration

14-8-5 **Neglected/derelict, abandoned, blighted or dangerous building conditions.**
14-8-6 **Inspection—Registration fee.**

Article 4
Fees and Penalties—City's Right to Board Properties

14-8-7 **Inspection fees payable.**
14-8-8 **Penalties imposed.**

Article 5
Probation Periods—Rehabilitation Plans

14-8-9 **Probation period—Rehabilitation plan.**
14-8-10 **Appeal.**
14-8-11 **Distribution of fees collected.**
14-8-12 **Enforcement.**

Article 1
General Provisions

Sec. 14-8-1 Generally.

This chapter shall be known as the "Anti-Neglect and/or Dangerous, Derelict or Abandoned Structures in Multifamily Housing, Commercial and Industrial Areas Ordinance," and applies to all buildings and structures, in addition to the inspections and conditions imposed by the department of housing inspection set out in Articles 1 through 8 of Chapter 14-4, the inspections and regulations imposed by the office of code enforcement and the requirements of the fire services division. (Ord. 4126 § 1, 9-15-92; Code 1985 § 48-215)

Sec. 14-8-2 Purpose.

This chapter is meant to prevent buildings or structures in the city from becoming dangerous and/or neglected or remaining dangerous and derelict, as the terms may be defined in this chapter; to prevent structures from becoming blighted; to mitigate blighting impact of such buildings; to provide for the regular inspection of structures and buildings that are or are likely to become dangerous, derelict or abandoned; and to impose fees to cover the costs of inspection of those properties upon owners, operators, tenants or lessees, having a legal or equitable interest in the property and have a responsibility to maintain the property. (Ord. 4126 § 1, 9-15-92; Code 1985 § 48-216)

Sec. 14-8-3 Exemption.

This chapter shall not apply to single-family or duplex residences, except when such single-family or duplex residence is located within an historic district. This chapter shall apply to business structures and residential structures of three or more units. (Ord. 4126 § 1, 9-15-92; Code 1985 § 48-217)

Article 2
Definitions

Sec. 14-8-4 Definitions.

For the purpose of this chapter, certain terms, phrases, words and their derivatives shall be construed as specified herein. Words used in the singular include the plural, arid the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. Terms, words, phrases and their derivatives used, but not specifically defined in this chapter, either shall have the meaning defined in this chapter or if not herein defined, shall have the meanings commonly accepted in the community.

"Abandoned structure" is a vacant structure when it is without obvious supervision by an owner, tenant, lessee or person in charge and the structure or any portion thereof is in such a condition as to constitute a danger, nuisance or in any way a hazard to the public. Abandonment may also be constituted by, but not limited to, any one or more of the following conditions which may exist:

1. Failure to answer notices;
2. Failure to pay taxes;
3. Failure to make appearances at court hearings;

4. Failure to properly board up broken windows or open doors, secure basements, reinforce and secure walls which may have caved-in or buckled on subject properties;

5. Failure the properly secure walls which are subject to buckling or caving onto adjacent or adjoining properties, as declared by code enforcement officials;

6. Failure to remove accumulated debris declared as health or fire hazards by fire services division or health department.

"Agreement/contract to repair/work" is a written agreement or contract in which the owner of a structure agrees to carry out repairs or perform reconstruction work on any abandoned, unsafe, dangerous building or structure, between a specified commencement and completion date.

"Approved testing agency" is an established and recognized agency regularly engaged in conducting testing and furnishing inspection services or a duly licensed engineer. Approved testing agency can be a licensed agent, either from private enterprise appointed by city under contract arrangement, or a public official employed in a governmental capacity with a license to practice engineering or architecture in the state of Tennessee.

"Attractive nuisance doctrine" is the failure to observe a legal duty; one which contemplates the guarding against some danger which is neither common nor obvious; the liability of an owner of ordinary prudence and foresight to recognize the unreasonable risk of harm to children or adults who may be enticed or lured to the premises and under normal reasoning power cannot conceive danger to themselves; where owner has created a dangerous condition attractive to children and adults and has not taken such precaution as a reasonably prudent person would take to prevent injury to such persons. (Also see "Nuisance.")

"Blighted conditions" is defined as conditions existing on, such as but not limited to, property which is unsecured, left open to the elements and without apparent and latent supervision by the owner; the exterior of premises is in disrepair; is regularly occupied by vagrants or uninvited persons; contains unduly or uncommon amounts of litter about the premises; fallen exterior building apertures about the property; broken windows; accumulation of debris on the premises, the value of the subject real property would be greater if the building were removed; the building has fire damage which has remained unrepaired for a period of more than one year.

"Boarded" is a boarded building secured against entry by apparatus which is visible off the premises and the apparatus is neither lawful or customary to install on occupied structures.

"Building code" is the most recent edition of the Memphis/Shelby County building code as adopted or any document which succeeds or replaces this document.

"Building official" is the chief administrative head of the office of code enforcement, or his or her designee.

"Building/structure" is a building or structure used or intended for sheltering any use or occupancy.

"Continuing violations" is whenever any building or structure exists or is allowed by owner in constant violation of specific requirements or prohibitions applicable to such building or structure, as provided in building regulations of the office of code enforcement or any law or ordinance of this state or city.

"Dangerous structure" is any structure, whether occupied or unoccupied, which is found to have any or all of the conditions or defects hereinafter described to the extent that life, health, property or safety of the public or its occupants are endangered:

1. Live/dead load stress: whenever the stress in any materials, member or portion thereof, due to all dead and live loads, exceeds more than ninety (90) percent of the materials' yield stress or is more than one and one-half times the working stress or stresses allowed in the building code of the office of code enforcement for buildings of similar structure, purpose or location.

For purposes of clarification "dead load" refers to building; "live load" refers to contents of building. Stress levels are as determined and provided by an architect at time of issuance of use and occupancy permit.

2. Fire, earthquake, flood and other causes: whenever fifty (50) percent or more has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the building code of the office of code enforcement for buildings of similar structure, purpose or location.

3. Falling timbers and unsecured ornamentations: whenever cornices, parapet, walls, signs, gutters, downspouts, windows, supports or walls with peeling paint, rotting wood, holes and other forms of material decay, are likely to fail or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

4. Wind pressures: whenever any portion of a building, or any member, appurtenance or ornamentation of the exterior thereof is not of sufficient strength or stability as determined by a qualified and licensed engineer, architect or inspector or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of two-thirds of that specified in the building code of the office of code enforcement for buildings of similar struc-

tures, purpose or location without exceeding the working stresses permitted in the building code of the office of code enforcement for such buildings.

5. Buckling conditions: whenever any portion thereof has wrecked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar construction specified in the building code of the office of code enforcement. Or, whenever the exterior walls or other vertical structural members list, lean, slit or buckle due to defective material or deterioration to such extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

6. Interior/exterior maintenance: when, upon inspection by an authorized representative of the fire services division or an authorized representative of the office of construction code enforcement, there is found a visible lack of interior or exterior maintenance of fifty (50) percent or more deterioration of any of the following components of a building or structure set forth in their appropriate code and is likely to partially or completely collapse because of:

a. Dilapidation, deterioration or decay;

b. Faulty construction;

c. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;

d. The deterioration, decay or inadequacy of its foundation or floor supports or flooring or foundation piers;

e. Fireplaces or chimneys list, bulge or settle due to defective material or deterioration;

f. Ceilings, roofs, ceiling and roof supports or other horizontal members which are in danger of or have fallen or collapsed, or which sag, split or buckle due to defective material or deterioration or that are insufficient to carry imposed loads with safety; or

g. Other causes found which do not conform to code regulations.

7. Damaged supports, exclusive of foundation: whenever the building or structure exclusive of the foundation, shows thirty-three (33) percent or more damage or deterioration of its supporting member or members existing or fifty (50) percent damage or deterioration of its nonsupporting members existing, either in the interior or exterior of the structure.

8. Fire resistance: whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, does not meet the fire-resisting qualities or characteristics required by the building code in the case of a constructed building of like nature, height and occupancy.

9. Utilities: whenever any building or structure is found to have deteriorated, damaged or inadequate and faulty electric wiring, gas connections or heating apparatus.

10. Weather elements: ineffective waterproofing of exterior walls, roofs and foundations, broken windows or doors and deterioration of exterior plasters or mortar, so as to allow rain, snow or other effects of the weather to enter the building.

11. Debris: whenever any portion of the debris of a building or structure remains on a site for more than thirty (30) days after the demolition or destruction of the building or structure.

"Derelict building" is any building, structure or portion thereof containing any of the conditions set forth under "neglected," "abandoned structure," or "dangerous structure," which may be either occupied or unoccupied or meets any of the following criteria:

1. Has been ordered vacated by the fire division director or the building official of office of code enforcement;

2. Has been issued a correction notice by the fire division director or the building official of office of code enforcement;

3. Has been posted for violations more than once in any one-year period and such violations have not been corrected;

4. Is unsecured;

5. Is not boarded.

"Director of office of code enforcement is the chief administrative head in charge of the office of Memphis and Shelby County code enforcement department or his or her designated representative.

"Director of fire division" is the person in charge of the city fire services division, or his or her designated representative.

"Director of housing and community development" is the person in charge of the city's housing and community development division and associated programs in connection therewith.

"Emergency," for the purposes of this section and chapter, means any condition created by flooding of building site; result of fire either to structure or adjacent structures or land; undermining created by construction or demolition of adjacent properties; exposed, rotted or rusted timbers, structural members and/or appendages; land or sewer cave-in; earthquake, tornado, lightening and storm damage or other acts of God.

"Exterior property area" is the open space on the premises and on adjoining property under the control of the owner or operator of such premises.

"Fire official" is the officer or other designated authority or their duly authorized representative, charged with the administration and enforcement of the fire prevention code and commercial anti-neglect ordinance.

"Hearing officer" is the person in the fire services division designated to hear, determine and cite violations, together with placing of penalties therefor.

"Imminently dangerous" means any condition posing a direct and immediate threat to human life, health or safety.

"Inspection fee" is a fee imposed for costs associated with the processing, inspecting of property and the declaration of a dangerous, abandoned or derelict building.

"Inspections supervisor, commercial anti-neglect department," is the duly authorized representative responsible for the administration of the inspection of buildings cited as dangerous, abandoned or derelict building.

"Inspector" is the person(s) within the fire services division who has been duly authorized and certified by the state of Tennessee as a building inspector.

"Neglected" means a structure possessed of any or all of the conditions as may be set out and defined in "dangerous structure," "abandoned structure," and "nuisance" and subject to being declared a neglected/derelict, abandoned or dangerous building.

"Nuisance" is a structure or building in such a state of deterioration or abandonment that it is a blighting influence on neighboring properties. The fact that buildings on neighboring properties are abandoned or deteriorated is not a defense.

Existence of three or more of the following conditions is sufficient to establish a prima facie case that the structure or building is a nuisance:

1. The building has been vacant for more than five years.

2. The building has not had insurance coverage during at least twelve (12) months of the preceding twenty-four (24) months.

3. Cost of renovation of building would exceed value of the building if renovated.

4. Owner has not paid property taxes within the past three years.

5. Officials have found building to be unsecured and have ordered same to be secured at two or more occasions within the past two years, or is presently unsecured.

6. Building's heating, plumbing or electrical system is inoperable or in a state of substantial disrepair.

7. Building has unsafe, hazardous or unsanitary conditions and has been previously cited in violation of state or local building, fire or health codes.

8. Whenever there is a lack of maintenance of a building's environment, e.g., fences, gates, sidewalks, steps, signs, outbuildings, deteriorating and falling landscaping or premises overgrown with weeds and vegetation; and/or there is an accumulation of refuse, garbage or other conditions which renders a building or property a health or fire hazard.

"Owner" is any person, agent, firm or corporation, operator, renter or lessee, having a legal or equitable interest in a property.

"Registration fee" is the fee required for registration of an abandoned, dangerous or derelict building.

"Repair" is the reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.

"Requested inspection" means any additional inspection which is not part of the city's regular or mandated inspection program.

"Substandard" means In violation of any of the requirements as set out in this chapter and housing code.

"Subject structure" is any structure as used in this chapter when referring to unsafe, dangerous, derelict, neglected or abandoned or upon which the fire division or office of code enforcement has commenced abatement proceedings.

"Structure" is a structure which is built or constructed, an edifice, monument, memorial or building of any kind or any piece or work artificially built up or composed of parts joined together in some definite manner.

"Unoccupied" means any premises or structure not presently used for a lawful purpose or permitted occupancy by the owner.

"Unsafe" means any structure which is structurally or environmentally unsafe or not provided with adequate egress or which constitutes a fire hazard or is otherwise dangerous to human life, as previously defined under "Dangerous, abandoned, derelict or neglected structure".

"Unsafe appendages" means unsafe appendages such as, but not limited to, parapet walls, cornices, spires, towers, tanks, statuaries or other appendages or structural members which are supported by, attached to or part of a building and which are in a deteriorated condition or otherwise unable to sustain the design loads which are specified in the building code of the office of code enforcement.

"Unsafe use" means any use of structures constituting a hazard to health, safety or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment.

"Unsecured" means the lack of a secure means of ingress and egress thus allowing for occupancy or use of a building or structure by unauthorized persons.

"Vacant property" means: (1) without legal occupancy and not maintained in a manner allowing normal human habitation with access to utility services such as light, water, heat; (2) currently unoccupied; or (3) occupied by vagrants, squatters, trespassers or other persons having no legal right to occupy premises.

"Value/valuation" shall be the estimated cost to replace the structure or building in kind, based on either the building valuation data reported to the director of fire services or building official of office of code enforcement to give an accurate assessment of building replacement costs.

"Warehousing" means securing a structure against vandalism, deterioration and unauthorized entry pending its return to active use or occupancy. All windows, doors and other openings shall be closed and securely locked, barricaded or otherwise secured.

1. Install plywood or an acceptable material approved by the director of fire services or his or her designated representative, to adequately secure and cover the exterior of each opening and seal, caulk and paint; install four-inch by eight-inch screened openings in the plywood or other acceptable material, as necessary, at each floor level for proper ventilation.

2. An acceptable alternative method: install the plywood or other acceptable material, on the interior of each opening and remove, repair or replace all loose and damaged window panes, sashes, frames, trim and/or jambs; scrape, sand, seal, caulk and paint the exterior of each opening. (Ord. 4851 § 1, 4-3-01; Ord. 4191 § 1, 6-15-93; Ord. 4126 § 1, 9-15-92; Code 1985 § 48-218)

Article 3
Neglected, Derelict, Abandoned or Dangerous Conditions—Inspection and Registration

Sec. 14-8-5 Neglected/derelict, abandoned, blighted or dangerous building conditions.

When, upon and following inspections made as set forth in Section 14-8-6, any structure, building or premises, is found to contain conditions as defined in the definitions Section 14-8-4, under "neglected," "dangerous structure," "abandoned structure," "derelict," "blighted" or "nuisance," shall be declared to be in violation of this chapter, subject to fines and penalties as hereinafter stipulated. (Ord. 4851 § 1, 4-3-01; Ord. 4126 § 1, 9-15-92; Code 1985 § 48-219)

Sec. 14-8-6 Inspection—Registration fee.

A. Inspection. Whenever the director of fire services believes that a building or structure is a dangerous, abandoned, blighted or derelict building, the director shall cause an inspection to be done to determine if it complies with the housing code, the fire code, the building code and this chapter, and all other applicable housing maintenance and building codes.

B. Determination.

1. In the event the director determines that a building or structure is a dangerous, abandoned, blighted or derelict building, notice of that determination shall be given to the building's or structure's owner of record who is listed at the county tax assessor's office, by certified mail, who is hereafter required to register the building within fifteen (15) calendar days of the director's notification date.

2. Required Information. The notice shall include:

a. The building's address and a legal description of the property;

b. A specific and detailed statement listing all the items not in compliance as to basis of the director's determination;

c. A statement that the building must be registered with the city as provided in this chapter and an administration/initial inspection fee of fifty dollars ($50.00) paid to the office of city treasurer who shall place it in the anti-neglect administrative fund.

C. Registration. Registration shall be completed on forms to be provided by the fire services division and shall include information relating to location and ownership of building, the expected period of its vacancy, a plan for regular maintenance during the period of vacancy and a plan for its rehabilitation, proposed occupancy and use or its demolition, which plans shall be reviewed by and are subject to approval of the director of fire services of the city; or his or her designee.

D. Review. In the event an owner believes the director of fire services determination is in error, notice of the claimed error shall be given to the fire department appeals board within fifteen (15) calendar days of the date of the notice referred to in subsection B of this section. The fire department appeals board shall thereupon schedule the matter for review. Following review, the fire department appeals board shall issue a written determination.

E. Quarterly Inspections. For buildings declared dangerous, abandoned, blighted or derelict, the director shall conduct quarterly inspections to endeavor to bring the owner into compliance with applicable codes. Fees for dangerous, abandoned, blighted or derelict buildings shall be as set out in Section 14-8-7.

F. Compliance. When all code violations have been corrected and a building has been legally repaired or re-occupied and brought up to all code standards; or when the building has been demolished and the lot cleared in accordance with the provisions of this chapter and housing code, it shall cease to be a dangerous, abandoned blighted or derelict building. (Ord. 4961 § 1, 9-17-02; Ord. 4851 § 1, 4-3-01; Ord. 4126 § 1, 9-15-92; Code 1985 § 48-220)

Article 4
Fees and Penalties—City's Right to Board Properties

Sec. 14-8-7 Inspection fees payable.

A.1. Fees—Late Payments. The owner of any dangerous, derelict, blighted or abandoned building so declared under Section 14-8-6, shall be placed on a register and subject to a quarterly inspection to insure compliance. A basic nonrefundable quarterly fee of five hundred dollars ($500.00) shall be paid on each building under his or her or their ownership and control, for as long as the structure is a declared dangerous, derelict, blighted or abandoned building, notwithstanding any subsequent repairs which might be made, until the structure comes into full compliance. Owners of structures and/or buildings in excess of either six stories in height, or ten thousand (10,000) square feet of floor space at ground level, shall pay a nonrefundable quarterly fee of twelve hundred fifty dollars ($1,250.00) on each building under his or her or their ownership and control, for as long as the structure is a declared dangerous, derelict, blighted or abandoned building, notwithstanding any subsequent repairs, which might be made, until the structure comes into full compliance.

2. Fees—Funding. Through the fiscal year ending June 30th, 2003, all anti-neglect fees and penalties collected shall be paid into the office of the city treasurer and placed in the anti-neglect administration fund to cover expenses for inspections and general operation of this department. Beginning with the fiscal year 2004, all anti-neglect expenses for inspections and general operation of this department shall be funded out of the general fund of the city and fees collected shall be paid into the office of the city treasurer and placed in the general fund.

3. Inspections—Penalties. Pursuant to the initial inspection made, first payment of fees will be due ninety (90) days from the date of the initial inspection and subsequent inspections and payments shall be due quarterly thereafter. In the event fees for quarterly inspections are not paid within fifteen (15) days from the date of the notice given to make payment, the owner shall be assessed a penalty of ten dollars ($10.00) per day until payment is made in full or until the division of fire services determines the property is in compliance with the housing code. Penalty to start on the sixteenth day following the date of the notice.

B. Transfer of Ownership. The registration fee and inspection fees imposed under the terms of this chapter are to be paid prior to any transfer, purported or actual, of ownership interest in a structure, as well as prior to the issuance of any permit required for the demolition, alteration or repair of a structure subject to the terms of this chapter and housing code.

Any present owner or person having a financial interest in any structure or property upon which inspection fees and penalties have been assessed, paid or due to be paid, or continued inspections are required, shall be required to notify in writing any prospective buyer or purchaser of the inspections, inspection fees or penalties or other conditions relating to the inspection, repair or rehabilitation of the subject property, prior to the completion of a sale or the transfer of title of the property, which are continuing in nature and monitored by the city fire services division and/or office of construction code enforcement.

1. Exception. The owner(s) and purchaser(s) may elect to provide a performance bond or irrevocable letter of credit, in favor of the city, fire services division, equal to the outstanding balance owed for the registration fee, inspection fees and any penalties before the time of closing (transfer of title).

2. Purpose. The purpose of the exception is to allow an owner to transfer title as needed for the purpose of rehabilitating the subject property and bringing it into compliance with the commercial anti-neglect ordinance.

3. Plan. A plan of compliance shall be submitted to the fire services division at least ten (10) days prior to the closing date. The plan shall include: (a) a detailed list of hazards and/or repairs to be corrected; (b) a schedule for starting the repairs, projected completion date; and (c) signed contract with a properly licensed contractor. The plan must be approved by the director of fire services to qualify for the exception.

4. Use of Funds. The owner(s), seller(s) and buyer(s) shall waive any and all claims to the performance bond at the closing (transfer of title). After completion of all of the work indicated in the plan of compliance and approval by the fire services division and all applicable code enforcement agencies, the performance bond will be released and returned to the seller.

5. Default. If a purchaser fails to comply with the approved plan, the director of fire services is authorized to declare a default and collect the funds, without notice to the purchaser, to be used as payment for the fees and pen-

alties owed at the time of the transfer. The director of fire services shall forward the funds to the city treasurer to be deposited into the anti-neglect administrative account established by city ordinance.

6. Limitations. The use of the "exception" is limited to one time for each parcel unless otherwise approved by the director of fire services. All other provisions of the commercial anti-neglect ordinance shall apply.

C. Abeyances and Waiver of Fees and Penalties. The director of fire services shall have authority to place in abeyance and/or waive fees and penalties imposed under this chapter and housing code as follows:

1. The director of fire services shall have authority to place fees and/or penalties in abeyance if all of the following conditions are met:

a. A plan and timetable for the repair, demolition and/or maintenance of the structure, has been submitted by the owner and approved by the director of fire services;

b. The property is being maintained so that it does not constitute or become a nuisance;

c. The owner is acting in a timely fashion in adherence to any plan approved by the director of fire services.

2. The director of fire services shall have authority to waive fees and/or penalties if the following conditions have been met:

a. All of the conditions in subsection (C)(1) of this section, have been met;

b. The property has been brought into compliance with the housing code and approved by the fire services division.

D. Unpaid Fees—Lien on Property. In addition to above fees and penalties, should the owner fail to pay accumulated inspection fees and penalties, the city shall effect a lien on the property to recover the fees and penalties. All uncollected costs for the current year shall be certified to the city treasurer on or before December 31st of each year.

It shall be the duty of the city treasurer to collect, as a special tax, the amount so certified at the time city taxes levied against properties on which the fees and penalties were assessed for the next succeeding year are collected. The fees and penalties for this section are declared to be a special tax to be collected as general taxes levied by the city.

E. Repair, Vacate or Demolition by City.

1. If the owner, when notified, shall fail, neglect or refuse to comply with the orders of the director of fire services within the time specified in such notice, it shall be the duty of the director of fire services, or authorized official, to proceed forthwith to issue a citation or summons to the owner pursuant to Section 14-8-6 of this chapter.

2. If the court determines the structure is dangerous and hazardous to the general public, it shall be the responsibility of the owner to repair the structure to make safe and secure the property, or demolish the structure and clean the lot. All costs incurred shall be the responsibility of the owner.

Funding for repair or demolition shall be provided to the general services division, or the appropriate agency, reasonably sufficient to fund the necessary demolition and/or repair. In the event funds are not made available, the division of general services shall not be required to provide the demolition and/or repair services from their normal operating budget.

3. If the owner fails to comply with the order of the court because of insolvency, the owner shall provide prima facie evidence and documentation to the court. If the court determines the owner is insolvent and unable to make the structure safe or to demolish, the court may order the city to do such work as is necessary to put the structure in a safe condition or to demolish such structure. The director of fire services shall notify the director of general services or appropriate agency, of the court order.

4. If, in the discharge of his or her duties, it becomes necessary for the director of general services or appropriate agency, to cause a dangerous structure to be repaired or demolished the director of general services or appropriate agency, shall, with the assistance of the city attorney, cause the cost of repair, or demolition, to be charged against the land as a lien on which such building or structure existed and that shall be assessed and collected as the city attorney shall determine. The director of general services, or appropriate agency, shall report to the city treasurer the cost of all such expenses.

5. If, in the discharge of his or her duties as provided in this section, it becomes necessary for the director of general services or appropriate agency, to have personal property removed from the premises, such personal property shall be removed and stored by an appropriate agency approved by the division of general services and reasonable storage charges charged against the property. When the storage charges equal the fair cash market value of the personal property, the property may be sold to the highest bidder at a public sale giving notice of the time, date and place of such sale to the owner of the property by posting notice on the premises and sending a registered letter to the last known address of the owner at least fifteen (15) days in advance of the sale, if the owner's address is known. The money received from such sale shall go to the city to compensate it for the reasonable storage charges.

6. As an alternative to subsection (E)(4) of this section, the uncollected cost for repairing or demolishing, a

dangerous structure for the current year may be certified to the city treasurer by the director of general services or appropriate agency. It shall then be the duty of the city treasurer to place the amount so certified on the bill for the city taxes assessed against the property on which such dangerous structure was located. It shall be the duty of the city treasurer to collect as a special tax the amount so certified which is declared to be a special tax on the property. This special tax may be collected in the same manner as other general taxes are collected by the city. Upon collection or any or part of the taxes due, the city treasurer shall deposit funds collected into the fire services division, commercial anti-neglect administrative account pursuant to Section 9-40-3 of this code.

F. Emergency Authority of the Director of Fire Services.

1. In case there shall be, in the opinion of the director of fire services or fire official, actual and immediate danger of the falling of any building or part thereof, so as to endanger life or property the director of fire services shall notify the director of general services or appropriate agency, to cause the necessary work to be done to render such building or part thereof, temporarily safe until proceedings can be taken under this chapter as in the case of a dangerous structure.

2. The director of fire services or fire official is authorized and empowered in the case of a dangerous structure or where any building or part thereof, has fallen and life is endangered by the occupation thereof, to order and require the inmates and occupants of the building or part thereof to vacate the same forthwith.

3. Any dwelling, multifamily dwelling, building or premises declared dangerous and unsafe to the occupants therein or the general public, shall be posted with a placard by the director of fire services or designated authorized official. The placard shall include the following:

a. Name of city;

b. The name of the authorized department having jurisdiction;

c. The chapter and section of the code under which it is issued;

d. An order that the dwelling, multifamily dwelling, building or premises is a dangerous/derelict structure and it must not be occupied for business, storage and/or habitable purposes, until the provisions of the order are complied with and the order to not occupy is withdrawn;

e. The date that the placard is posted;

f. A statement of the penalty for defacing or removal of the placard.

G. Vacate Premises.

1. If the owner or party in interest fails to comply with the order of the director of fire services or fire official, given pursuant to subsection (F)(2) of this section, set within the time prescribed, the director of fire services or fire official, shall cause such dwelling, building or premises to be vacated and close the same and give the owner or parties in interest notice of such order in the manner prescribed in Section 14-8-6.

2. Any dwelling, multifamily dwelling, building or premises declared unsafe for human occupancy and ordered to be vacated pursuant to this section shall be posted with a placard by the director of fire services or fire official. The placard shall include the following:

a. Name of city;

b. The name of the authorized department having jurisdiction;

c. The chapter and section of the code under which it is issued;

d An order, that the dwelling, multifamily dwelling, building or premises vacated, must remain vacant until the provisions of the order are complied with and the order to vacate is withdrawn;

e. The date that the placard is posted;

f. A statement of the penalty for defacing or removal of the placard.

H. Defacing or Removing Placards or Notices Posted. It is a misdemeanor to deface or remove any placard or notice placed on any dwelling, multifamily dwelling, building or premises pursuant to this chapter, except by authority from the director of fire services or fire official. (Ord. 4961 § 1, 9-17-02; Ord. 4851 § 1, 4-3-01; Ord. 4588 § 1, 6-2-98; Ord. 4126 § 1, 9-15-92; Code 1985 § 48-221)

Sec. 14-8-8 Penalties imposed.

Persons in violation of the sections of this chapter are subject to fines as set out in Section 1-24-1 of this code. Each day shall constitute a continuing violation. (Ord. 4126 § 1, 9-15-92; Code 1985 § 48-222)

Article 5
Probation Periods—Rehabilitation Plans

Sec. 14-8-9 Probation period—Rehabilitation plan.

A. Preparation of Rehabilitation Plan. The director of fire services is authorized to permit probation periods alleviating or suspending payment of fees and penalties by any owner who submits a rehabilitation plan, which may be required to be prepared by a registered architect or engineer experienced in preservation and rehabilitation of

buildings and structures, showing a proposed or scheduled date for completion. The plan may be approved by the director of fire services, subject to amendment by the office of code enforcement. The owner of a plan which is not approved or approved as amended may, upon valid objection, request a review.

Such review will be completed within thirty (30) additional days and subject to any further revisions the director of fire services and/or building official may deem appropriate to make to the plan. The director of fire services and/or the building official's decision shall be final, subject to review by the chief administrative officer or his or her designee. (See Section 14-8-10 as to appeal process). Plans shall include an advanced schedule of dates for completion of each portion of work which will be marked off as work progresses.

B. Concurrence—Landmarks Commission.

1. If the building or structures are within a historic district designated by the city zoning ordinance, the rehabilitation plan must also be approved and issued a certificate of appropriateness by the landmarks commission. If the building or structures are within a historic district that is listed on the National Register of Historic Places, the rehabilitation plan shall be reviewed by the landmarks commission for recommendation only, on a nonbinding basis, within two weeks after receipt of same.

2. Demolition. Buildings or structures listed in the city's historic zones must obtain permission from the city landmarks commission before demolition processes can be instituted. However, approval of the city landmarks commission is not required when a building or structure is considered an immediate danger to the general public. Costs of the demolition shall be solely upon the owner.

C. Financing of Plan. An owner may finance such plan through the department of housing and community development, the center city development corporation or any legitimate private banking or financing corporation, subject to review as to progress or continuing repairs at each three-month period after the plan is approved and until completion, the owner shall be responsible for submission of a progress report each three months to the director of fire services or his or her designee.

If an owner is unable to show satisfactory progress at any three-month interval, the director of fire services, or his or her designee, is authorized to cancel or discontinue the probation and fees shall be reinstated.

D. Suitability of Plan. A suitable rehabilitation plan shall include, where applicable:

1. Legal description of property;

2. Final set of plans as approved by the director of fire services or his or her designee;

3. Repair items may include, but are not limited to the following categories:

a. Storefront and show windows,

b. Windows other than show windows,

c. Building fronts, sides and rears, abutting or visible from streets, public parking lots or other public places,

d. All signs and signage, including billboards and other outdoor advertising, whether related or unrelated to the property,

e. Awnings and canopies,

f. Mechanical and electrical equipment on exterior walls,

g. Water systems, sewer systems, heating/cooling systems, electrical, plumbing systems and fire protection systems,

h. Auxiliary structures, if any,

i. Demolition,

j. Rear and side yards and parking areas, if any,

k. Vacant lots,

1. Fencing,

m. Landscape and planting,

n. Roofs, gutters, downspouts,

o. Exitways and stairs,

p. Basements, excluding properties located within Mid America Mall,

q. Other;

4. Statement of approximate cost for rehabilitation work;

5. Estimated construction time;

6. Detailed statement of proposed use of property.

E. Work Permits Required. After rehabilitation plan is approved, the owner shall be required to obtain necessary permits for construction, excavation, demolition or other requirements from the office of code enforcement and to notify the office when project is completed.

F. Final Work—Continuing Inspections. At the end of the rehabilitation work upon notice by owner, an inspection will be made within ten (10) days of notification and additional inspections shall be conducted as necessary to insure property is in compliance, by the fire services division. If maintenance by owner is not complied with in accordance with the inspection, the owner shall be notified in writing of the noncompliance and given thirty (30) days in which to either bring the building or structure back into compliance or give acceptable reason for noncompliance, at which time an additional period may be given or final notification given that the probation period has eased and fees are to be reinstated against owner.

G. Emergencies During Rehabilitation Work. When fifty (50) percent or more of a structure suffers major damage by fire, act of God or other peril while rehabilita-

tion work is in progress, the structure must be repaired to meet the regular rehabilitation and maintenance plan requirements or be demolished. The affected owner shall present an additional plan of proposed reconstruction or request demolition permits. The structure must at all times be fenced or boarded, so as to safeguard the general public against the dangers which may become eminent because of the damaged building or structure. When demolition is requested and approved the cost shall be borne by the owner.

No work, demolition, excavation, alteration or improvement shall be undertaken prior to the approval of the plan and proper permits, except where an emergency exists and the safety of the general public is affected. If and when the emergency is designated or declared existing by either the director of fire services, the fire official and/or the office of code enforcement, all other code sections shall take precedence, in addition to this chapter, to alleviate the emergency. (Ord. 4851 § 1, 4-3-01; Ord. 4126 § 1, 9-15-92; Code 1985 § 48-223)

Sec. 14-8-10 Appeal.

Any owner whose property interest has been affected by a decision made on the rehabilitation plan pursuant to the provisions of this chapter and housing code may appeal that determination to the fire department appeals board who, after review of the matter appealed, shall make a final decision; if the decision is not acceptable, the owner may further appeal to the city council within ten (10) days of the decision or the decision of the fire department appeals board shall be final; subject to review by any court of competent jurisdiction. (Ord. 4961 § 1, 9-17-02; Ord. 4126 § 1, 9-15-92; Code 1985 § 48-224)

Sec. 14-8-11 Distribution of fees collected.

Distribution of fees to agencies performing services may be done by written agreement or mutual arrangement between the various entities. (Ord. 4126 § 1, 9-15-92; Code 1985 § 48-225)

Sec. 14-8-12 Enforcement.

For the purposes of this chapter, the following shall apply:

A. Definitions.

"Citation" is any ticket issued to a person showing the offense charged and signed by the person agreeing to appear at the time and place indicated.

"Employee" is any employee under the office of code enforcement and/or fire services division.

"Summons" is the process issued and signed by the judge or the clerk, as provided by the ordinances of the city and/or the laws of the State of Tennessee.

B. Designation as Special Officer. Pursuant to T.C.A. Section 7-63-101 et seq., the director of the fire services division may designate certain employees to become special officers and the building official of the office of Memphis and Shelby County code enforcement department may designate certain employees to become special officers, for the purpose of issuance of citations in lieu of arrest of offenders in cases where they have jurisdiction.

C. When Citations Summonses Deemed Lawful Complaints. An employee designated as provided in this section is authorized to issue misdemeanor citations in lieu of arrest, for violations of this chapter and housing code. In the event the form of such citation includes information and is sworn to, it shall be deemed to be a lawful complaint for the purpose of prosecution under the section specified.

D. Procedure Applicable.

1. Every citation or summons issued shall provide for an appearance date. If any offender fails to appear on the appearance date, the court may take a default judgment against the defendant in favor of the city in an amount not to exceed fifty dollars ($50.00), plus costs, for each offense, plus penalties set by the judge, as authorized in Section 1-24-1 of this code. The court may issue a warrant for the arrest of the offender and/or take a default judgment.

2. The summons shall be sworn to by the officer before a person designated as a court clerk for the purpose of taking oaths.

E. Limitation of Action—When Action Deemed Commenced—Service of Summons.

1. No action shall be commenced by the city in any court for the purpose of enforcing any violation of this housing code or section after one year from the commission of the offense.

2. For the purposes of this article, a court action shall be deemed to be commenced:

a. Upon the issuance of a citation to the offender;

b. Upon the arrest of the offender;

c. Upon the issuance of a summons to the offender.

3. A summons may be served by:

a. Personal service on the offender; or

b. Registered or certified mail, addressee only, return receipt requested.

F. Nonappearance. It is unlawful for any person to violate his or her written promise, given to an officer upon the issuance of a citation ticket, to appear regardless of the disposition of the charge for which such citation ticket was originally issued.

G. Failure to Comply with Ticket. In the event any person fails to comply with a citation ticket given to such person or fails to make appearance pursuant to a summons directing an appearance in court or if any person fails or refuses to deposit bail, as required, the clerk of the court shall secure and issue a warrant for his or her arrest.

H. Police Officer's Duty. Nothing herein contained shall be construed as removal of the designated special police officers' authority under their jurisdiction and it shall be the duty of all police officers to render any assistance necessary. (Ord. 4851 § 1, 4-3-01; Ord. 4191 § 2, 6-15-93; Code 1985 § 48-226)

Chapter 14-12

BOILER AND UNFIRED PRESSURE VESSEL CODE

Article 1
General Provisions

Sections:

14-12-1 Short title.
14-12-2 Definitions.
14-12-3 Applicability—Exceptions.
14-12-4 Board of boiler rules—Generally.
14-12-5 Board of boiler rules—Rules and regulations.
14-12-6 New installations to conform to chapter—Exceptions.
14-12-7 Maximum allowable working pressure.
14-12-8 Right of entry to enforce chapter.

Article 2
Inspectors and Inspections Generally

14-12-9 Appointment and qualifications of chief inspector.
14-12-10 General powers and duties of chief inspector.
14-12-11 Employment and qualifications of deputy inspectors.
14-12-12 Special inspectors generally.
14-12-13 Examination of inspectors.
14-12-14 Replacement of inspector's certificate of appointment or commission.
14-12-15 Suspension or revocation of inspector's appointment or commission.
14-12-16 Inspections generally.
14-12-17 Inspection fees.
14-12-18 Inspection certificates.
14-12-19 Operation without or in violation of inspection certificate.
14-12-20 Exemptions from Sections 14-12-16 through 14-12-19.
14-12-21 Appeals from orders or acts of inspectors.

Article 3
Rules and Regulations Relating to Administration

14-12-22 Manufacturers' data and blueprints to be submitted.
14-12-23 Registration of existing boilers.
14-12-24 Inspections generally.
14-12-25 Preparation for inspection.
14-12-26 Examination for inspector's certificate of competency.
14-12-27 Special inspector's commission generally.
14-12-28 Reciprocal special inspector's commission.
14-12-29 Revocation of special inspector's certificate of competency or commission.
14-12-30 Inspectors' conflicts of interest.
14-12-31 Inspection reports.
14-12-32 Reports by insurance companies—Risks written, cancelled, not renewed or suspended.
14-12-33 Reports by insurance company—Risks refused because of defects.
14-12-34 Defective conditions disclosed at time of external inspections.
14-12-35 Accident reports.
14-12-36 Inspection fee—Refusal to allow inspection or pay fee—Operation without inspection certificate.
14-12-37 Term of inspection certificate.
14-12-38 Restamping.
14-12-39 Suspension of inspection certificate.
14-12-40 Condemnation.
14-12-41 Permission to reinstall moved equipment.
14-12-42 Nonstandard equipment.
14-12-43 Reinstallation or shipment into city of used or secondhand equipment.
14-12-44 Fittings and appliances for reinstalled equipment.
14-12-45 Increasing safety factors.
14-12-46 Inspection of drum heads.
14-12-47 Removal of safety appliances—Excess load on safety valves.
14-12-48 Boiler attendants.
14-12-49 Bond for persons repairing or installing boilers or pressure vessels.
14-12-50 Work permits.

Article 4
Rules and Regulations Relating to Construction, Installation, Inspection, Maintenance and Use

14-12-51	**Power boilers—New installations.**
14-12-52	**Power boilers—Existing installations.**
14-12-53	**Boiler runway or platform.**
14-12-54	**Miniature boilers—New installations.**
14-12-55	**Miniature boilers—Existing installations.**
14-12-56	**Heating boilers—New installations.**
14-12-57	**Existing installations.**
14-12-58	**Unfired pressure vessels—New installations.**
14-12-59	**Unfired pressure vessels—Existing installations.**
14-12-60	**General requirements.**

Article 1
General Provisions

Sec. 14-12-1 Short title.

This chapter shall be known and may be cited as the "Boiler and Unfired Pressure Vessel Safety Code." (Code 1985 § 42-1; Code 1967 § 45-1)

Sec. 14-12-2 Definitions.

For the purposes of this chapter, the following definitions shall apply:

"Approved" means approved by the board of boiler rules.

"A.S.M.E. Boiler and Pressure Vessel Code" means the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers, 1983 Edition.

"Board" or "board of boiler rules" means the board created by Section 14-12-4 and empowered to recommend to the city council rules and regulations and amendments to the rules and regulations and interpret rules and regulations for the safe and proper construction, installation, inspection, repair and use of boilers and unfired pressure vessels in this city.

"Boiler," except where the context clearly indicates otherwise, means and includes a closed vessel or vessels intended for use in heating water or other liquids or for generating steam or other vapors under pressure or vacuum by the direct application of heat from combustible fuels, electricity or nuclear energy and shall also include an unfired pressure vessel, meaning a vessel in which pressure is obtained from an external source or from an indirect application of heat.

"Certificate of competency" means a certificate issued to a person who has passed an examination prescribed by the board of boiler rules.

"Certificate of inspection" means an inspection upon which an inspection certificate may be issued.

"City boiler and pressure vessel construction code" is used to designate the accepted reference for construction, installation, operation and inspection of boilers and unfired pressure vessels and will be referred to as the city boiler and pressure vessel construction code, which is practically the same as the A.S.M.E. Boiler and Pressure Vessel Construction Code.

"Condemned boiler or unfired pressure vessel" means a boiler or unfired pressure vessel that has been inspected and declared unsafe or disqualified by legal requirements by an inspector qualified to take such action who has applied a stamping or marking designating its rejection.

"Deputy inspector" means any deputy or assistant to the chief inspector, as defined herein.

"Director" means the director of the Memphis and Shelby County office of planning and development.

"Division" means the Memphis and Shelby County office of planning and development.

"Existing installations," insofar as the application of this chapter is concerned, means and includes any boiler or unfired pressure vessel constructed, installed, placed in operation or contracted for before April 12, 1960.

"External inspection" means an inspection made when a boiler or unfired pressure vessel is in operation.

"Fusion welding" means a process of welding metals in molten state or matter in vaporous state, without the application of mechanical pressure or blows. Such welding may be accomplished by an oxyacetylene or oxyhydrogen flame or by electric arc. Thermit welding is also classed as fusion welding.

"Hot water supply boiler" means a boiler furnishing hot water to be used externally to itself.

"Inspector" means the chief boiler inspector, any deputy inspector or a special inspector.

"Internal inspection" means an inspection made when a boiler or unfired pressure vessel is shut down and hand holes or manholes opened for inspection of the interior.

"Locomotive boiler" means a boiler mounted on a self-propelled track locomotive and used to furnish motivating power for traveling on rails. It does not include locomotive cranes, tractors or other self-propelled apparatus.

"Low pressure heating boiler" means a boiler operated at pressures not exceeding fifteen (15) pounds per square inch gauge steam or at pressures not exceeding one hun-

dred sixty (160) pounds per square inch gauge and temperatures not exceeding two hundred fifty (250) degrees Fahrenheit for water.

"Major repairs" means those upon which the strength of a boiler or unfired pressure vessel would depend.

"Miniature boiler" applies to fired pressure vessels, fired and unfired boilers, which do not exceed the following limits:

1. Sixteen (16) inch inside diameter;
2. Five cubic feet gross volume, exclusive of the casing and insulation;
3. Twenty (20) square feet water heating surface;
4. One hundred (100) pounds per square inch gauge maximum allowable working pressure.

"National board" means the national board of boiler and pressure vessel inspectors.

"New boiler installations" means and includes all boilers constructed, installed, placed in operation or contracted for after April 12, 1960.

"New unfired pressure vessel installations" means and includes all unfired pressure vessels constructed, installed, placed in operation or contracted for after April 12, 1960.

"Nonstandard boiler or unfired pressure vessel" means a boiler or unfired pressure vessel that does not bear the state stamp, the national board stamping or the stamp of any state or political subdivision which has adopted a standard of construction equivalent to that required by the board of boiler rules.

"Owner" or "user" means any person owning or operating any boiler or unfired pressure vessel within this city.

"Portable boiler" means a fired boiler which is primarily intended for temporary location and the construction and usage of which is obviously portable.

"Power boiler" means a closed vessel in which steam or other vapor to be used externally to itself is generated at a pressure of more than fifteen (15) pounds per square inch gauge by the application of heat.

"Reinstalled boiler or unfired pressure vessel" means a boiler or unfired pressure vessel removed from its original setting and reerected at the same location or erected at a new location without change of ownership.

"Secondhand boiler or unfired pressure vessel" means a boiler or unfired pressure vessel of which both the location and ownership have been changed after primary use.

"Special inspector" means an inspector holding a city commission and who is regularly employed by an insurance company authorized to insure against loss from explosion of boilers and unfired pressure vessels in this city, provided such company complies with the requirements of Section 14-12-13.

"Standard boiler or unfired pressure vessel" means a boiler or unfired pressure vessel which bears the stamp of the city or of a state which has adopted a standard of construction equivalent to that required by the board of boiler rules or a boiler which bears the national board stamp.

"Unfired pressure vessel" means a vessel in which pressure is obtained from an external source or from an indirect application of heat. (Code 1985 § 42-2; Ord. 1427 § 1, 8-29-72; Code 1967 § 45-2)

Sec. 14-12-3 Applicability—Exceptions.

A. Except as otherwise specifically provided, this chapter shall apply to all boilers and unfired pressure vessels.

B. This chapter shall not apply to the following boilers and unfired pressure vessels.

1. Boilers and unfired pressure vessels under federal control;
2. Unfired pressure vessels meeting the requirements of the interstate commerce commission for shipment of liquids or gases under pressure;
3. Air tanks located on vehicles operating under the rules of other state authorities and used for carrying passengers or freight;
4. Air tanks installed on the right-of-way of railroads and used directly in the operation of trains;
5. Unfired pressure vessels having a volume of five cubic feet or less;
6. Unfired pressure vessels designed for a working pressure not exceeding fifteen (15) pounds per square inch gauge, when not located in places of public assembly;
7. Unfired pressure vessels which are under the regulation and control of the bureau of safety engineers under the city liquefied petroleum gas code. (Code 1985 § 42-3; Code 1967 § 45-3)

Sec. 14-12-4 Board of boiler rules—Generally.

A. There is created within the office of planning and development a board of boiler rules consisting of six members who shall be appointed to the board by the mayor. At the expiration of the initial members' terms of office, they or their successors identifiable with the same interest respectively as hereinafter provided, shall be appointed for terms of four years each. The mayor may at any time remove any members of the board for inefficiency or neglect of duty in office. Upon the death or incapacity of any member the mayor shall fill the vacancy for the remainder of the vacated term with a representative of the same interests with which his or her predecessor was identified.

B. Of the six appointed members of the board of boiler rules, one shall be a practical steam operating engineer of high pressure boilers and unfired pressure vessels or any other representative of owners and users of high pressure boilers and unfired pressure vessels within the city having practical experience with boilers and unfired pressure vessels; one shall be a representative of boiler or unfired pressure vessel manufacturers within the city; one shall be a representative of a boiler insurance company licensed to do business within the city; one shall be a mechanical engineer on the faculty of a recognized engineering college within the city or a graduate mechanical engineer having equivalent experience; one shall be representative of the practical boilermakers within the city; and one shall be a representative of owners and users of low pressure boilers or pressure vessels within the city.

C. The board of boiler rules shall elect one of its members to serve as chairperson and, at the call of the chairperson, the board shall meet at least four times each year at the City Hall or other place designated by the board. No approval, decision or ruling of the board shall be effective unless supported by the vote of at least four members thereof and approved by director of planning and development.

D. The members of the board of boiler rules shall serve without salary and shall receive their actual traveling and hotel expenses, incurred while in the performance of their duties as members of the board, to be paid in the same manner as in the case of other city officers. (Code 1985 § 42-4; Code 1967 § 45-4)

Sec. 14-12-5 Board of boiler rules—Rules and regulations.

A. The board of boiler rules shall recommend to the city council the definitions, rules and regulations for the safe construction, installation, inspection and repair of boilers and unfired pressure vessels in this city. The definitions, rules and regulations so recommended shall be based upon and, at all times follow the generally accepted nationwide engineering standards, formulae and practices established and pertaining to boiler and unfired pressure vessel construction and safety, and the board may, by resolution, recommend to the city council an existing published codification thereof, known as the Boiler and Pressure Vessel Construction Code of the American Society of Mechanical Engineers, with the amendments and interpretations thereto made and approved by the Council of the Society, and may likewise recommend the amendments and interpretations subsequently made and published by the same authority.

B. Subsequent amendments to the rules and regulations recommended by the board of boiler rules to the city council shall become effective upon adoption of amendments to this chapter by the city council. (Code 1985 § 42-5; Code 1967 § 45-5)

Sec. 14-12-6 New installations to conform to chapter—Exceptions.

No boiler or unfired pressure vessel which does not conform to the rules and regulations set forth in this chapter or amendments thereto governing new construction and installation shall be installed and operated in this city after twelve (12) months from the date upon which the first rules and regulations under this chapter pertaining to new construction and installation shall have become effective, unless the boiler or unfired pressure vessel is of special design or construction, and is not covered by the rules and regulations, nor is in any way inconsistent with such rules and regulations, in which case a special installation and operating permit may, at its discretion, be granted by the board of boiler rules. (Code 1985 § 42-6; Code 1967 § 45-6)

Sec. 14-12-7 Maximum allowable working pressure.

A. The maximum allowable working pressure of a boiler or unfired pressure vessel carrying the A.S.M.E. Code symbol shall be determined by the applicable sections of the codes under which it was constructed and stamped.

B. The maximum allowable working pressure of a boiler which does not carry the A.S.M.E. Code symbol shall be computed in accordance with the A.S.M.E. Power Boiler Code Suggested Rules Covering Existing Installations. The maximum allowable working pressure of an unfired pressure vessel which does not carry the A.S.M.E. Code symbol shall be computed in accordance with the A.S.M.E. Unfired Pressure Vessel Code Recommended Practice for Inspection, Repair and Allowable Working Pressure for Vessels in Service.

C. This chapter shall not be construed as in any way preventing the use or sale of a boiler or unfired pressure vessel referred to in this section, provided it has been made to conform to the rules and regulations of the board of boiler rules governing existing installations and provided, further, it has not been found upon inspection to be in an unsafe condition. (Code 1985 § 42-7; Code 1967 § 45-7)

Sec. 14-12-8 Right of entry to enforce chapter.

The director, the chief inspector or any deputy or special inspector shall have free access, during reasonable

hours, to any premises in the city where a boiler or unfired pressure vessel is being constructed or is being installed, for the purpose of ascertaining whether such boiler or unfired pressure vessel is constructed and installed in accordance with the provisions of this chapter. (Code 1985 § 42-8; Code 1967 § 45-8)

Article 2
Inspectors and Inspections Generally

Sec. 14-12-9 Appointment and qualifications of chief inspector.

The chief inspector, who shall be the boiler safety engineer of the Memphis and Shelby County office of construction code enforcement, shall be a citizen of Shelby County who has had at the time of such appointment not less than ten (10) years' practical experience in the construction, maintenance, repair or operation of high pressure boilers and unfired pressure vessels, as mechanical engineer, practical steam operating engineer, practical boilermaker or boiler inspector and who shall have passed the same kind of examination as that prescribed by this article for deputy or special inspectors. (Code 1985 § 42-21; Code 1967 § 45-19)

Sec. 14-12-10 General powers and duties of chief inspector.

The chief inspector, if authorized by the director of planning and development is charged, directed and empowered:

A. To cause the prosecution of all violators of the provisions of this chapter;

B. To issue, suspend or revoke, for cause, inspection certificates as provided in this article;

C. To draw upon the city comptroller for funds necessary to meet the expenses authorized by this chapter, which shall include the necessary traveling expenses of the chief inspector and his or her deputies and the expenses incident to the maintenance of his or her office;

D. To take action necessary for the enforcement of the laws of the city governing the use of boilers and unfired pressure vessels to which this chapter applies and of the rules and regulations of the board of boiler rules;

E. To keep a complete record of the type, dimensions, maximum allowable working pressure, age, location and date of the last recorded internal inspection of all boilers and unfired pressure vessels to which this chapter applies;

F. To publish and distribute, among manufacturers and others requesting them, copies of the rules and regulations adopted by the board of boiler rules. (Code 1985 § 42-22; Code 1967 § 45-20)

Sec. 14-12-11 Employment and qualifications of deputy inspectors.

The director shall employ deputy inspectors who shall be responsible to the chief inspector and who shall have had at time of appointment not less than five years' practical experience in the construction, maintenance, repair or operation of high pressure boilers and unfired pressure vessels as a mechanical engineer, practical steam operating engineer, boilermaker or boiler inspector and who shall have passed the examination provided for in this article. (Code 1985 § 42-23; Code 1967 § 45-21)

Sec. 14-12-12 Special inspectors generally.

A. In addition to the deputy inspectors authorized by Section 14-12-11, the chief inspector shall, upon the request of any company authorized to insure against loss from explosion of boilers and unfired pressure vessels in this city, issue to any inspectors of such company commissions as special inspectors, provided that each such inspector, before receiving his or her commission, shall satisfactorily pass the examination provided for in Section 14-12-13, or, in lieu of such examination, shall hold a commission or a certificate of competency as an inspector of boilers and unfired pressure vessels for a state that has a standard of examination substantially equal to that of the city or a commission as an inspector of boilers issued by the national board of boiler and pressure vessel inspectors.

B. Such special inspectors shall receive no salary from, nor shall any of their expenses be paid by, the city and the continuance of a special inspector's commission shall be conditioned upon his or her continuing in the employ of a boiler insurance company duly authorized as aforesaid and upon his or her maintenance of the standards imposed by this chapter.

C. Such special inspectors shall inspect all boilers and unfired pressure vessels insured by their respective companies and, when so inspected, the owners and users of such boilers and unfired pressure vessels shall be exempt from the payment to the city of the inspection fees provided for in Section 14-12-17.

D. Each company employing such special inspectors shall, within ten (10) days following each internal boiler or unfired pressure vessel inspection made by such inspectors, file a report of such inspection with the chief inspector upon appropriate forms as promulgated by the American Society of Mechanical Engineers. Reports of external inspection shall not be required except when such inspections disclose that the boiler or unfired pressure vessel is

in a dangerous condition. (Code 1985 § 42-24; Code 1967 § 45-22)

Sec. 14-12-13 Examination of inspectors.

The examination for chief, deputy or special inspectors shall be in writing and shall be held by the board of boiler rules or by at least two members of the board. Such examination shall be confined to questions, the answers to which will aid in determining the fitness and competency of the applicant for the intended service. In case an applicant for an inspector's appointment or commission fails to pass the examination, he or she may appeal to the board for another examination which shall be given by the board within ninety (90) days The records of an applicant's examination shall be accessible to the applicant and his or her employer. (Code 1985 § 42-25; Code 1967 § 45-23)

Sec. 14-12-14 Replacement of inspector's certificate of appointment or commission.

If an inspector's certificate of appointment or commission is lost or destroyed, a new certificate or commission shall be issued in its place without another examination. (Code 1985 § 42-26; Code 1967 § 45-24)

Sec. 14-12-15 Suspension or revocation of inspector's appointment or commission.

A. An inspector's appointment or commission may be suspended by the director after due investigation and recommendation by the board of boiler rules, for the incompetence or untrustworthiness of the holder thereof or for wilful falsification of any matter or statement contained in his or her application or in a report of any inspection made by him or her. Written notice of any such suspension shall be given by the board of boiler rules within not more than ten (10) days, to the inspector and his or her employer. A person whose appointment or commission has been suspended shall be entitled to an appeal to the board as provided in Section 14-12-21 and to be present in person or to be represented by counsel at the hearing of the appeal.

B. If the board of boiler rules has reason to believe that a commissioned inspector is no longer qualified to hold his or her appointment or commission, the board shall, upon not less than ten (10) days' written notice to the inspector and his or her employer, hold a hearing at which such inspector and his or her employer shall have an opportunity to be heard. If, as a result of such hearing, the board shall find that such inspector is no longer qualified to hold his or her appointment or commission, the board shall recommend to the director that such appointment or commission shall be revoked and the director shall thereupon revoke such appointment or commission forthwith.

C. A person whose appointment or commission has been revoked shall be entitled to apply, after ninety (90) days from the date of such revocation, for reinstatement of such appointment or commission. (Code 1985 § 42-27; Code 1967 § 45-25)

Sec. 14-12-16 Inspections generally.

A. Each boiler and unfired pressure vessel used or proposed to be used within this city, except boilers or unfired pressure vessels specifically exempted therefrom, shall be thoroughly inspected as to their construction, installation and condition as follows:

1. Power boilers, meaning boilers operating at steam or vapor pressures in excess of fifteen (15) pounds per square inch gauge, shall be inspected annually both internally and externally while not under pressure and shall also be inspected annually externally while under pressure if possible. The board of boiler rules may, in its discretion, permit longer periods between inspections.

2. Low pressure steam or vapor heating boilers, hot water heating boilers and hot water supply boilers shall be inspected both internally and externally biennially where construction will permit.

3. Unfired pressure vessels subject to internal corrosion shall be inspected both internally and externally biennially where construction will permit, except that the board of boiler rules may, in its discretion, provide for longer periods between inspections.

4. Unfired pressure vessels not subject to internal corrosion shall be inspected externally at intervals set by the board of boiler rules but internal inspections shall not be required of unfired pressure vessels, the contents of which are known to be noncorrosive to the material of which the shell, head or fittings are constructed, either from the chemical composition of the contents or from evidence that the contents are adequately treated with a corrosion inhibitor, provided that such vessels are constructed in accordance with the rules and regulations of the board of boiler rules or in accordance with standards substantially equivalent to the rules and regulations of the board, in effect at the time of manufacture.

5. A grace period of two months beyond the periods specified in subsection (A)(1), (2), (3) and (4) of this section may elapse between inspections.

B. Subject to the applicable grace period provided in subsection A of this section, the rules and regulations formulated by the board applying to the inspection of unfired pressure vessels may be modified by the board to reduce

or extend the interval between required inspection where the contents of the vessel or the materials of which it is constructed warrant special consideration.

C. The inspections herein required shall be made by the chief inspector, by a deputy inspector or by a special inspector.

D. If at any time a hydrostatic test shall be deemed necessary to determine the safety of a boiler or unfired pressure vessel, same shall be made, at the discretion of the inspector, by the owner or user thereof.

E. All boilers and unfired pressure vessels to be installed in this city after the twelve (12) months' period from the date upon which the rules and regulations of the board shall become effective, shall be inspected during construction as required by the applicable rules and regulations of the board by an inspector authorized to inspect boilers in this city, or, if constructed outside the city, by an inspector holding a certificate of competency as an inspector of boilers for a state that has a standard of examination substantially equal to that of this city. (Code 1985 § 42-28; Code 1967 § 45-26)

Sec. 14-12-17 Inspection fees.

A. The owner or user of a boiler or unfired pressure vessel required by this chapter to be inspected by the chief inspector or his or her deputy inspector shall pay directly to the chief inspector, upon completion of the inspection, fees in accordance with the following schedule:

1. Power Boilers.

Internal Inspections

Boilers of 50 sq. ft. of heating surface or less	$5.00
Boilers over 50 sq. ft. of heating surface and less than 500 sq. ft. of heating surface	8.00
Boilers over 500 sq. ft. of heating surface and less than 10,000 sq. ft. of heating surface	15.00
Boilers over 10,000 sq. ft. of heating surface	20.00

External Inspections

Boilers of 50 sq. ft. of heating surface or less	$3.00
Boilers over 50 sq. ft. of heating surface	5.00

Not more than the equivalent of the internal and external inspection fees shall be charged or collected for any and all inspections as above of any boiler in any one year.

2. Low-Pressure Heating Boilers.

Inspection of heating boilers without a manhole	$5.00
Inspection of heating boilers with a manhole	10.00
Inspection of hot water supply boilers	3.00

Not more than one fee shall be charged or collected for any and all inspections as above of any low-pressure boiler in any two-year period.

3. Hydrostatic Tests. When it is necessary to make a special trip to witness the application of a hydrostatic test, an additional fee based on the scale of fees applicable to an internal inspection of the boiler or unfired pressure vessel shall be charged. All fees prescribed above shall be doubled for inspection on Saturdays, Sundays or holidays.

4. Permits for Installation of Boilers, Unfired Pressure Vessels or for Alterations or Repairs. The fee for installation of boilers, unfired pressure vessels or for alterations or repairs shall be based on the contract price of the complete installation. The fee shall be fifteen dollars ($15.00) for the first one thousand dollars ($1,000.00) evaluation and eight dollars ($8.00) for each additional thousand dollars evaluation or fraction thereof over one thousand dollars ($1,000.00).

5. Biennial or Required Inspection of Unfired Pressure Vessels. Fees to be based on the maximum length of vessel times the maximum width or diameter.

Internal and/or external inspection of each unfired pressure vessel subject to inspection having a cross sectional area of 50 sq. ft. or less	$5.00
For each additional 100 sq. ft. of area in excess of 50 sq. ft.	1.00

Provided that not more than forty dollars ($40.00) shall be paid per day for the actual inspection time of each inspector on any one vessel.

A group of pressure vessels, such as the rolls of a paper machine or dryer operating as a single machine or unit, shall be considered as one pressure vessel.

6. Others. All other inspections, including shop inspections and inspection of secondhand or used boilers or unfired pressure vessels made by the chief or deputy in-

spector shall be charged for at the rate of not less than twenty-five dollars ($25.00) for one-half day of four hours and fifty-five dollars ($55.00) for one full day of eight hours, plus all expenses, including traveling and hotel.

"Secondhand" means an object which has changed ownership and location after primary use.

B. The chief inspector shall transfer all inspection fees received to the comptroller. (Code 1985 § 42-29; Ord. 3022 § 1(1), 6-9-80; Ord. 2349 § 1(1), 12-16-75; Ord. 273 § 1, 9-3-68; Code 1967 § 45-27)

Sec. 14-12-18 Inspection certificates.

A. If, upon inspection, a boiler or unfired pressure vessel is found to comply with the rules and regulations of the board, the owner or user thereof shall pay to the city the sum of eleven dollars ($11.00) in the case of a power boiler; eleven dollars ($11.00) in the case of a low-pressure heating boiler, including hot water supply, coil or storage water heaters that exceed any one of the following limitations: two hundred thousand (200,000) Btu input, one hundred twenty (120) gallon capacity or two hundred (200) degrees Fahrenheit temperature; and the sum of five dollars ($5.00) in case of an unfired pressure vessel. The chief inspector, or his or her duly authorized representative, shall issue to such owner or user an inspection certificate bearing the date of inspection and specifying the maximum pressure under which the boiler or unfired pressure vessel may be operated. Such inspection certificate shall be valid for not more than fourteen (14) months from its date except that the certificate shall be valid for a period not more than two months beyond the period set by the board in accordance with Section 14-12-17(A)(1). Certificates shall be posted under glass in the room with the boiler or unfired pressure vessel inspected. If the boiler or unfired pressure vessel is not located within the building, the certificate shall be posted in a location convenient to the boiler or unfired pressure vessel inspected, or in the case of a portable boiler or unfired pressure vessel, the certificate shall be kept in a metal container to be fastened to the boiler or vessel or kept in a toolbox accompanying the boiler or unfired pressure vessel.

B. No inspection certificate issued for an insured boiler or unfired pressure vessel by a special inspector shall be valid after the boiler or unfired pressure vessel for which it was issued shall cease to be insured by a company duly authorized by this state to carry such insurance.

C. The chief inspector or his or her authorized representative may at any time suspend an inspection certificate when, in his or her opinion, the boiler or unfired pressure vessel for which it was issued cannot be operated without menace to the public safety or when the boiler or unfired pressure vessel is found not to comply with the rules and regulations herein provided. Such suspension of an inspection certificate shall continue in effect until such boiler or unfired pressure vessel shall have been made to conform to the rules and regulations of the board and until the inspection certificate shall have been reinstated. (Code 1985 § 42-30; Ord. 3152 § 1, 9-8-81; Ord. 3022 § 1(2), 6-9-80; Ord. 2349 § 1(2), 12-16-75; Ord. 273 § 2, 9-3-68; Code 1967 § 45-28)

Sec. 14-12-19 Operation without or in violation of inspection certificate.

It is unlawful for any person to operate in this city a boiler or unfired pressure vessel under pressure without a valid inspection certificate. The operation of a boiler or unfired pressure vessel without such inspection certificate or at a pressure exceeding that specified in such inspection certificate, shall constitute a misdemeanor on the part of the owner, user or operator thereof and shall be punishable as provided in Section 1-24-1 of this code and each day of such unlawful operation shall be deemed a separate offense. (Code 1985 § 42-31; Code 1967 § 45-29)

Sec. 14-12-20 Exemptions from Sections 14-12-16 through 14-12-19.

The following boilers and unfired pressure vessels shall be exempt from the requirements of Sections 14-12-16 through 14-12-19:

A. Boilers or unfired pressure vessels located on farms and used solely for agricultural purposes;

B. Steam or vapor boilers used for heating purposes carrying a pressure of not more than fifteen (15) pounds per square inch gauge and which are located in private residences or in apartment houses of less than six families;

C. Hot water heating boilers or hot water supply boilers, operated at pressures not exceeding one hundred sixty (160) pounds per square inch gauge or temperatures not exceeding two hundred fifty (250) degrees Fahrenheit which are located in private residences or in apartment houses of less than six families;

D. Unfired pressure vessels containing only water under pressure for domestic supply purposes, including those containing air, the compression of which serves only as a cushion or airlift pumping system, when located in private residences or in apartment houses of less than six families. (Code 1985 § 42-32; Code 1967 § 45-30)

Sec. 14-12-21 Appeals from orders or acts of inspectors.

Any person aggrieved by an order or act of an inspector or the chief inspector under this chapter may, within fif-

teen (15) days' notice thereof, appeal from such order or act to the board of boiler rules, which shall, within thirty (30) days thereafter, hold a hearing, after having given at least ten (10) days' written notice to all interested parties. The board shall, within thirty (30) days after such hearing, issue an appropriate order either approving or disapproving such order or act. A copy of such order by the board shall be given to all interested parties. (Code 1985 § 42-33; Code 1967 § 45-31)

Article 3
Rules and Regulations Relating to Administration

Sec. 14-12-22 Manufacturers' data and blueprints to be submitted.

A. Manufacturers' data reports on boilers and unfired pressure vessels which are to be operated at pressures in excess of fifteen (15) pounds per square inch gauge (unless otherwise exempted by these rules and regulations) shall be filed with the chief inspector before installation. If the boilers or unfired pressure vessels are of special design, blueprints showing details of proposed construction shall be submitted to the chief inspector and his or her approval secured before construction is started.

B. If new or used equipment is being installed by the owner or user of any plant, similar information shall be furnished the chief inspector. (Code 1985 § 42-46; Code 1967 § 45-42)

Sec. 14-12-23 Registration of existing boilers.

Within six months from April 12, 1960, all owners or users of boilers then in use or installed ready for use in the city, shall report to the chief inspector on forms prescribed by the department, giving the location, type, capacity, age and date of installation. (Code 1985 § 42-47; Code 1967 § 45-43)

Sec. 14-12-24 Inspections generally.

A. All power boilers shall be regularly inspected internally at least every twelve (12) months. An external inspection shall be made annually approximately six months from the date of the internal inspection.

B. All low pressure heating boilers shall be inspected both internally and externally every two years where construction will permit.

C. All unfired pressure vessels subject to internal corrosion shall be inspected both internally and externally every two years where construction will permit.

D. All unfired pressure vessels not subject to internal corrosion shall be given a certificate inspection every three years. (Code 1985 § 42-48; Code 1967 § 45-44)

Sec. 14-12-25 Preparation for inspection.

The owner or user shall prepare each boiler or unfired pressure vessel for internal inspection and shall prepare for and apply a hydrostatic pressure test whenever necessary, on the date specified by the chief inspector, deputy inspector or special inspector, which date shall be not less than seven days after the date of notification. (Code 1985 § 42-49; Code 1967 § 45-45)

Sec. 14-12-26 Examination for inspector's certificate of competency.

A. Examinations for certificates of competency as inspector of boilers and unfired pressure vessels shall be held at the office of the board of boiler rules or at any location to be selected by the board, four times each year, namely, the first Wednesday of the months of March, June, September and December. Special examinations will be held when considered necessary by the board.

B. Applicants for certificate of competency as inspector of boilers and pressure vessels shall meet the requirements of the state board of boiler rules.

C. The application for examination for a certificate of competency shall be in writing upon a form to be furnished by the board, stating the school education of the applicant, a list of his or her employers, his or her period of employment and position held with each employer. Applications containing wilful falsification or untruthful statements shall be rejected. If the applicant's history and experience meet with the approval of the board of boiler rules, he or she shall be given a written examination dealing with the construction, installation, operation, maintenance and repair of boilers and unfired pressure vessels and their appurtenance, and the applicant shall be accepted or rejected on the merits of this examination. If the applicant is successful in meeting the requirements of the board, a certificate of competency will be issued by the chief inspector.

D. After the expiration of ninety (90) days, an applicant who fails to pass the examination will be permitted to take another written examination, and his or her acceptance or rejection will be determined by the board on the basis of this examination. (Code 1985 § 42-50; Ord. 1427 § 1, 8-29-72; Code 1967 § 45-46)

Sec. 14-12-27 Special inspector's commission generally.

A. Upon the request of any company authorized to insure against loss from explosion of boilers and unfired pressure vessels in the city, a commission as a special inspector and an identifying corn mission card shall be issued by the chief inspector to an inspector in the employ of such company, provided the inspector has successfully passed the written examination and holds a certificate of competency, as set forth in Section 14-12-26. Work cards expire December 31st of each year. Annual renewal shall be made upon request of the holder for a fee of ten dollars ($10.00).

B. Commissions issued to inspectors in the employ of such companies shall be held at the home office of the employing company. The commission and the identifying commission card shall be returned to the chief inspector when the inspector to whom the commission was issued is no longer in its employ or at the request of the chief inspector. (Code 1985 § 42-51; Ord. 3022 § 1(3), 6-9-80; Ord. 2349 § 1(3), 12-16-75; Code 1967 § 45-47)

Sec. 14-12-28 Reciprocal special inspector's commission.

Upon the request of a boiler insurance company authorized to do business in this city, a commission as special inspector shall be issued by the chief inspector to an inspector in the employ of such company, provided the inspector is at least twenty-five (25) years of age, has had the experience prescribed in Section 14-12-26 and holds a certificate of competency or commission issued by a state which has adopted the A.S.M.E. Boiler and Unfired Pressure Vessel Construction Code and which holds a written examination similar to that required by the city. Application for a reciprocal commission shall be accompanied by a photostatic copy of the applicant's state commission or certificate of competency. (Code 1985 § 42-52; Code 1967 § 45-48)

Sec. 14-12-29 Revocation of special inspector's certificate of competency or commission.

The certificate of competency and commission issued to a special inspector may be suspended by the director and may be revoked upon ten (10) days' notice to the inspector and to the employer of such inspector, for incompetence or untrustworthiness; for wilful falsification of any matter or statement contained in his or her application, or in the report of any inspection; or for other sufficient reasons. The holder of such certificate of competency or commission shall be entitled to a hearing before the director before the revocation thereof. (Code 1985 § 42-53; Code 1967 § 45-49)

Sec. 14-12-30 Inspectors' conflicts of interest.

Inspectors commissioned by the city shall not be engaged in the sale of any article or device that is related to boilers or unfired pressure vessels and shall devote their full time to inspection work. (Code 1985 § 42-54; Code 1967 § 45-50)

Sec. 14-12-31 Inspection reports.

City inspectors and special inspectors shall, within one year from the effective date of these rules for power boilers and two years for all other objects, submit to the chief inspector an inspection report on each boiler or unfired pressure vessel subject to inspection by such inspectors. Complete data shall be submitted on each nonstandard boiler or unfired pressure vessel on Form P-5 of the A.S.M.E. Code at the time of the first internal inspection. Subsequent internal or certificate inspections of those objects shall be reported on Form P-6 of the A.S.M.E. Code. On all standard boilers or unfired pressure vessels, the first and subsequent internal or certificate inspection shall be submitted on Form P-6 of the A.S.M.E. Code. The report shall be submitted within ten (10) days of the date of the inspection and for unfired pressure vessels shall indicate the maximum period between certificate inspections. External inspections shall be reported on Form P-6 immediately when hazardous conditions affecting the safety of the boiler or unfired pressure vessel are found to exist. (Code 1985 § 42-55; Code 1967 § 45-51)

Sec. 14-12-32 Reports by insurance companies—Risks written, cancelled, not renewed or suspended.

All insurance companies shall notify the chief inspector within thirty (30) days of all boiler or unfired pressure vessel risks written, cancelled, not renewed or suspended because of unsafe conditions. (Code 1985 § 42-56; Code 1967 § 45-52)

Sec. 14-12-33 Reports by insurance company—Risks refused because of defects.

If an insurance inspector, upon the first inspection of a new risk, finds that the boiler or any of the appurtenances are in such condition that his or her company refuses insurance, the company shall immediately notify the chief inspector and submit a report of the defects. (Code 1985 § 42-57; Code 1967 § 45-53)

Sec. 14-12-34 Defective conditions disclosed at time of external inspections.

If upon an external inspection, there is evidence of a leak or crack, enough of the covering of the boiler or unfired pressure vessel shall be removed to satisfy the inspector in order that he or she may determine as to the safety of the boiler or unfired pressure vessel or if the covering cannot be removed at that time, he or she may order the operation of the boiler or unfired pressure vessel stopped until such time as the covering can be removed and proper examination made. (Code 1985 § 42-58; Code 1967 § 45-54)

Sec. 14-12-35 Accident reports.

When an accident occurs which serves to render a boiler or unfired pressure vessel inoperative, the owner or user shall immediately notify the chief inspector, and submit a detailed report of the accident. In case of serious accident, such as explosion, notice shall be given immediately by telephone, telegraph or messenger and neither the boiler or unfired pressure vessel nor any of the parts thereof shall be removed or disturbed before an inspection has been made by the chief inspector or a deputy inspector or a special inspector, unless for the purpose of saving human life. (Code 1985 § 42-59; Code 1967 § 45-55)

Sec. 14-12-36 Inspection fee—Refusal to allow inspection or pay fee—Operation without inspection certificate.

A. If a boiler or unfired pressure vessel shall, upon inspection, be found to be suitable and to conform to these rules and regulations, the owner or user shall pay directly to the chief inspector a fee of two dollars ($2.00) for each boiler or unfired pressure vessel required to be inspected under this chapter before a certificate of inspection shall be issued.

B. If the owner or user of a boiler or unfired pressure vessel required to be inspected refuses to allow an inspection to be made or refuses to pay the above fee, the certificate of inspection shall be suspended by the chief inspector until the owner or user complies with the requirements.

C. The owner or user who causes a boiler or unfired pressure vessel to be operated without possessing a valid certificate of inspection shall be subject to the penalty provided for in Section 14-12-19. (Code 1985 § 42-60; Code 1967 § 45-56)

Sec. 14-12-37 Term of inspection certificate.

An inspection certificate shall be valid for not more than fourteen (14) months unless some defect or condition affecting the safety of the boiler or unfired pressure vessel is disclosed; provided, however, that, a certificate issued for a boiler or unfired pressure vessel inspected by a special inspector shall be valid only if the boiler or unfired pressure vessel for which it was issued continues to be insured by a duly authorized insurance company. (Code 1985 § 42-61; Code 1967 § 45-57)

Sec. 14-12-38 Restamping.

When the stamping on a boiler or unfired pressure vessel becomes indistinct, the inspector shall instruct the owner or user to have it restamped. Request for permission to restamp the boiler or unfired pressure vessel shall be made to the chief inspector and proof of the original stamping shall accompany the request authorized by the chief inspector. Restamping authorized by the chief inspector shall be done only by an inspector and shall be identical with the original stamping, except that it will not be required to restamp the A.S.M.E. symbol. Notice of completion of such restamping shall be filed with the director by the inspector who stamped the boiler together with a facsimile of the stamping applied. (Code 1985 § 42-62; Code 1967 § 45-58)

Sec. 14-12-29 Suspension of inspection certificate.

If, upon inspection, a boiler or unfired pressure vessel is found to be in such condition that it is unsafe to operate, the inspection certificate shall be suspended by the chief inspector, who shall be notified by a deputy inspector or special inspector. Any person causing such objects to be operated shall be guilty of a misdemeanor. (Code 1985 § 42-63; Code 1967 § 45-59)

Sec. 14-12-40 Condemnation.

Any boiler or unfired pressure vessel having been inspected and declared unsafe by the chief or deputy inspector shall be stamped by the inspector with an arrowhead stamp having an overall length of one-half-inch and width of three-eighths inch on either side of the letters "XXX," as shown by the following facsimile, which will designate a condemned boiler or unfired pressure vessel:

XXX	XXX

(Code 1985 § 42-64; Code 1967 § 45-60)

Sec. 14-12-41 Permission to reinstall moved equipment.

If a standard or A.S.M.E. boiler or unfired pressure vessel located in this city is to be moved to another location for temporary use or repairs, application shall be made by the owner or user to the chief inspector for permission

to reinstall the boiler or unfired pressure vessel. (Code 1985 § 42-65; Code 1967 § 45-61)

Sec. 14-12-42 Nonstandard equipment.

A. A nonstandard boiler or unfired pressure vessel now in use in this city, if removed outside the boundaries of the city, cannot be brought in and reinstalled without permission of the board of boiler rules.

B. Shipment of nonstandard boilers or unfired pressure vessels into this city for use is prohibited. (Code 1985 § 42-66; Code 1967 § 45-62)

Sec. 14-12-43 Reinstallation or shipment into city of used or secondhand equipment.

Before a used or secondhand boiler or unfired pressure vessel can be reinstalled or shipped into this city, an inspection must be made by an authorized inspector and data submitted by him or her shall be filed by the owner or user of the boiler or unfired pressure vessel with the chief inspector for his or her approval. (Code 1985 § 42-67; Code 1967 § 45-63)

Sec. 14-12-44 Fittings and appliances for reinstalled equipment.

In any case where a stationary boiler or unfired pressure vessel is moved and reinstalled, the fittings and appliances must comply with the provisions of this chapter for new installations. (Code 1985 § 42-68; Code 1967 § 45-64)

Sec. 14-12-45 Increasing safety factors.

The board of boiler rules authorizes an inspector to increase factors of safety if the condition of the boiler or unfired pressure vessel warrants it. If the owner or user does not concur with the inspector's decision, the owner or user may appeal to the board of boiler rules, which may request a joint inspection by the chief inspector and a deputy or special inspector. Each inspector shall render his or her report to the board of boiler rules and the board shall render the final decision, based upon the data contained in all the inspectors' reports. (Code 1985 § 42-69; Code 1967 § 45-65)

Sec. 14-12-46 Inspection of drum heads.

For new installations, provision shall be made to permit making inspections of the drum heads of all boilers. For existing installations, heads of lower drums shall be thoroughly examined at the annual inspection and either a sufficient amount of brickwork shall be removed or inspection doors provided to enable this examination to be made. (Code 1985 § 42-70; Code 1967 § 45-66)

Sec. 14-12-47 Removal of safety appliances—Excess load on safety valves.

A. No person, except under the direction of an inspector, shall attempt to remove or shall do any work upon any safety appliance prescribed by this chapter while a boiler or unfired pressure vessel is in operation. Should any of these appliances be repaired during outage of a boiler or unfired pressure vessel, they must be reinstalled and in proper working order before the object is again placed in service.

B. No person shall in any manner load the safety valve or valves to maintain a working pressure in excess of that stated on the certificate of inspection. (Code 1985 § 42-71; Code 1967 § 45-67)

Sec. 14-12-48 Boiler attendants.

Every owner or user of any boiler or steam generating apparatus, when such equipment is in use, shall have a licensed engineer of the grade required on duty at all times as provided for in Section 46-12 of the city's 1967 Code of Ordinances. (Code 1985 § 42-72; Code 1967 § 45-68)

Sec. 14-12-49 Bond for persons repairing or installing boilers or pressure vessels.

Any person making repairs, alteration or installing any boiler or pressure vessel required under this chapter to be inspected shall have at least one person in his or her employ doing such work who has on file in the chief inspector's office a bond of five hundred dollars ($500.00) which is to assure the city of the compliance of same. (Code 1985 § 42-73; Code 1967 § 45-69)

Sec. 14-12-50 Work permits.

A. Before erecting any boiler or pressure vessel regulated by this chapter, and before making any repairs or alterations to any boiler or pressure vessel, the person doing such work shall first file an application and secure a permit for the same. Specifications for such work shall be made on blanks furnished by the chief inspector's office and shall accompany all such applications for permits.

B. For repairs being made in case of emergencies when the office of the inspector is closed, a permit shall be taken out as soon as the office is opened after the repairs have been started and the chief inspector notified of such.

C. Before installing any boiler or pressure vessel required under this chapter to be inspected, the owner or user shall first obtain a permit from the chief inspector. (Code 1985 § 42-74; Code 1967 § 45-70)

Article 4
Rules and Regulations Relating to Construction, Installation, Inspection, Maintenance and Use

Sec. 14-12-51 Power boilers—New installations.

A. No power boiler, except reinstalled boilers and those exempted by these rules and regulations, shall hereafter be installed in this city unless it has been constructed, inspected and stamped in conformity with the city boiler construction code and is approved, registered and inspected in accordance with the requirements of these rules and regulations.

B. A boiler having the standard stamping of any state that has adopted a standard of construction equivalent to the standard of the city may be accepted by the chief inspector; provided however, that, the person desiring to install the boiler shall make application for the installation and shall file with this application the manufacturer's data covering the construction of the boiler in question.

C. All new boiler installations, including reinstalled boilers, shall be installed in accordance with the requirements of the latest revision of the A.S.M.E. Boiler Construction Code and these rules and regulations.

D. Upon the completion of installation and proper permits acquired, all boilers shall be inspected by the chief inspector, a deputy inspector or a special inspector. At the time of this inspection, the boilers shall be stamped with a serial number of the city followed by letters "MFS," such letters and figures to be not less than five-sixteenths of an inch in height. Stamping shall not be concealed by lagging or paint and shall be exposed at all times. (Code 1985 § 42-86; Code 1967 § 45-81)

Sec. 14-12-52 Power boilers—Existing installations.

A. Application of Section. This section shall apply to existing power boiler installations.

B. Maximum Allowable Working Pressure for Standard Boilers. The maximum allowable working pressure for standard boilers shall be determined in accordance with the applicable provision of the edition of the A.S.M.E. Code under which they were constructed and stamped.

C. Maximum Allowable Working Pressure for Nonstandard Boilers. The maximum allowable working pressure on the shell of a nonstandard boiler or drum shall be determined by the strength of the weakest section of the structure computed from the thickness of the plate, the tensile strength of the plate, the efficiency of the longitudinal joint or tube ligaments, the inside diameter of the outside course and the factor of safety allowable by these rules.

$$\frac{TS \times t \times E}{R \times FS} = \text{Maximum allowable working pressure in lb. per sq. in. gauge}$$

R x FS

Where

TS = Ultimate tensile strength of shell plates, lb. per sq. in.

t = Minimum thickness of shell plate, in weakest course, in inch.

E = Efficiency of longitudinal joint.

For riveted construction, E shall be determined by rules given in paragraph P-181 of A.S.M.E. Boiler Construction Code for Power Boilers. For fusion welded construction, E shall be determined by rules in paragraph P-102 of A.S.M.E. Boiler Construction Code for Power Boilers.

For tube ligaments, E shall be determined by rules in paragraphs P 192 and P 193 of A.S.M.E. Boiler Construction Code for Power Boilers. For seamless construction, E shall be considered one hundred (100) percent.

R = One-half the inside diameter of the weakest course of shell or drum in inches.

FS = Factor of safety permitted.

1. Tensile Strength. When the tensile strength of steel or wrought iron shell plates is not known, it shall be taken as fifty-five thousand (55,000) pounds per square inch for steel and forty-five thousand (45,000) pounds per square inch for wrought iron.

2. Crushing Strength of Mild Steel. The resistance to crushing of mild steel shall be taken at ninety-five thousand (95,000) pounds per square inch of cross sectional area.

3. Strength of Rivets in Shear. When computing the ultimate strength of rivets in shear, the following values in pounds per square inch of the cross sectional area of the rivet shank shall be used:

Iron rivets in single shear	38,000
Iron rivets in double shear	76,000
Steel rivets in single shear	44,000
Steel rivets in double shear	88,000

When the diameter of the rivet holes in the longitudinal joints of a boiler is not known, the diameter and cross sectional area of rivets, after driving may be selected from the

following table or ascertained by cutting out one rivet in the body of the joint:

Sizes of Rivets Based on Plate Thickness

Thickness of plate	1/4"	9/32"	5/16"	11/32"	3/8"	13/32"
Diameter of rivet after driving	11/16"	11/16"	3/4"	3/4"	13/16"	13/16"
Thickness of plate	7/16"	15/32"	1/2"	9/16"	5/8"	
Diameter of rivet after driving	15/16"	15/16"	15/16"	1-1/16"	1-1/16"	

4. Factors of Safety. The following factors of safety shall be increased by the inspector if the condition and safety of the boilers demand it.

a. The lowest factor of safety permissible on existing installations shall be four and five-tenths (4.5) excepting for horizontal return tubular boilers having continuous lap seams more than twelve (12) feet in length where the factor of safety shall be eight, and when this latter type of boiler is removed from its existing setting, it shall not be reinstalled for pressures in excess of fifteen (15) pounds per square inch gauge.

b. Reinstated or secondhand boilers shall have a minimum factor of safety of six when the longitudinal seams are of lap riveted construction and a minimum factor of safety of five when the longitudinal seams are of butt and double strap construction.

5. Age Limit of Fire Tube Boilers. The age limit of a horizontal return tubular, flue or cylindrical boiler having a longitudinal lap joint and operating at a pressure in excess of fifty (50) pounds per square inch gauge shall be thirty (30) years. A reasonable time for replacement shall be given at the discretion of the director not to exceed one year.

6. Welded Boilers. Boilers having either longitudinal or circumferential seams of fusion welded construction shall have been constructed and stamped in accordance with the rules and regulations of the A.S.M.E. Boiler Construction Code or shall have the standard stamping of another state that has adopted a standard of construction equivalent to the standards of the A.S.M.E. Boiler Construction Code.

7. Pressure on Old Boilers. In no case shall maximum working pressure of an old boiler be increased to a greater pressure than would be allowed for a new boiler of same construction.

8. Cast Iron Headers and Mud Drums. The maximum allowable working pressure on a water tube boiler, the tubes of which are secured to cast iron or malleable iron headers or which have cast iron mud drums, shall not exceed one hundred sixty (160) pounds per square inch gauge.

9. Pressure on Cast Iron Boilers. The maximum allowable working pressure for any cast iron boiler, except hot water boilers, shall be fifteen (15) pounds per square inch gauge.

D. Safety Valves. The use of weighted-lever safety valves shall be prohibited and these valves shall be replaced by direct spring-loaded pop type valves that conform to the requirements of the A.S.M.E. Boiler Construction Code for Power Boilers.

Safety valves having either the seat or disc of cast iron shall not be used.

Each boiler shall have at least one safety valve and if it has more than five hundred (500) square feet of water heating surface, it shall have two or more safety valves.

The valve or valves shall be connected to the boiler, independent of any other steam connection and attached as close as possible to the boiler without unnecessary intervening pipe or fittings. Where alteration is required to conform to this requirement, owners or users shall be allowed one year in which to complete the work.

No valve of any description shall be placed between the safety valve and the boiler nor on the escape pipe (if used) between the safety valve and the atmosphere. When an escape pipe is used, it shall be full size and fitted with an open drain to prevent water lodging in the upper part of the safety valve or escape pipe. When an elbow is placed on a safety valve escape pipe, it shall be located close to the safety valve outlet of the escape pipe, shall be securely anchored and supported. All safety valve discharges shall be so located or piped as to be carried clear from walkways or platforms used to control the main stop valves or boilers or steam headers.

The safety valve capacity of each boiler shall be such that the safety valve or valves will discharge all the steam that can be generated in the boiler without allowing the pressure to rise more than six percent above the highest pressure to which any valve is set and in no case to more

than six percent above the maximum allowable working pressure.

One or more safety valves on every boiler shall be set at or below the maximum allowable working pressure. The remaining valves may be set within a range of three percent above the maximum allowable working pressure, but the range of setting of all of the safety valves on a boiler shall not exceed ten (10) percent of the highest pressure to which any valve is set.

When two or more boilers operating at different pressures and safety valve settings are interconnected, the lower pressure boilers or interconnected piping shall be equipped with safety valves of sufficient capacity to prevent over pressure considering the generating capacity of all boilers.

In those cases where the boiler is supplied with feed water directly from pressure mains without the use of feeding apparatus (not to include return traps), no safety valve shall be set at a pressure greater than ninety-four (94) percent of the lowest pressure obtained in the supply main feeding the boiler.

The relieving capacity of the safety valves on any boiler may be checked by one of the three following methods and, if found to be insufficient, additional valves shall be provided:

1. By making the accumulation test, which consist of shutting off all other steam-discharge outlets from the boiler and forcing the fires to the maximum. The safety valve capacity shall be sufficient to prevent a pressure in excess of six percent above the maximum allowable working pressure;

2. By measuring the maximum amount of fuel that can be burned and computing the corresponding evaporative capacity (steam generating capacity) upon the basis of the heating valve of this fuel. These computations shall be made as outlined in the appendix of the A.S.M.E. Boiler Construction Code for Power Boilers;

3. By determining the maximum evaporative capacity by measuring the feed water.

When either of the methods outlined in subsection (D)(2) or (3) of this section is employed, the sum of the safety valve capacities shall be equal to or greater than the maximum evaporative capacity (maximum steam generating capacity) of the boiler.

E. Boiler Feeding and Feed Piping. All boilers shall have a feed supply which will permit the boilers being fed at any time while under pressure.

A boiler having more than five hundred (500) square feet of water heating surface shall have at least two means of feeding, one of which shall be an approved feed pump, injector or inspirator. Where a source of feed directly from pressure mains is available at sufficient pressure to feed the boiler against a pressure six percent greater than the release pressure of the safety valve with the highest release setting, this may be considered one of the means.

The feed water shall be introduced into the boiler in such manner that it will not be discharged close to riveted joints of shell or furnace sheets or directly against surfaces exposed to gases at high temperature or direct radiation from the fire.

The feed piping to the boiler shall be provided with a check valve near the boiler and a valve or cock between the check valve and the boiler. When two or more boilers are fed from a common source, there shall also be a valve on the branch to each boiler between the check valve and source of supply. Whenever a globe valve is used on feed piping, the inlet shall be under the disc of the valve.

In all cases where returns are fed back to the boiler by gravity, there shall be a check valve and stop valve on each return line, the stop valve to be placed between the boiler and the check valve and both shall be located as close to the boiler as is practicable.

Where deaerating heaters are not employed, it is recommended that the temperature of the feed water be not less than one hundred twenty (120) degrees Fahrenheit to avoid the possibility of setting up localized stress. Where deaerating heaters are employed, it is recommended that the minimum feed water temperature be not less than two hundred fifteen (215) degrees Fahrenheit so that dissolved gases may be thoroughly released.

F. Fusible Plugs. Fire-actuated fusible plugs if used shall con form to the requirements of the A.S.M.E. Boiler Construction Code for Power Boilers.

G. Water Columns, Gauge Glasses and Gauge Cocks. No outlet connections (except for damper regulator, low water fuel cutout, drains, steam gauges or such apparatus that does not permit the escape of an appreciable amount of steam or water therefrom) shall be placed on the piping that connects the water column to the boiler. The water column shall be provided with a valved drain of at least three-fourths-inch pipe size, the drain to be piped to a safe location.

Each boiler shall have three or more gauge cocks, located within the range of the visible length of the water glass, except when such boiler has two water glasses with independent connections to the boiler, located on the same horizontal line and not less than two feet apart.

For all installations where the water gauge glass or glasses are more than thirty (30) feet from the boiler operating floor, it is recommended that water level indicating or recording gauges be installed at eye height from the operating floor.

H. Steam Gauges. Each steam boiler shall have a steam gauge, with dial range not less than one and one-half times the maximum allowable working pressure, connected to the steam space or to the steam connection to the water column. The steam gauge shall be connected to a siphon or equivalent device of sufficient capacity to keep the gauge tube filled with water and so arranged that the gauge cannot be shut off from the boiler except by a cock placed near the gauge and provided with a tee or lever handle arranged to be parallel to the pipe in which it is located when the cock is open.

When a steam gauge connection longer than eight feet becomes necessary, a shut-off valve may be used near the boiler provided the valve is of the outside screw and yoke type and is locked open. The line shall be ample size, with provision for free blowing.

Each boiler shall be provided with a one-quarter-inch nipple and globe valve connected to the steam space for the exclusive purpose of attaching a test gauge when the boiler is in service so that the accuracy of the boiler steam gauge may be ascertained.

I. Stop Valves. Each steam outlet from a boiler (except safety valve connections) shall be fitted with a stop valve located as close as practicable to the boiler.

When a stop valve is so located that water can accumulate, ample drains shall be provided. The drainage shall be piped to a safe location and shall not be discharged on the top of the boiler or its setting.

When boilers provided with manholes are connected to a common steam main, the steam connection from each boiler shall be fitted with two stop valves having an ample free flow drain between them. The discharge of this drain shall be visible to the operator while manipulating the valves and shall be piped clear of the boiler setting. The stop valves shall consist preferably of one automatic non-return valve (set next to the boiler) and a second valve to the outside-screw and yoke type.

J. Blow-Off Piping. The construction of the setting around each blow-off pipe shall permit free expansion and contraction. Careful attention shall be given to the problem of sealing these setting openings without restricting the movement of the blow-off piping.

All blow-off piping, when exposed to furnace heat, shall be protected by fire brick or other heat resisting material so constructed that the piping may be readily inspected.

Each boiler shall have a blow-off pipe fitted with a valve or cock, in direct conflection with the lowest water space. Cocks shall be of the gland or guard type and suitable for the pressure allowed. The use of lobe valves shall not be permitted. When the maximum allowable working pressure exceeds one hundred (100) pounds per square inch gauge, each blow-off pipe shall be provided with two valves or a valve and cock, such valves and cocks to be not less than extra heavy type.

When the maximum allowable working pressure exceeds one hundred (100) pounds per square inch gauge, blow-off piping shall be not less than extra heavy from the boiler to the valve or valves and shall be run full size without use of reducers or bushings. The piping shall be wrought iron or steel and shall not be galvanized.

All fittings between the boiler and blow-off valve shall be steel. In case of renewal of blow-off pipe or fittings, they shall be installed in accordance with the rules and regulations for new installations.

K. Repairs and Renewals of Boiler Fittings and Appliances. Whenever repairs are made to fittings or appliances or it becomes necessary to replace them, the work shall comply with the provisions of this chapter for new installations.

L. Stamping of Existing Boilers. Each boiler shall be stamped with a serial number of the city followed by the letters "MFS," such letters and figures to be not less than five-sixteenths inch in height. The stamping shall not be concealed by lagging or paint and shall be exposed at all times.

M. Suggested Operating Practices. It is recommended that the suggested rules of the A.S.M.E. Boiler Construction Code covering the care of power boilers and pressure vessels be used as a guide for proper and safe operating practices. (Code 1985 § 42-87; Ord. 1427 § 1, 8-29-72; Code 1967 § 45-82)

Sec. 14-12-53 Boiler runway or platform.

A. Runway or Platform. Where necessary for safety, there shall be a steel runway or platform of standard construction installed across the tops of adjacent boilers or at some other convenient level for the purpose of affording safe access. The inspector shall notify the chief inspector of owners or users who must provide for these requirements and the chief inspector shall give written notice to the owner or user that the installation be made. The owner or user shall be allowed one year from the date of the chief inspector's notification in which to complete the work. All runways shall have at least two means of exit, each to be remotely located from the other.

B. Exits from Boiler Rooms. To lessen the hazard of being trapped within the boiler room, ash pit aisles or other locations, there shall be at least two means of exit as may be considered necessary by the chief inspector or the board of boiler rules. Each elevation shall be provided with at

least two means of egress, each to be remotely located from the other.

All authorized inspectors shall notify the chief inspector of owners or users who must provide for these requirements. The chief inspector then shall give written notice to the owner or user that the necessary work must be completed within six months from the date of notification.

C. Conditions not Covered by Section. All cases not specifically covered by this section shall be treated as new installations, or may be referred to the chief inspector for instructions concerning the requirements. (Code 1985 § 42-88; Code 1967 § 45-83)

Sec. 14-12-54 Miniature boilers—New installations.

A. No miniature boiler, except reinstalled boilers and those exempted by these rules and regulations, shall hereafter be installed in this city unless it has been constructed, inspected and stamped in conformity with Section 5 of the A.S.M.E. Boiler Construction Code and is approved, registered and inspected in accordance with these rules and regulations.

B. A miniature boiler having the standard stamping of a state that has adopted a standard of construction equivalent to the standard of construction of this state may be accepted by the chief inspector; provided however, that the person desiring to install the same shall make application for the manufacturer's data report covering the construction of the boiler in question.

C. All new installations of miniature boilers, including reinstalled boilers must be installed in accordance with the requirements of the latest revision of the A.S.M.E. Boiler Construction Code and these rules and regulations.

D. Upon completion of the installation, all miniature boilers shall be inspected by the chief inspector, a deputy inspector or a special inspector. At the time of this inspection, all miniature boilers must be stamped with the serial number of the city, followed by the letters "MFS," such letters and figures to be not less than five-sixteenths inch in height. (Code 1985 § 42-89; Code 1967 § 45-84)

Sec. 14-12-55 Miniature boilers—Existing installations.

A. Application of Section. This section shall apply to existing miniature boilers.

B. Maximum Allowable Working Pressure. Rules and regulations, as adopted for power boilers applying to strength of materials and calculations to determine maximum allowable working pressure, shall be used for miniature boilers unless a special rule is stated herein. The maximum allowable working pressure on the shell of a boiler or drum shall be determined by the provisions of Section 14-12-52.

C. Construction. The construction of miniature boilers, including factors of safety, except where otherwise specified, shall conform to that required for power boilers.

D. Safety Valves. Each miniature boiler shall be equipped with a sealed, spring-loaded, pop type safety valve not less than one-half-inch pipe size, connected directly to the boiler.

The safety valve shall be plainly marked by the manufacturer showing name or identifying trademark, nominal diameter and pressure at which it is set to release.

The safety valve relieving capacity of each boiler shall be such that it will discharge all the steam that can be generated by the boiler without allowing the pressure to rise more than six percent above the maximum allowable working pressure.

In those cases where the boiler is supplied with feed water directly from a pressure main or system without the use of a mechanical feeding device, the safety valve shall be set to release at a pressure not in excess of ninety-four (94) percent of the lowest pressure obtained in the supply main or system feeding the boiler. Return traps shall not be considered mechanical feeding devices.

E. Gauge Glass and Water Level Indicator. Each miniature boiler shall be equipped with a water gauge glass for determination of the water level.

The lowest permissible water level shall be at a point one-third of the height of the shell, except where the boiler is equipped with an internal furnace, in which case it shall be not less than one-third of the tube length above the top of the furnace.

For small boilers where there is insufficient space for the usual type of gauge glass, water level indicators of the glass, bull's eye type may be used.

F. Feeding and Feed Water Piping. Every miniature boiler shall be provided with at least one feed pump or other mechanical feeding device except where the following conditions exist:

1. Where the boiler is connected to a water main or system having sufficient pressure to feed the boiler at any time while under pressure;

2. Where the fuel burned is such that all heat input can be discontinued instantaneously by the operation of a valve, cock or switch, thereby permitting the boiler pressure to be quickly lowered to a point where water can be introduced from the connection to the water main;

3. Where the boiler is operated without extraction of steam (closed system) in which case the boiler is filled, when cold, through the connection or opening provided in accordance with the following rule.

Each miniature boiler shall be fitted with a feed water connection which shall not be less than one-half-inch iron pipe size. The feed piping shall be provided with a check valve near the boiler and a valve or check between the check valve and the boiler.

Feed water may be introduced through the blow-off connection where the boiler is operated without extraction of steam (closed system).

Feed water shall not be introduced through the water column or gauge glass connections while the boiler is under pressure.

G. Blow-Off Pipe. Each miniature boiler shall be provided with a blow-off connection, not less than one-half-inch iron pipe size, directly connected with the lowest water space.

Blow-off piping shall not be galvanized and shall be provided with a valve or cock.

H. Steam Gauges. Each miniature boiler shall be equipped with a steam gauge having a dial range not less than one and one-half times the maximum allowable working pressure. The gauge shall be connected to the steam space or to the steam connection to the gauge glass by a brass or bronze composition siphon tube or equivalent device that will keep the gauge tube filled with water.

I. Stop Valves. The steam piping from a miniature boiler shall be provided with a stop valve located as close to the boiler shell or drum as is practicable, except in those classes where the boiler and steam receiver are operated as a closed system.

J. Gas Burners. For installations which are gas-fired, the burners used shall conform to the requirements of the American Gas Association, as stated in the appendix of the A.S.M.E. Boiler Construction Code, Section V.

K. Flue Connection. Each gas-fired boiler shall be equipped with at least four-inch vent pipe or flue, in no case less than the vent outlet from the boiler extended to and approved location outside the building or connected to a chimney flue. Where the horizontal run is more than ten (10) feet the vent shall be increased to six inches. A draft hood of approved design shall be provided on each boiler.

L. Stamping of Boilers. Each boiler shall be stamped with a serial number of the city, followed by the letters "MFS," such letters and figures to be not less than five-sixteenths inch in height The stamping shall not be concealed by lagging or paint and shall be exposed at all times. (Code 1985 § 42-90; Code 1967 § 45-85)

Sec. 14-12-56 Heating boilers—New installations.

A. No heating boiler, except reinstalled boilers and those exempted by these rules and regulations, shall hereafter be installed in this city unless it has been constructed, inspected and stamped in conformity with Section 4 of the A.S.M.E. Boiler Construction Code and is approved, registered and inspected in accordance with the requirements of these rules and regulations.

B. All new heating boiler installations, including reinstalled boilers, must be installed in accordance with the requirements of the latest revision of the A.S.M.E. Boiler Construction Code and these rules and regulations.

C. Upon completion of the installation, all boilers shall be inspected by the chief inspector, a deputy inspector or a special inspector. At the time of this inspection, all steel heating boilers must be stamped with the serial number of the city, followed by the letters "MFS," such letters and figures to be not less than five-sixteenths inch in height. All cast iron heating boilers shall have securely attached to the front of the boiler a metal tag not less than one inch in height, which shall have the serial number of the city stamped thereon.

D. It is recommended that the return water connections to all low pressure steam heating boilers supplying a gravity return heating system be so arranged as to form what is known as the "water line return" so that the water cannot be forced out of the boiler below the safe water level. This connection is shown in Figure H-3, Section 4, A.S.M.E. Boiler Construction Code. (Code 1985 § 42-91; Code 1967 § 45-86)

Sec. 14-12-57 Existing installations.

A. Application of Section. This section shall apply to existing heating boilers.

B. Maximum Allowable Working Pressure in A.S.M.E. Code Boilers. The maximum allowable working pressure of a boiler built in accordance with the A.S.M.E. Code shall in no case exceed the pressure indicated by the manufacturer's identification stamped or cast upon the boiler or upon a place secured to it.

C. Maximum Allowable Working Pressure for Non-Code Riveted Boilers. The maximum allowable working pressure on the shell of a noncode riveted heating boiler shall be determined in accordance with the provisions of this article for covering existing installations power boilers, except that in no case shall the maximum allowable working pressure of a steam heating boiler exceed fifteen (15) pounds or a hot water boiler exceed one hundred sixty (160) pounds at a temperature not exceeding two hundred fifty (250) degrees Fahrenheit.

D. Maximum Allowable Working Pressure for Non-Code Welded Boilers. The maximum allowable working pressure of a noncode steel or wrought iron heating boiler of welded construction shall not exceed fifteen (15) pounds. For other than steam service the maximum allow-

able working pressure shall be calculated in accordance with Section IV of the A.S.M.E. Code.

E. Maximum Allowable Working Pressure for Non-Code Cast Iron Boilers. The maximum allowable working pressure of a noncode boiler composed principally of cast iron shall not exceed fifteen (15) pounds for steam service or thirty (30) pounds for hot water service. The maximum allowable working pressure of a noncode boiler having cast iron shell or heads and steel or wrought iron tubes shall not exceed fifteen (15) pounds for steam service or thirty (30) pounds for water service.

F. Fired Radiators. A radiator in which steam pressure is generated at a pressure of fifteen (15) pounds or less is considered a low pressure boiler.

G. Procedure If Operation Unsafe at Previously Approved Pressure. If in the judgment of the inspector a steam heating boiler is unsafe for operation at the pressure previously approved, the pressure shall be reduced, proper repair made or the boiler retired from service.

H. Safety Valves. Each steam heating boiler shall be provided with one or more officially rated safety valves of the spring-pop type adjusted and sealed to discharge at a pressure not to exceed fifteen (15) pounds per square inch. The installation, size and capacity of the safety valves shall conform to the requirements of the A.S.M.E. Heating Boiler Code.

I. Water Relief Valves. Each hot water heating boiler shall have at least one officially rated pressure relief valve set to relieve at or below the maximum allowable working pressure of the boiler. Each hot water supply boiler shall have at least one officially rated pressure temperature relief valve of the automatic-reseating type set to relieve at or below the maximum allowable working pressure of the boiler. The installation, size and capacity of the relief valves shall conform to the requirements of the A.S.M.E. Heating Boiler Code.

J. Steam Gauge. Each steam boiler shall have a steam pressure gauge connected to the steam space of the boiler itself or on steam pipe near the boiler. The graduations of the steam gauge shall not be less than fifteen (15) pounds nor more than thirty (30) pounds.

K. Water Gauge Glass and Gauge Cocks. Each steam boiler shall have at least one water gauge glass with the lowest visible part above the heating surfaces in the primary combustion chamber. When, in the judgment of an inspector, the heating surfaces above the low water line may be injured by contact with gases or high temperature the water gauge glass shall be raised until the lowest visible part of the gauge glass is above such heating surface.

Each steam boiler shall have two or more gauge cocks located within the visible length of the water gauge glass, except when such boiler is provided with two water gauge glasses.

L. Stop Valves and Check Valves. If a boiler may be closed off from the heating system by closing a steam stop valve, there shall be a check valve in the condensate return line between the boiler and the system.

If any part of a heating system may be closed off from the remainder of the system by closing a steam stop valve, there shall be a check valve in the condensate return pipe between the boiler and the system.

M. Feed Water Connections. Feed water connections shall be independent of any water gauge connections and be made to the condensate return pipe or reservoir of the condensate return pump. There should be a stop valve and a check valve in the feed water line at the boiler.

N. Return Pump. Each condensate return pump where practicable shall be provided with an automatic water level control set to maintain the water level within the limits of two gauge cocks.

O. Repairs and renewals of fittings and appliances. Whenever repairs are made to fittings or appliances or it becomes necessary to replace them, the work must comply with the provisions of this chapter for new installations.

P. Stamping of existing heating boilers. Each steel heating boiler shall be stamped with a serial number of the city, followed by the letters "MFS," such letters and figures to be not less than five-sixteenths inch in height. The stamping shall not be concealed by flagging or paint and shall be exposed at all times. Each cast iron heating boiler shall have securely attached to the front of the boiler a metal tag not less than one inch in height, which shall have the serial number of the city stamped thereon. (Code 1985 § 42-92; Ord. 1427 § 1(4), (5), 8-29-72; Code 1967 § 45-87)

Sec. 14-12-58 Unfired pressure vessels—New installations.

A. No unfired pressure vessel, except reinstalled vessels and those exempt by these rules and regulations, shall hereafter be installed in this city unless it has been constructed, inspected and stamped in conformity with Section 8 of the A.S.M.E. Boiler and Unfired Pressure Vessel Construction Code and is approved, registered and inspected in accordance with the requirements of these rules and regulations.

B. All new installation unfired pressure vessels, including reinstalled unfired pressure vessels, shall be installed in accordance with the requirements of the latest revision of the A.S.M.E. Boiler and Unfired Pressure Vessel Construction Code, Section 8, and these rules and regulations.

C. An unfired pressure vessel having the standard stamping of a state that has adopted a standard of construction equivalent to the standard of these rules may be accepted by the chief inspector; provided, however, that, the person desiring to install the same shall make application for the installation and shall file with this application the manufacturer's data report covering the construction of the unfired pressure vessel in question.

D. Upon completion of the installation, all unfired pressure vessels shall be inspected by the chief inspector, a deputy inspector or a special inspector. At the time of this inspection each unfired pressure vessel shall be stamped with a serial number of the city followed by the letters "MFS," such letters and figures to be not less than five-sixteenths of an inch in height. The stamping shall not be concealed by lagging or paint and shall be exposed at all times.

E. Rupture discs or safety heads may be used for additional protection of pressure vessels. (Code 1985 § 42-93; Code 1967 § 45-88)

Sec. 14-12-59 Unfired pressure vessels—Existing installations.

A. Application of Section. This section applies to existing un fired pressure vessel installations.

B. Maximum Allowable Working Pressure for Standard Unfired Pressure Vessels. The maximum allowable working pressure for standard unfired pressure vessels shall be determined in accordance with the applicable provisions of the edition of the A.S.M.E. Code under which they were construed and stamped.

C. Maximum Allowable Working Pressure for Nonstandard Unfired Pressure Vessels.

1. For Internal Pressure. The maximum allowable working pressure on the shell of a nonstandard pressure vessel shall be determined by the strength of the weakest course computed from the thickness of the plate, the tensile strength of the plate, the efficiency of the longitudinal joint, the inside radius of the course and the factor of safety allowed by these rules.

TS x T x E = Maximum allowable working pressure.

R x FS = Pounds per square inch.

TS = Ultimate tensile strength of shell plate pounds per square inch. When the tensile strength is not known it shall be taken as fifty-five thousand pounds per square inch for temperatures not exceeding seven hundred (700) degrees Fahrenheit.

T = Minimum thickness of shell plate of weakest course, inches.

E = Efficiency of longitudinal joint depending upon construction.

Use valves as follows:

For Riveted Joints

Calculated riveted efficiency.

For Fusion Welded Joints

Single lap weld	40%
Double lap weld	60%
Single butt weld	50%
Double butt weld	70%
Forge weld	70%
Brazed steel	80%
Brazed copper	90%

R = Inside radius of weakest course of shell, inches, provided the thickness does not exceed ten (10) percent of the radius. If the thickness is over ten (10) percent of the radius, the outer radius shall be used.

FS = Factor of safety allowed by these rules.

2. For External Pressure. The maximum allowable working pressure for cylindrical vessels subjected to external or collapsing pressure shall be determined by the rules in Paragraphs U-120 to U-138 inclusive of the A.S.M.E. Boiler and Unfired Pressure Vessel Construction Code, Section 8.

D. Factors of Safety. The minimum factor of safety shall in no case be less than four for vessels up to and including twenty (20) years of age and shall be not less than four and one-half where the age of the vessel is more than twenty (20) years. These factors of safety may be increased when deemed necessary by the inspector to insure the operation of the vessel within safe limits. The condition of the vessel and the particular service it is being subjected to will be the determining factor.

E. Inspection of Inaccessible Parts. Where, in the opinion of the inspector, as the result of conditions disclosed at an inspection, it is advisable to remove interior or exterior lining, covering or brick work to expose certain parts of the vessel not normally visible, the owner or user shall remove such material to permit proper inspection and the drilling of any part of the vessel where necessary to ascertain thickness.

F. Safety Appliances. Each unfired pressure vessel shall be protected by such safety and relief valves and indicating and controlling devices as will insure its safe operation. These valves and devices shall be so constructed, located and installed that they cannot readily be rendered inoperative. The relieving capacity of safety valves shall be such as to prevent a rise of pressure in the vessel of more than ten (10) percent above the maximum allowable working pressure taking into account the effect of static head. Safety valve discharges shall be carried to a safe place.

G. Rupture Discs. Rupture discs or safety heads may be used for additional protection of unfired pressure vessels.

H. Repairs and Renewals of Fittings and Appliances. Whenever repairs are made to fittings and appliances or it becomes necessary to replace them, the work must comply with this chapter.

I. Stamping of Existing Unfired Pressure Vessels. Each unfired pressure vessel shall be stamped with a serial number of the city followed by the letters "MFS," such letters and figures to be not less than five-sixteenths inch in height. The stamping shall not be concealed by lagging or paint and shall be exposed at all times. (Code 1985 § 42-94; Code 1967 § 45-89)

Sec. 14-12-60 General requirements.

A. Inspections Generally. All boilers and unfired pressure vessels, unless otherwise exempt by these rules and regulations and which are subject to regular inspection as provided for in Section 14-12-24, shall be prepared for such inspection, or hydrostatic tests whenever necessary or by the owner or user when notified by the chief inspector, deputy inspector or special inspector.

The owner or user shall prepare each boiler or unfired pressure vessel for internal inspection and shall prepare for and apply the hydrostatic test whenever necessary, on the date specified by the chief inspector, deputy inspector or special inspector, which date shall not be less than seven days after the date of notification.

B. Preparation for Internal Inspection. The owner or user shall prepare a boiler for internal inspection in the following manner:

1. Water shall be drawn off and the boiler thoroughly washed.

2. All manhole and handhole plates, wash-out plugs and plugs in water column connection shall be removed, the furnace and combustion chambers thoroughly cooled and cleansed.

3. All grates of internally fired boilers shall be removed.

4. At each annual inspection, brick work shall be removed as required by the inspector in order to determine the condition of the boiler, headers, furnace, supports or other parts.

5. The steam gauge shall be removed for testing.

6. Any leakage of steam or hot water into the boiler shall be cut off by disconnecting the pipe or valve at the most convenient point.

Unfired pressure vessels shall be prepared for inspection to the extent deemed necessary by the inspector.

C. Improper Preparation for Inspection. If a boiler or unfired pressure vessel has not been properly prepared for an internal inspection or the owner or user fails to comply with the requirements for hydrostatic tests as set forth in these rules, the inspector may decline to make the inspection or test and the certificate of inspection shall be withheld until the owner or user complies with the requirements.

D. Removal of Covering to Permit Inspection. If the boiler or unfired pressure vessel is jacketed so that the longitudinal seams of shells, drums or domes cannot be seen, enough of the jacketing, setting wall or other form of casing or housing shall be removed so that the size of the rivets, pitch of the rivets and other data necessary to determine the safety of the boiler or unfired pressure vessel may be obtained, provided such information cannot be determined by other means.

E. Lap Seam Cracks. The shell or drum of a boiler in which a lap seam crack is discovered along a longitudinal riveted joint shall be immediately discontinued from use. If the boiler is not more than fifteen (15) years of age, a complete new course of the original thickness may be installed at the discretion of the inspector (and after approval by the chief inspector). Patching is prohibited. (By "lap seam crack" is meant the typical crack frequently found in lap seams, extending parallel to the longitudinal joint and located either between or adjacent to rivet holes.)

F. Hydrostatic Pressure Tests. A hydrostatic pressure test, when applied to boilers or unfired pressure vessels of riveted or welded construction, except locomotive boilers, shall not exceed one and one-half times the maximum allowable working pressure. Hydrostatic pressure applied to locomotive boilers shall not exceed one and one-quarter times the maximum allowable working pressure. During the hydrostatic pressure test, the safety valve or valves shall be removed or each valve disc shall be held down by means of a testing clamp and not by applying additional load to the spring with the compression screw. It is suggested that the minimum temperature of the water used to apply a hydrostatic test be not less than seventy (70) de-

grees Fahrenheit but the maximum temperature shall not exceed one hundred sixty (160) degrees Fahrenheit.

Note: When a hydrostatic test is to be applied to existing installations, the pressure shall be as follows:

1. For all cases involving the question of tightness, the pressures shall be equal to the release pressure of the safety valve or valves having the lowest release setting.

2. For all cases involving the question of safety, the pressure shall be equal to one and one-half times the maximum allowable working pressure, except for locomotive boilers, in which case it shall be one and one-quarter times the maximum allowable working pressure.

G. Low Water Fuel Cut-Offs. All automatically-fired steam or vapor boilers shall be equipped with an automatic low-water fuel cut-off and water feeding device so constructed that the water inlet valve cannot feed water into the boiler through the float chamber, and so located as to automatically cut off the fuel supply and/or supply requisite feedwater when the surface of the water falls to the lowest safe water line. This point should be not lower than the bottom of the water glass.

Such a fuel or feedwater control device may be attached direct to a boiler or to the tapped openings provided for attaching a water glass direct to a boiler, provided that such connections from the boiler are nonferrous tees or Ys not less than one-half-inch pipe size between the boiler and the water glass so that the water glass is attached direct and as close as possible to the boilers; the straightway tapping of the Y or tee to take the water glass fittings, the side outlet of the Y or the tee to take the fuel cut-off or waterfeeding device. The ends of all nipples shall be reamed to full size diameter.

Designs embodying a float and float bowl shall have a vertical straightway drainpipe at the lowest point in the water equalizing pipe connections by which the bowl and the equalizing pipe can be flushed and the device tested.

H. Safety Appliances. No person shall remove or tamper with any safety appliances prescribed by these rules except for the purpose of making repairs. The resetting of safety appliances shall be done in the presence of an authorized inspector.

I. Blow-Off Tanks. Blow-off piping from a power boiler or a miniature boiler shall not discharge directly into a sewer. A blow-off tank shall be used where conditions do not provide an adequate and safe open discharge.

Blow-off tanks hereafter installed, if of metal, shall have a plate thickness of not less than five-sixteenths inch and shall be designed for a minimum working pressure of fifty (50) pounds per square inch gauge.

The outlet from the blow-off tank shall be twice the area of the inlet pipe and made to extend internally within eight inches from the bottom of the tank.

A vent pipe at least four times the area of the inlet pipe shall lead to the outer atmosphere.

Vents shall be as direct as possible to the outer air and discharge at a safe location. There shall be no valve or other possible obstructions, such as water pockets, between the tank and the discharge end of the vent pipe.

All pipe connections between the tank and the boiler shall be as direct as possible and shall conform to Paragraph P-229, A.S.M.E. Boiler Construction Code.

For convenience in cleaning the tank, a manhole or an access opening shall be provided.

Where a blow-off tank is not vented as specified above, it shall be constructed for a pressure equal to that allowed on the boiler to which it is attached or shall be equipped with a safety valve or valves of sufficient capacity to prevent the pressure from exceeding the safe working pressure of the tank.

As an alternate to the above, blow-off facilities may conform to the provisions set forth in the pamphlet titled, "Boiler Blow-Off Equipment," published by the National Board of Boiler and Pressure Vessel Inspectors, whose address is 1155 N. High St., Columbus, Ohio.

J. Location of Blow-Offs. The discharge of safety valves, blow-off pipes and other outlets shall be located so as to prevent injury to personnel.

K. Pressure Reducing Values. Where pressure reducing valves are used, one or more relief or safety valves shall be provided on the low pressure side of the reducing valve in case the piping or equipment on the low pressure side does not meet the requirements for the full initial pressure. The relief or safety valves shall be located adjoining to or as close as possible to the reducing valve. Proper protection shall be provided to prevent injury or damage caused by the escaping steam from the discharge or relief or safety valves if vented to the atmosphere. The combined discharge capacity of the relief valves shall be such that the pressure rating of the lower pressure piping or equipment shall not be exceeded in case the reducing valve sticks open.

The use of hand-controlled by-passes around reducing valves is permissible. The by-pass, if used around a reducing valve, shall not be greater in capacity than the reducing valve unless the piping or equipment is adequately protected by relief valves or meets the requirements of the high pressure system.

It is mandatory that a pressure gauge be installed on the low pressure side of a reducing valve.

L. Electric Steam Generators. All electric steam generators shall be grounded in accordance with the city electrical code.

A suitable screen or guard shall be provided around high tension bushings and a sign posted warning of high voltage. This screen or guard shall be so located that it will be impossible for anyone working around the generator to accidentally come in contact with the high tension circuits. When adjusting safety valves, the power circuit to the generator shall be open. The generator may be under steam pressure, but the power line shall be open while the operator is making the necessary adjustments.

Each kw of electrical energy consumed by an electric steam generator operating at maximum rating shall be considered the equivalent of one square foot of heating surface of a fire tube boiler when determining the required amount of safety valve capacity.

M. Major Repairs. Where a major repair is necessary, an inspector shall be called for consultation and advice as to the best method of making such repair. After such repair is made it shall be subject to the approval of the inspector. Repairs to all boilers and unfired pressure vessels and their appurtenances, shall conform as nearly as practicable to the requirements of the National Board of Boiler and Pressure Vessel Inspectors.

N. Repairs by Fusion Welding. When repairs are to be made wherein fusion welding is to be used, permission shall be obtained from the chief inspector, a deputy inspector or a special inspector and the welding shall be done in accordance with the rules recommended by the National Board of Boiler and Pressure Vessel Inspectors.

O. Riveted Patches. In applying riveted patches, the design of the patch and method of installation shall be in accordance with the rules for riveted patches recommended by the National Board of Boiler and Pressure Vessel Inspectors.

P. Boiler Room and Clearance. When boilers are replaced or new boilers installed in either existing or new buildings, a minimum height of at least three feet shall be provided between the top of the boiler proper and the ceiling.

All boilers shall be so located that two feet clearance around the boiler shall be provided for the proper operations of the boiler and its appurtenances, for the inspection of all surfaces, tubes, water walls, economizer, piping, valves and other equipment and for their necessary maintenance and repair.

Every boiler hereafter installed in a building other than an industrial building, shall be located in a separate room or compartment and when not otherwise provided, shall be enclosed by fire walls or partitions as approved with floor and ceiling of fire resistant construction.

Boiler and machinery rooms shall have proper ventilation, natural or mechanical, to insure adequate supply of fresh air to the boilers for proper combustion.

When machinery emptying poisonous or noxious gases is located or operated in such rooms special precautions shall be provided for the safety of the attendants and occupants of the building.

Q. Shop Inspections. Any new power boiler being constructed for installation in the city shall be shop inspected in accordance with the provisions of the applicable section of the A.S.M.E. Boiler Code and shall be stamped A.S.M.E. and National Board. This shall not apply to low pressure heating boilers where shop inspection is not required by the A.S.M.E. Boiler Construction Code.

Inspections made at the request of a boiler or tank manufacturer by the chief inspector or any deputy inspector shall be charged for at the rate of twenty-five dollars ($25.00) for one-half day and fifty-five dollars ($55.00) for one day plus all expenses, to include traveling, hotel and incidentals. This charge shall not void the regular charge or fee for inspection or certificate when the boiler is installed.

R. Inspection of Secondhand Equipment. Charges for inspection of secondhand equipment shall be at the rate provided for in subsection Q of this section for shop inspections.

S. Conditions not Covered by Rules. In any condition not covered by these rules, the A.S.M.E. Code for new installations shall apply. (Code 1985 § 42-95; Code 1967 § 45-90)

Chapter 14-16

ELEVATORS, DUMBWAITERS, ESCALATORS AND AMUSEMENT DEVICES

Article 1
General Provisions

Sections:

14-16-1 Definitions.
14-16-2 Applicability.
14-16-3 Enforcement of chapter.
14-16-4 City inspector generally.
14-16-5 Inspector's license.
14-16-6 Construction permit for elevators, escalators and dumbwaiters.
14-16-7 Supervision of installation, relocation, alteration or repair of equipment.
14-16-8 Responsibility of person installing, relocating or altering equipment.
14-16-9 Registration of elevators, escalators and dumbwaiters.
14-16-10 Requirements for elevator operators.
14-16-11 Requirements for amusement device operators.
14-16-12 Notice of cancellation, expiration or placing of insurance on elevators.
14-16-13 Elevator, dumbwaiter and escalator accidents.
14-16-14 Institution of prosecutions under chapter.
14-16-15 Penalty for violations of chapter—Continuing violations.

Article 2
Board of Elevator Rules

14-16-16 Created—Composition—Appointment and terms of members.
14-16-17 Filling of vacancies.
14-16-18 Removal of members.
14-16-19 Election of chairperson.
14-16-20 Secretary.
14-16-21 Meetings.
14-16-22 Required vote and approval of decisions and rulings.
14-16-23 General powers and duties—Rules and regulations.
14-16-24 Appeals to board.

Article 3
Inspections and Tests

14-16-25 Required inspections defined.
14-16-26 Generally.
14-16-27 New, relocated or altered elevators, escalators and dumbwaiters.
14-16-28 Periodic inspection and testing of all elevators and escalators.
14-16-29 Inspection of amusement devices.
14-16-30 Additional inspections and tests.
14-16-31 Inspections to be by licensed inspectors.
14-16-32 Acceptance of elevator and escalator inspections made by licensed inspectors.
14-16-33 Inspection reports.
14-16-34 Guide for inspections and tests.

Article 4
Operating Permit for Elevators, Escalators And Dumbwaiters

14-16-35 Required—Exception.
14-16-36 Fee.
14-16-37 Issuance.
14-16-38 Term—Contents.
14-16-39 Printing and framing.
14-16-40 Posting.
14-16-41 Revocation.
14-16-42 Limited permits.

Article 5
General Safety and Equipment Requirements

14-16-43 Safety code for elevators, dumbwaiters, escalators and moving walks—Adopted.
14-16-44 Elevator—Application.
14-16-45 Elevator Safety Code—Granting of exceptions.
14-16-46 General requirements for elevator and dumbwaiter hoistways.
14-16-47 Maintenance in safe operating condition—Responsibility of owner.
14-16-48 Lighting and electrical equipment.

14-16-49 Safety controls, guard rails and design standards for amusement devices.
14-16-50 Use of elevators and escalators as required exits.
14-16-51 Protection of floor openings for escalators.
14-16-52 Portable hoists for elevators and dumbwaiters prohibited.
14-16-53 Elevators for use of fire department.
14-16-54 Sidewalk elevators and hoists.
14-16-55 Authority to forbid use of unsafe devices.

Article 6
Minimum Safety Requirements for Elevators

14-16-56 Definitions.
14-16-57 Procedure when compliance with article increases weight of elevator.
14-16-58 General maintenance requirements.
14-16-59 Car and counterweight cables.
14-16-60 Speed governor cables.
14-16-61 Cable connections.
14-16-62 Machines and machine safeties.
14-16-63 Hydraulic machines.
14-16-64 Penthouses and machine rooms.
14-16-65 Pipes and wiring.
14-16-66 Counterweights.
14-16-67 Fire-resistant hoistways.
14-16-68 Nonfire-resistant hoistways.
14-16-69 Outside bars required for certain hoistway windows.
14-16-70 Hoistway thoroughfares.
14-16-71 Strength of hatch covers.
14-16-72 Counterweight hoistways.
14-16-73 Guard boxes for cables passing through floors outside hoistway.
14-16-74 Guide rails.
14-16-75 Overhead sheaves.
14-16-76 Terminal limit switches and stopping devices for power elevators.
14-16-77 Pits.
14-16-78 Buffers.
14-16-79 Hoistway doors or gates for power passenger elevators.
14-16-80 Hoistway doors and gates for freight elevators.
14-16-81 Hoistway doors or gates for hand-power passenger elevators.
14-16-82 Hoistway door or gate interlocks.
14-16-83 Hoistway door or gate electric contacts and mechanical locks.
14-16-84 Mechanical locks (car-operated or hand-operated).
14-16-85 Emergency releases.
14-16-86 Freight elevator hoistway door or gate locking devices.
14-16-87 Gate or door counterweights.
14-16-88 Landing threshold for passenger and freight elevators.
14-16-89 Service and emergency keys for hoistway doors or gates.
14-16-90 Car slings and platform frames.
14-16-91 Car floors.
14-16-92 Power elevator car sides.
14-16-93 Power elevator car tops.
14-16-94 Power operated sidewalk elevator tops.
14-16-95 Cars to have only one compartment.
14-16-96 Car doors or gates for power passenger elevators.
14-16-97 Car doors or gates for power freight elevators.
14-16-98 Car door or gate electric contacts.
14-16-99 Car emergency exits.
14-16-100 Car lighting.
14-16-101 Glass in cars.
14-16-102 Aprons for cars equipped with car-leveling devices.
14-16-103 Adjusting and renewing guide shoes.
14-16-104 Clearances between cars, counterweights and shaftways.
14-16-105 Signal systems generally.
14-16-106 Emergency signal.
14-16-107 Platform elevators.
14-16-108 Car and counterweight safeties and speed governors.
14-16-109 Operation and control.
14-16-110 Disconnecting devices.

Article 1
General Provisions

Sec. 14-16-1 Definitions.

Except as otherwise expressly provided, the following words, wherever used in this chapter, shall have the following meanings:

"Amusement device" means such devices as have fixed parts or frames, in which are movable parts, which carry persons up or down or in a vertical, oblique or more or less circular direction in any plane, or which give motion or acceleration to such persons, as a mode of amusement.

"Board" means the city board of elevator rules.

"Director" means the director of Memphis and Shelby County office of planning and development.

"Division" means the Memphis and Shelby County office of planning and development.

"Dumbwaiter" means a hoisting and lowering mechanism equipped with a car which moves in guides in a substantially vertical direction, the floor area of which does not exceed nine square feet, the total compartment height of which does not exceed four feet, the capacity of which does not exceed five hundred (500) pounds, and which is used exclusively for carrying freight. The term "dumbwaiter" shall not include a dumbwaiter installation placed out of active service.

"Elevator" means a hoisting and lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction and which serves two or more floors of a building or structure.

"Elevator inspector" means the elevator safety engineer or other safety engineer employed by Shelby County who is licensed to inspect elevators.

"Escalator" means a power-driven, inclined, continuous stairway used for raising or lowering passengers.

"Freight elevator" means an elevator used primarily for carrying freight and on which only the operator and the persons necessary for loading and unloading are permitted to ride.

"Hoistway" means a shaftway for the travel of one or more elevators or dumbwaiters. It includes the pit and terminates at the underside of the overhead machinery space, floor or grating, or at the underside of the roof where the hoistway does not penetrate the roof. For the purpose of this chapter, the term "elevator" and the term "dumbwaiter" shall also include their hoistways together with hoistway enclosures and hoistway doors or gates giving entrance thereto and the elevator or dumbwaiter machinery enclosures.

"Inspection" includes all tests as required by the rules and regulations prescribed under this chapter.

"Installation placed out of active service" means an elevator or dumbwaiter whose suspension ropes have been removed, whose car and counterweight rest at the bottom of the hoistway and whose hoistway doors are permanently boarded up or barricaded on the hoistway side, or an escalator whose power feed lines have been disconnected and whose top and bottom entrances have been permanently boarded up or barricaded.

"Licensed elevator inspector" means an elevator inspector who has been issued a license to inspect elevators, dumbwaiters and escalators as provided in this chapter.

"New installation: new elevator, dumbwaiter or escalator" means a complete elevator, dumbwaiter or escalator installation, the application for the permit for the installation or relocation of which is filed on or after January 1, 1961. All other elevators, dumbwaiters or escalators shall be deemed to be existing installations.

"Passenger elevator" means an elevator that is used to carry persons other than the operator and persons necessary for loading and unloading.

"Sidewalk elevator or hoist" means a freight elevator which operates between a sidewalk or other area exterior to the building and floor levels inside the building area, which has no landing opening into the building at its upper limit of travel, and is within the space on a street or public way usually intended for the sidewalk.

Terms not defined. Terms other than listed above shall have the same meaning as defined in the Elevator Safety Code referred to in Section 14-16-43. (Code 1985 § 46-1; Code 1967 § 49-1)

Sec. 14-16-2 Applicability.

This chapter is adopted for the regulation of elevators, dumbwaiters and escalators, and their hoistways, and amusement devices. (Code 1985 § 46-2; Code 1967 § 49-2)

Sec. 14-16-3 Enforcement of chapter.

A. Except where otherwise provided, the office of planning and development shall have the power and it shall be its duty to enforce the provisions of this chapter and the rules and regulations recommended by the board of elevator rules and adopted by the city council.

B. It shall be the duty of the director of planning and development to direct the enforcement of this chapter through the personnel of the Memphis and Shelby County office of construction code enforcement. (Code 1985 § 46-3; Code 1967 § 49-3)

Sec. 14-16-4 City inspector generally.

A. The city elevator inspector shall be either a mechanical engineer, elevator constructor or machinist, licensed elevator inspector, or an operating engineer experienced in the use, operation and repair of machinery and shall have a knowledge of the strength of the materials. He or she shall have had at least five years' practical experience in the erection, operation, or repair of such machinery or equipment.

B. The city elevator inspector shall be bonded by good and lawful security to insure the faithful performance of his or her duties, in the penalty of such amounts as the city council shall determine.

C. The city elevator inspector shall make inspection of all elevators, dumbwaiters, escalators and amusement devices as provided for in this chapter. He or she shall make daily, monthly and annual reports as the director of planning and development may require. (Code 1985 § 46-4; Code 1967 § 49-4)

Sec. 14-16-5 Inspector's license.

A. No person shall be licensed as an elevator inspector to inspect elevators, escalators or new or altered dumbwaiters unless he or she is an employee of Shelby County authorized to inspect elevators, escalators, and dumbwaiters, or an employee authorized to inspect elevators, escalators, and dumbwaiters for any insurance company insuring such elevators, escalators and dumbwaiters in the city; provided, however, he or she has satisfied the board of elevator rules that he or she has had experience in inspecting elevators, dumbwaiters and escalators, has satisfactorily passed a written examination given by the board testing his or her knowledge of this chapter and the rules and regulations adopted by the board. The board may license a person as an elevator inspector without such examination, if he or she holds a license as an inspector of elevators for a state or city that has a standard of examination substantially equal to that provided for in this section. A written application for such examination and license shall be made upon a form to be supplied by the board upon request, and shall be accompanied by a statement of the applicant's experience together with an examination fee of five dollars ($5.00). Such examination shall be given not more than six months from the date when the applicant makes such application. If the applicant has the experience and successfully passes the examinations herein specified, he or she shall, upon payment to the board of a license fee of ten dollars ($10.00), be entitled to a license as an elevator inspector as a matter of right and such licenses shall be renewable annually at a fee of ten dollars ($10.00).

B. There shall be no limit to the number of times an applicant may seek a license as herein provided, except that a rejected applicant may not make a new application within six months from the date on which he or she was notified that he or she has failed to qualify. A fee of five dollars ($5.00) shall be paid to the board for each subsequent examination.

C. If the board has reason to believe that a licensed inspector is no longer qualified to hold his or her license, it shall give such inspector reasonable notice of the time and place of a hearing at which the board shall inquire into the inspector's fitness and competency to act as an elevator inspector. If the board shall find that such inspector is no longer qualified to act as an inspector, it shall revoke his or her license forthwith, and such inspector shall not thereafter make any inspection required under this chapter. (Code 1985 § 46-5; Ord. 3018 § 1(1), 6-9-80; Ord. 2346 § 1(1), 12-16-75; Code 1967 § 49-5)

Sec. 14-16-6 Construction permit for elevators, escalators and dumbwaiters.

A. A construction permit shall be obtained from the office of planning and development before erecting or constructing new elevators, dumbwaiters, and escalators, moving such apparatus from one hoistway to another, or before making alterations to existing equipment. The owner, or his or her authorized agent, shall submit an application for such permit accompanied by plans and specifications in duplicate, in such form as the division may prescribe. Where such plans and specifications indicate compliance with this chapter, the director shall issue a construction permit. No permit shall be required for repairs and replacements normally necessary for maintenance and made with parts of equivalent materials, strength and design.

B. A construction permit shall be issued by the division or its authorized representative for every new elevator, dumbwaiter or escalator installation or alteration before the installation thereof is started. The division or its authorized representative shall issue such permit if the plans and specifications required under subsection A of this section indicate compliance with the applicable rules and regulations of this chapter. If such plans and specifications indicate failure to comply with the applicable rules and regulations of this chapter, the division or its authorized representative shall give notice to the person filing the application of changes necessary for compliance therewith. After such changes have been made, the division or its authorized representative shall issue a construction permit. No permit shall be required for repairs or replacements normally necessary for maintenance.

C. The fee for construction permits required by this section shall be fifteen dollars ($15.00) for the first one thousand dollars ($1,000.00) evaluation based upon installation costs, and eight dollars ($8.00) for each additional one thousand dollars ($1,000.00) of evaluation or fraction thereof over the first one thousand dollars ($1,000.00). (Code 1985 § 46-6; Ord. 3018 § 1(2), 6-9-80; Ord. 2346 § 1(2), 12-16-75; Ord. 276 § 1, 9-3-68; Code 1967 § 49-6)

Sec. 14-16-7 Supervision of installation, relocation, alteration or repair of equipment.

The installation, relocation, alteration or repair of all elevators, dumbwaiters and escalators must be performed under the supervision of an electric elevator installer licensed by the city. (Code 1985 § 46-7; Code 1967 § 49-7)

Sec. 14-16-8 Responsibility of person installing, relocating or altering equipment.

The person or firm installing, relocating or altering an elevator, dumbwaiter or escalator shall be responsible for its operation and maintenance until the operating permit therefor has been issued by the director of planning and development, except during the period when any limited operating permit, as defined in Section 14-16-42 shall be in effect, and shall also be responsible for all tests of new, relocated and altered equipment until the operating permit therefor has been issued by the director. (Code 1985 § 46-8; Code 1967 § 49-8)

Sec. 14-16-9 Registration of elevators, escalators and dumbwaiters.

The owner or lessee of every elevator, escalator, and dumbwaiter shall register with the office of planning and development each such elevator, escalator or dumbwaiter owned or operated by him or her, giving type, contract load and speed, name of manufacturer, its location and the purpose for which it is used and such other information as the division may require. Such registration shall be made on a form to be furnished by the division on request. (Code 1985 § 46-9; Code 1967 § 49-9)

Sec. 14-16-10 Requirements for elevator operators.

A. Before any person may operate an elevator, except automatic operation and continuous pressure operation elevators, he or she shall be at least eighteen (18) years of age and properly qualified by passing an examination prescribed by the director of planning and development. No person shall employ or permit any person to operate any elevator who is not so qualified.

B. A fee of one dollar ($1.00) shall be charged for each qualifying elevator operator who shall be issued an elevator operator's card. No such card will be issued unless the fee is included with the application. (Code 1985 § 46-10; Code 1967 § 49-10)

Sec. 14-16-11 Requirements for amusement device operators.

Amusement devices shall be in the charge of competent persons of responsible age. (Code 1985 § 46-11; Code 1967 § 49-11)

Sec. 14-16-12 Notice of cancellation, expiration or placing of insurance on elevators.

In case an insurance company cancels insurance upon any elevator or the policy expires and is not renewed, notice shall immediately be given to the city elevator inspector. An insurance company shall likewise notify the city elevator inspector immediately upon placing of insurance upon an elevator. (Code 1985 § 46-12; Code 1967 § 49-12)

Sec. 14-16-13 Elevator, dumbwaiter and escalator accidents.

A. The owner of an elevator, dumbwaiter or escalator, or his or her duly authorized agent, shall immediately notify the director of planning and development of each and every accident to a person requiring the service of a physician or disability exceeding one day, or damage exceeding one hundred dollars ($100.00) to the elevator, dumbwaiter or escalator or its hoistway or its hoistway enclosure or doors, and shall afford the director every facility for investigating and inspecting such accident or damage. The director shall, without delay, after being notified, make an investigation and shall have placed on file a full and complete report of such accident.

B. Such report shall give in detail all material facts and information available and the cause or causes, so far as they can be determined, which shall be open to the public inspection at all reasonable hours. When an accident involves the failure or destruction of any part of the construction or the operating mechanism of such a device, the use of such device is forbidden until it has been made safe and until it has been reinspected and any repairs, changes or alterations have been approved by the director and a permit in such form as the director may prescribe has been issued. The removal of any part of the damaged construction or operating mechanism from the premises is forbidden until permission to do so has been granted by the director. (Code 1985 § 46-13; Code 1967 § 49-13)

Sec. 14-16-14 Institution of prosecutions under chapter.

Prosecutions for violations of the provisions of this chapter shall be instituted by the city elevator inspector or his or her duly authorized deputy. (Code 1985 § 46-14; Code 1967 § 49-14)

Sec. 14-16-15 Penalty for violations of chapter—Continuing violations.

Any person, including the owner, agent, contractor, mechanic, or worker violating any of the terms or provisions of this chapter, or failing to obey any order of the director or the city elevator inspector issued in pursuance of the enforcement of this chapter, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to punishment as provided in Section 1-24-1 of this code and, where such violation is of continuing nature, each day such person violates any such provision or fails to conform to any such provision of this chapter or any such order of the director or of the city elevator inspector, shall be deemed a separate offense. (Code 1985 § 46-15; Code 1967 § 49-15)

Article 2
Board of Elevators Rules

Sec. 14-16-16 Created—Composition—Appointment and terms of members.

A. There is created within the office of planning and development a board of elevator rules, consisting of five members who shall be appointed by the mayor and approved by the city council. At the expiration of the initial members' terms of office, they, or their successors identifiable with the same interest respectively as hereinafter provided, shall be appointed for terms of four years each.

B. Of the five appointed members of the board, one shall be a representative of the manufacturers of elevators used within the city, one shall be a representative of labor, one shall be a representative of an insurance company authorized to insure the operation of elevators within the city, one shall be a representative of owners and lessees of elevators within the city, and one shall be a representative of the public at large. (Code 1985 § 46-27; Code 1967 § 49-25)

Sec. 14-16-17 Filling of vacancies.

Upon the death, resignation or incapacity of any member of the board, vacancies for the unexpired term shall be filled in the same manner as provided for the original appointment of members with a representative of the same interest with which his or her predecessor was identified. (Code 1985 § 46-28; Code 1967 § 49-26)

Sec. 14-16-18 Removal of members.

The mayor may at any time remove any member of the board of elevator rules for incompetency, inefficiency or dereliction of duty. (Code 1985 § 46-29; Code 1967 § 49-27)

Sec. 14-16-19 Election of chairperson.

The board shall elect one of its members to serve as chairperson. (Code 1985 § 46-30; Code 1967 § 49-28)

Sec. 14-16-20 Secretary.

The elevator inspector shall serve as secretary of the board. (Code 1985 § 46-31; Code 1967 § 49-29)

Sec. 14-16-21 Meetings.

The board shall meet at the call of the chairperson at least four times each year, and it shall have other such meetings as the director of planning and development may decide are necessary at such places as the director shall provide. (Code 1985 § 46-32; Code 1967 § 49-30)

Sec. 14-16-22 Required vote and approval of decisions and rulings.

No approval, decision or ruling of the board shall be effective unless supported by the vote of at least three members thereof and approved by the director of planning and development. (Code 1985 § 46-33; Code 1967 § 49-31)

Sec. 14-16-23 General powers and duties—Rules and regulations.

A. It shall be the duty of the board to license elevator inspectors as provided for in this chapter, and the board shall have the power and it shall be its duty to consult with engineering authorities and organizations studying and developing safety codes, including the American Standards Association, and to determine what rules and regulations governing the qualifications, training and duties of elevator operators and the operation, maintenance, construction, alteration and installation of elevators, dumbwaiters and escalators, and the inspection of new and existing installations are adequate, reasonable and necessary to provide for the safety of life, limb and property, and to protect the public welfare, and upon such determination the board shall recommend to the city council the adoption, amendment or repeal of rules and regulations as follows:

1. Rules and regulations for the maintenance and operation of all elevators and escalators;

2. Rules and regulations for the construction of new elevator, dumbwaiters and escalators;

3. Rules and regulations for the alteration of existing elevators, dumbwaiters and escalators;

4. Rules and regulations prescribing minimum safety requirements for all existing elevators, dumbwaiters and escalators;

5. Rules and regulations prescribing the fees for construction permits, operating permits, acceptance inspections, initial inspections and periodic inspections for new and existing elevators, dumbwaiters and escalators.

B. Before any such rule or regulation shall be recommended by the board of elevator rules to the city council, a public hearing shall be held thereon, notice of which shall be published not less than fifteen (15) days nor more than thirty (30) days prior to the date assigned for such hearing. The rules recommended by the board shall be amended or repealed in the same manner in which they are adopted.

C. No alteration or amendment shall be made to the rules and regulations recommended by the board unless public hearings are held as provided in this section. Any person engaged in the inspection, alteration, construction, repair or operation of elevators, dumbwaiters or escalators or any owner or lessee thereof, may, from time to time, by written petition to the director of planning and development, request that rules and regulations recommended by the board under this section be altered or amended or the director himself or herself may request such alterations or amendments. The director shall refer such petition to the board for its consideration and recommendation, and the board shall hold public hearings with respect to the subject matter of the petition, and shall thereafter approve or disapprove such petition and report its action to the director. Such alterations or amendments approved by the board shall become effective when approved by the city council. (Code 1985 § 46-34; Code 1967 § 49-32)

Sec. 14-16-24 Appeals to board.

Any person aggrieved by an order or act of the inspector or chief elevator inspector or director of planning and development under this chapter may, within fifteen (15) days after notice thereof, appeal from such order or act to the board, which shall, within thirty (30) days thereafter, hold a hearing of which at least ten (10) days' written notice shall be given all interested parties. The board shall, within thirty (30) days after such hearing, issue an appropriate order either approving or disapproving said order or act. A copy of such order by the board shall be served upon all interested parties. (Code 1985 § 46-35; Code 1967 § 49-33)

Article 3
Inspections and Tests

Sec. 14-16-25 Required inspections defined.

The inspections required by Sections 14-16-27 and 14-16-28 shall be deemed "required inspections" within the meaning of this chapter. (Code 1985 § 46-51; Code 1967 § 49-45)

Sec. 14-16-26 Generally.

All new, altered and existing elevators, dumbwaiters and escalators, except installations placed out of active service, shall be tested and inspected in accordance with the schedule set forth in this article. (Code 1985 § 46-52; Code 1967 § 49-44)

Sec. 14-16-27 New, relocated or altered elevators, escalators and dumbwaiters.

A. The person or firm installing, relocating or altering elevators, dumbwaiters or escalators shall notify the office of planning and development in writing at least seven days before completion of the work and shall subject the new, moved or altered portions of the equipment to the tests specified in Part IX, Section 900, Rules 900.01 to 900.5 inclusive and Section 901, Rule 901.1 of the Elevator Safety Code, insofar as the equipment mentioned therein is required or provided to show that such equipment conforms to the requirements specified.

B. All new, altered and relocated elevators, dumbwaiters and escalators shall be inspected for compliance with the requirements of this chapter, before the operating permit required by this chapter is issued. Such inspection shall conform to the requirements of Part IX, Section 900, Rule 900.la and 900.lc and Section 901, Rule 901.la of the Elevator Safety Code, insofar as the equipment mentioned therein is required or provided, to show that such equipment conforms to the requirements specified. Such inspections shall be made by an inspector licensed by the city and employed by Shelby County who shall also witness the tests specified in this section. (Code 1985 § 46-53; Code 1967 § 49-46)

Sec. 14-16-28 Periodic inspection and testing of all elevators and escalators.

A. The owner or lessee of every passenger elevator and escalator shall cause it to be inspected and tested every sixth calendar month, and the owner or lessee of every freight elevator shall cause it to be inspected and tested

every twelfth calendar month following the month in which the inspection and test required by Section 14-16-27 was made; provided that, inspection and test of elevator car safeties, counterweight safeties, where provided and overspeed governors and tests of escalator safety devices shall only be required every twelfth calendar month following the month in which the inspection and test required by Section 14-16-27 was made, unless the inspection indicates that it should be made at lesser intervals and provided further that any such inspection and test of a passenger elevator, freight elevator or escalator may be made within the first fifteen (15) days of the month following the calendar month during which such inspection and test is due.

B. The inspection required by this section shall be made by elevator inspectors licensed by the city.

C. Periodic inspections and tests under this section shall conform to the following requirements of the Elevator Safety Code:

1. Electric elevator—to Part IX, Section 900, Rules 900.6a to 900.6i inclusive;

2. Escalators—to Part IX, Section 900, Rule 900j;

3. Hydraulic elevators—to Part IX, Section 901, Rule 901.2 provided that inspections and tests of car safeties and of counterweight safeties, where provided, of elevators having roped-hydraulic driving machines shall conform to Part IX, rules 900.6f, 900.6g and 900.6h. (Code 1985 § 46-54; Code 1967 § 49-48)

Sec. 14-16-29 Inspection of amusement devices.

Amusement devices shall be inspected before the season or engagement period opens and/or at least once a year. (Code 1985 § 46-55; Code 1967 § 49-49)

Sec. 14-16-30 Additional inspections and tests.

A. Car safeties, counterweight safeties where provided, overspeed governors and oil buffers of electric elevators and car safeties, counterweight safeties, where provided and overspeed governors of hydraulic elevators having roped-hydraulic driving machines, shall be tested, as required by Part IX, Section 900, Rule 900.7d, of the Elevator Safety Code, once every five years following the date of the initial test required by Section 14-16-27 for elevators having traction driving machines and once every two and one-half years following the date of the initial test required by such sections for elevators having drum type or roped-hydraulic drum machines. These tests shall be in lieu of one of the periodic tests of such devices required by Part IX, Section 900, Rules 900.6h and 900.9i respectively, of the Elevator Safety Code.

B. Hydraulic elevator pressure tanks and piston rods of roped-hydraulic elevators shall, in addition to the periodic inspections and tests required by Part IX, Section 901, Rule 901.2, of the Elevator Safety Code, be cleaned, inspected and tested once every three years, following the date of the initial tests and inspection required by Section 14-16-27, as required by Part IX, Section 901, Rule 901.3d of the Elevator Safety Code.

C. The inspections required by this section shall be made by an elevator inspector licensed by the city, who shall also, except as hereinafter provided, witness the tests. The tests required by this section shall be made by a person competent to perform such service, provided that where such licensed inspector is not available at the time the required tests are made, the person conducting such tests shall submit to the office of planning and development an affidavit, upon a form furnished by the division, certifying that the tests have been made and the results thereof.

D. In addition to inspections specifically provided for in this article, the director of planning and development may designate a licensed inspector in the employ of the city to make such additional inspections as may be required to enforce the provisions of this chapter. No fee shall be charged for such inspection. (Code 1985 § 46-56; Code 1967 § 49-50)

Sec. 14-16-31 Inspections to be by licensed inspectors.

All required inspections made under the requirements of this article shall be made by, or in the presence of, inspectors qualified and licensed as prescribed in Section 14-16-5, except as otherwise specifically provided. (Code 1985 § 46-57; Code 1967 § 49-51)

Sec. 14-16-32 Acceptance of elevator and escalator inspections made by licensed inspectors.

The city elevator inspector shall have authority to accept in lieu of his or her own official inspections, except acceptance inspections, inspections of elevators and escalators made by a licensed inspector. (Code 1985 § 46-58; Code 1967 § 49-52)

Sec. 14-16-33 Inspection reports.

A. A report of every required inspection shall be filed with the office of planning and development by the inspector making such inspection on a form approved by the division, within twenty (20) days after the inspection or test has been completed. For the inspections required by Sections 14-16-27 and 14-16-28, the report shall include all

information required by the division to determine whether the elevator, dumbwaiter or escalator is in a safe operating condition and whether the owner or lessee of the elevator or escalator has complied with the rules and regulations which are applicable under the provisions of this chapter. For the inspection required by Section 14-16-27, the report shall, in addition, indicate whether the elevator, dumbwaiter or escalator has been installed in accordance with the construction permit issued by the office of planning and development under this chapter and meets the requirements of the applicable rules of the elevator safety code.

B. Where an elevator is inspected by a licensed elevator inspector of a duly accredited insurance company which is the primary insurer of the conveyance and which is licensed to do business in this city, a copy of each inspection report of such elevator shall be filed by the insurance company with the city elevator inspector within twenty (20) days of such inspection. (Code 1985 § 46-59; Code 1967 § 49-53)

Sec. 14-16-34 Guide for inspections and tests.

The American National Standard Practice for the Inspection of Elevators, Escalators and Moving Walks (Inspector's Manual), ANSI A17.2-1979, Fifth Edition, is adopted as a guide for making the inspection and tests required by this article. (Code 1985 § 46-60; Ord. 2887 § 1, 6-26-79; Code 1967 § 49-54)

Article 4
Operating Permit for Elevators, Escalators And Dumbwaiters

Sec. 14-16-35 Required—Exception.

No elevator, dumbwaiter or escalator shall be operated by the owner or lessee thereof, unless an operating permit has been issued pursuant to this article; provided, however, that, no operating permit shall be required for elevators or escalators which are located in a highly restricted area owned and operated by the United States Government. (Code 1985 § 46-76; Code 1967 § 49-65)

Sec. 14-16-36 Fee.

The fee for operating permits required by this article shall be:

For each hand-power freight	$16.00
For each power freight or escalator	16.00
For each passenger	16.00

(Code 1985 § 46-77; Ord. 3155 § 1, 9-8-81; Ord. 3018 § 1(3), 6-9-80; Ord. 2346 § 1(3), 12-16-75; Ord. 276 § 2, 9-3-68; Code 1967 § 49-66)

Sec. 14-16-37 Issuance.

A. Operating permits shall be issued by the director of planning and development within the time limits hereafter specified, to the owner or lessee of every new and existing elevator, dumbwaiter and escalator where the inspection report indicates compliance with this chapter; provided that, no permit shall be issued if the fees required by this article have not been paid. Such time limits shall be thirty (30) days for existing elevators and escalators and three days for new elevators, dumbwaiters and escalators, after the required date for filing the inspection report required by Section 14-16-33, unless such time is extended by the director of planning and development.

B. If the inspection report required by Section 14-16-33 indicates failure of compliance with the applicable requirements of this chapter or with the detailed plans and specifications approved by the office of planning and development under Section 14-16-6, the director shall give notice to the owner or lessee or the person filing such plans and specifications of changes necessary for compliance therewith. After such changes have been made, the director shall issue an operating permit. (Code 1985 § 46-78; Code 1967 § 49-67)

Sec. 14-16-38 Term—Contents.

The operating permit required by this article shall be issued for the period covered by the inspection required by Sections 14-16-27 and 14-16-28, and shall state the contract load and speed for such elevator, dumbwaiter or escalator. (Code 1985 § 46-79; Code 1967 § 49-68)

Sec. 14-16-39 Printing and framing.

Permits issued under this article shall be printed eight inches wide by four inches high and suitably framed in metal, with a clear transparent cover. (Code 1985 § 46-80; Code 1967 § 49-69)

Sec. 14-16-40 Posting.

The permit required by this article shall be posted in a conspicuous location in the elevator car or cage, or in the platform and on or near the dumbwaiter or escalator. (Code 1985 § 46-81; Code 1967 § 49-70)

Sec. 14-16-41 Revocation.

If the director of planning and development has reason to believe that any owner or lessee to whom an operating permit has been issued under this article is not complying

with the applicable rules and regulations of this chapter, he or she shall so notify such owner or lessee, and shall give notice of a date for a hearing thereon to such owner or lessee. If, after such hearing, he or she shall find that such owner or lessee is not complying with such rules and regulations, he or she shall revoke such permit. (Code 1985 § 46-82; Code 1967 § 49-71)

Sec. 14-16-42 Limited permits.

A. The director of planning and development may permit the temporary use of any elevator, dumbwaiter or escalator for passenger or freight service during its installation or alteration, under the authority of a limited operating permit issued by him or her for each class of service. In the case of elevators, such limited permit shall not be issued until the elevator shall have been tested under contract load, and the car safety and terminal stopping equipment have been tested to determine the safety of the equipment for construction purposes and until permanent or temporary guards or enclosures are placed on the car and around the hoistway at the landing entrances on each floor. Landing-entrance guards shall be provided with locks that can be released from the hoistway side only. Automatic and continuous-pressure elevators shall not be placed in temporary operation from the landing push buttons unless door locking devices and/or interlocks required by the Elevator Safety Code are installed and operative.

B. Limited permits shall be issued for a period not to exceed thirty (30) days and may be renewed at the discretion of the director.

C. Where a limited permit is issued, a notice bearing the information that the equipment has not been finally approved shall be conspicuously posted on, near or visible from each entrance to such elevator, dumbwaiter or escalator. (Code 1985 § 46-83; Code 1967 § 49-72)

Article 5
General Safety and Equipment Requirements

Sec. 14-16-43 Safety code for elevators, dumbwaiters, escalators and moving walks—Adopted.

The following supplementary code shall be considered a portion of this chapter: American National Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, ANSI A17.1-1978, Ninth Edition and ANSI A17.1a-1979 Supplement, herein referred to as the "Elevator Safety Code," as approved by the Standards Committee, the Secretariats (formerly "Sponsors"), and on May 4, 1978, by the American National Standards Institute, Incorporated. (Code 1985 § 46-101; Ord. 2887 § 1, 6-26-79; Ord. 867 § 24A(2), 12-13-69; Code 1967 § 49-83)

Sec. 14-16-44 Elevator—Application.

A. Generally. The requirements of the Elevator Safety Code adopted by Section 14-16-43 shall apply to all installations of elevators, dumbwaiters and escalators, as hereinafter specified and except as otherwise provided in this chapter.

B. New Installations. All new elevators, dumbwaiters and escalators shall be designed and installed in accordance with the requirements of the Elevator Safety Code.

C. Relocations. All relocations of elevators, dumbwaiters and escalators, made after January 1, 1961, shall meet the requirements of the Elevator Safety Code.

D. Existing Installations. Existing elevators, dumbwaiters and escalators, legally installed before January 1, 1961, may be used without being reconstructed to comply with the requirements of the Elevator Safety Code, except such rules of such code as specifically refer to such installations.

E. Alterations Generally. Existing installations may be altered to obtain the advantage of any provisions of the Elevator Safety Code, provided the safety requirements covering such provisions are met. Alterations of existing installations shall conform to Part XI of such code, or to the following exceptions:

1. Hoistway gates for freight elevators in existing buildings may be five feet six inches high with maximum two-inch openings, if approved by the city elevator inspector;

2. Permission granted by the board of elevator rules.

F. Major Combination of Alterations. When any combination of alterations or changes is made, constituting more than fifty (50) percent of the elevator installation or hoistway construction, as determined by the office of planning and development, the entire installation shall conform to the requirements of the Elevator Safety Code.

G. Repairs and Replacements. Repairs and replacements of damaged, broken or worn parts shall conform to the requirements of Part XI, Rule 1100.3 of the Elevator Safety Code. (Code 1985 § 46-102; Code 1967 § 49-84)

Sec. 14-16-45 Elevator Safety Code—Granting of exceptions.

The board of elevator rules only shall have power to grant exceptions from the requirements of the code adopted by Section 14-16-43, and to permit the use of other devices and methods, at its discretion, within the limitations stated in such code. (Code 1985 § 46-103; Code 1967 § 49-85)

Sec. 14-16-46 General requirements for elevator and dumbwaiter hoistways.

A. Generally. Elevator and dumbwaiter hoistways shall be enclosed in accordance with the requirements of this section.

B. Fireproof/Semi-Fireproof Heavy Timber, Protected Noncombustible and Ordinary Masonry Construction. In fireproof, semifireproof, heavy timber, protected noncombustible and ordinary masonry construction hoistways shall have noncombustible enclosures of at least two hour fire-resistance rating. Exceptions: in public buildings of heavy timber, protected noncombustible or ordinary masonry construction when not over two stories in height, enclosures of hoistways may be one-hour construction, except for enclosures in basements and cellars, which shall be two-hour noncombustible construction.

C. Unprotected Noncombustible and Woodframe Buildings. In unprotected noncombustible and woodframe buildings, hoistway enclosures shall be at least one-hour noncombustible construction.

D. Protection for Openings. All openings shall be protected with approved fire doors or approved fire windows as required. In one hour construction wooden doors at least one and three-eighths inches in thickness may be used.

E. Emergency Door. Emergency doors in hoistways shall be provided at intervals of not over thirty-six (36) feet for express elevators making long runs without stops in accordance with Rule 110.1a of the Elevator Safety Code.

F. Roofs or Tops. Roofs or tops of hoistways which extend to the top floor of the building shall be of equal fire resistant construction as required for the roof of the building, except where an elevator is accepted as a required exit.

G. Ventilation. Hoistways shall be ventilated equal to one percent of the area of the hoistway which may be through the penthouse or by mechanical ventilation for existing elevators. Elevators hereafter installed shall conform to Rule 100.4 of the Elevator Safety Code.

H. Hoistways not Extending to Lowest Floor or to Roof. A hoistway that does not extend to the lowest floor shall be enclosed at its lowest point with a floor construction equal to the required enclosure construction. When it does not extend through or to the roof construction, it shall have a top equal to the required enclosure construction.

I. Hoistways in Existing Buildings. In buildings existing before January 1, 1961, where hoistways are not constructed as required in this chapter, the director may modify the requirements in accordance with conditions and good practice, but at least the openings shall have substantial guards or gates as specified, and shall be protected from fire communicating from floor to floor, at least by approved trap doors. Such traps shall be arranged to open and close by the action of the elevator's movement and shall form a substantial floor covering or they may be suspended in the open position provided they are supported by approved type fusible links. (Code 1985 § 46-104; Code 1967 § 49-86)

Sec. 14-16-47 Maintenance in safe operating condition—Responsibility of owner.

A. Every elevator, escalator, dumbwaiter and amusement device shall be maintained by the owner or lessee in a safe operating condition so that it conforms to the provisions of this chapter and to rules and regulations adopted by the city council.

B. The owner or his or her duly appointed agent shall be responsible for the safe operation and proper maintenance of an elevator, dumbwaiter or escalator after the operating permit has been issued by the director of planning and development, and also during the period of effectiveness of any limited operating permit as defined in Section 14-16-42(B). The owner shall also be responsible for making all initial and periodic tests required by this chapter. (Code 1985 § 46-105; Code 1967 § 49-87)

Sec. 14-16-48 Lighting and electrical equipment.

Lighting shall be by electricity and together with all other electrical equipment shall be in conformity with the city/county electrical code and to the National Electrical Code as approved by the American Standards Association and published by the National Board of Fire Underwriters. The disconnect switch and all electric control devices shall be located so as to be accessible at all times. All electrical equipment shall be protected from falling objects and mechanical injury. (Code 1985 § 46-106; Code 1967 § 49-88)

Sec. 14-16-49 Safety controls, guard rails and design standards for amusement devices.

A. Amusement devices shall be equipped with approved safety controls. The cars or receptacles which persons are permitted to occupy shall have handrails of sufficient number and height or other approved appliances or safeguards, to prevent persons from being thrown therefrom or coming in contact with structural members or other obstructions.

B. In all cases the design of such devices and construction shall be equal in structural safety to the requirements for elevators for comparable members or parts. (Code 1985 § 46-107; Code 1967 § 49-89)

Sec. 14-16-50 Use of elevators and escalators as required exits.

The use of elevators and escalators for required exits shall be permitted only when in conformity with the requirements of the city/county building code, except that no escalator will be accredited as a required means of exit which has a vertical travel of more than two stories or thirty-five (35) feet. (Code 1985 § 46-108; Code 1967 § 49-90)

Sec. 14-16-51 Protection of floor openings for escalators.

Floor openings for escalators shall be protected against the passage of flame, smoke or gases in the event of fire in accordance with requirements approved by the board of elevator rules. (Code 1985 § 46-109; Code 1967 § 49-91)

Sec. 14-16-52 Portable hoists for elevators and dumbwaiters prohibited.

No portable power chain or cable hoist shall be installed to raise or lower an elevator car or platform, or dumbwaiter car or platform. (Code 1985 § 46-110; Code 1967 § 49-92)

Sec. 14-16-53 Elevators for use of fire department.

In buildings equipped with one or more elevators, at least one elevator shall be kept in readiness at all times for fire department use, in event of fire. (Code 1985 § 46-111; Code 1967 § 49-93)

Sec. 14-16-54 Sidewalk elevators and hoists.

Sidewalk elevators or hoists are prohibited and permits for the same shall not be granted except by the city council, in cases where a refusal would cause the property owner undue hardship, due to the impracticability of other installation. (Sidewalk elevators are not recommended, since their use involves accident hazards which cannot easily be eliminated. It is preferable to use freight elevators of standard type operating inside the building line.) Where permitted, they shall conform to the requirements of Part IV of the Elevator Safety Code. (Code 1985 § 46-112; Code 1967 § 49-94)

Sec. 14-16-55 Authority to forbid use of unsafe devices.

A. The elevator inspector may forbid the use of any elevator, dumbwaiter, escalator or amusement device deemed unsafe on account of defects or of an incompetent operator, until his or her lawful orders have been complied with and he or she shall have the authority to order the power cut off from any such defective device.

B. If the inspection report required by Section 14-16-33 indicates that an elevator or escalator is in an unsafe condition, so that its continued operation may be dangerous to the public safety, then the director of planning and development may, at his or her discretion, require the owner or lessee to discontinue the use of such elevator or escalator until it has been made safe and in conformity with the rules and regulations of this chapter. (Code 1985 § 46-113; Code 1967 § 49-95)

Article 6
Minimum Safety Requirements for Elevators

Sec. 14-16-56 Definitions.

For the purpose of this article, the following definitions shall apply:

"Capacity" is the load which the elevator is designed and equipped adequately to handle as determined by the rules and regulations of this article and/or as designated by the supervising inspector.

"Capacity speed" is the maximum velocity of the car in feet per minute (F.P.M.) in the up direction with capacity load in the car.

"Shall" means that the provisions are mandatory in all cases.

"Should" means that the provisions are advisory on all existing installations and that the provisions are mandatory whenever there is effected a major or substantial alteration or change in the installation. (Code 1985 § 46-126; Code 1967 § 49-106)

Sec. 14-16-57 Procedure when compliance with article increases weight of elevator.

Where compliance with this article increases the weight of the elevator car, additional weight shall be added to the counterweight, where considered necessary by the director, in order to secure safe operation of the elevator. In every such case, all parts affected by the increased weight shall be checked to determine whether they will safely sustain the increased load and where necessary shall be reinforced or replaced with parts of adequate strength. (Code 1985 § 46-127; Code 1967 § 49-107)

Sec. 14-16-58 General maintenance requirements.

All parts of elevators, including machines, cars, hoistways, hoistway landing opening protective devices, etc. and all appurtenances shall be maintained in a structurally sound, firmly secured and sufficient condition to perform safely the work which they are intended to do and suffi-

ciently clean to prevent fire hazards. (Code 1985 § 46-128; Code 1967 § 49-108)

Sec. 14-16-59 Car and counterweight cables.

A. Material. Cables for power elevator cars and counterweights shall be of iron or steel.

Exception: the division of public service and the supervising inspector may permit marlin covered steel cables where liability of corrosion or other hazard exists.

B. Tags. Wherever cables are renewed, a metal tag shall be attached to the new cables at their fastenings. On this tag shall be stated the diameter, rated ultimate strength and material of the cables, the date of the cable installation and the name of the person or firm who installs the cables.

C. Diameter. Hoisting cables for power elevators shall not be less than one-half-inch in diameter.

D. Number of Cables for Drum Machine. No winding drum power elevator shall be used for passenger service and, when practical, for freight service, unless it is equipped with two or more hoisting cables.

E. Splicing Prohibited. No cable shall be lengthened or repaired by splicing.

F. Top Clearances. Whenever car or counterweight cables are replaced, the car and/or counterweight top clearances shall not be reduced below the requirements of Section 14-16-104(E).

G. Cable Rating. Safe working loads for cables shall be based on the manufacturers' rated ultimate strength of the cables and should not exceed those permitted for new elevators. In no case shall the factor of safety of cables for power elevators be less than six for freight elevators or less than seven for passenger elevators. For hand power elevators, the factor of safety for the cables shall be not less than four. In no case shall the factor of safety of new cables be less than those of the cables replaced.

H. Cable Strength. Where the material and rated ultimate strength of cable is not known, the loads shall be limited to the loads allowed for iron cables of the same diameter. (Code 1985 § 46-129; Code 1967 § 49-109)

Sec. 14-16-60 Speed governor cables.

A. Material. Cables for speed governors, when such cables are replaced, shall be of iron, steel, monel metal, phosphor bronze or covered iron or steel.

Exception: elevators with hatch covers.

B. Diameter. Speed governor cables shall be not less than three-eighths inch in diameter.

C. Tiller Rope. Tiller rope may be used only for the portion of the governor cables wound on the safety drum.

D. Tags. New speed governor cables shall be tagged as provided in Section 14-16-59(B).

E. Clearance. Speed governor cables shall run clear of governor jaws during normal operation of the car.

F. Altered Cable. Wherever the diameter, construction and/or material of the speed governor cable is changed, approval of the proposed change shall be obtained from the supervising inspector and the car safety shall be retested with the altered governor cable in use before the elevator is replaced in service. (Code 1985 § 46-130; Code 1967 § 49-110)

Sec. 14-16-61 Cable connections.

A. Fastenings. Cable ends, when cables are replaced, shall be fastened to the car or counterweight by spliced eyes, by return loops or by individual tapered zinc or babbitted sockets. The use of wire rope clips or claims shall be prohibited except on the inside of drums.

Exceptions:

1. Platform and sidewalk elevators;
2. Car counterweight cables or hydraulic elevators;
3. Hand power elevators.

B. Number of Wraps on Drum. All cables anchored to a winding drum shall have not less than one complete turn of cable left on the drum when the car or counterweight has reached the extreme limit of its overtravel.

C. Reshackling for Drum Machines. Hoisting and back drum counterweight cables of overhead drum machines shall be reshackled once every year, except where the cables are provided with an approved type emergency clamp device, to prevent the car from falling if the regular cable connection at the car and counterweight shall fail.

D. Fastening Drum. The winding drum ends of car and counterweight cables shall be secured to the winding drum by clamps on the inside of the drum or as provided in subsection B of this section. (Code 1985 § 46-131; Code 1967 § 49-111)

Sec. 14-16-62 Machines and machine safeties.

A. Set Screw Fastening. No set screw fastenings shall be used on power elevators in lieu of keys or pins on connections subject to torque or tension.

B. Friction Gearing. No friction gearing or clutch mechanism shall be used for connecting the drum or sheaves to the main driving gear of power elevators.

C. Cast-Iron Teeth. No worn or gear having cast-iron teeth shall be used for replacement purposes on a worn and gear driven power machine.

D. Brakes. No power elevator machine except hydraulic machines shall be operated without brakes, which apply directly to the hoisting machines and are arranged to apply automatically by springs or gravity when the operating device is in the "STOP" position.

E. Electrically Released Brakes. All electric elevators, except electro-hydraulic elevators which are operated and/or controlled by magnetically operated contractors shall be equipped with electrically released brakes.

F. Belt or Chain Drive. No belt or chain driven power machine with a car traveling in excess of thirty (30) feet shall be used for any passenger elevator unless the machine is equipped with an electrically released brake and a broken belt or broken chain safety switch of the non-automatic-reset type.

G. Slack Cable Device. Winding drum power machines shall be equipped with a slack cable device to apply the brake and stop the machine if the car should be obstructed while descending.

Exceptions:

1. Platform elevators with a travel not exceeding fifteen (15) feet;

2. Sidewalk elevators with a travel not exceeding thirty (30) feet.

H. Slack Cable Switches. Slack cable switches located on the top of the car shall be of the enclosed type.

I. Chain Drive. Chains for chain-driven machines when replaced shall be of the belt type with multiple links.

J. Reverse Phase Relay. Power elevator machine motors operated by polyphase alternating current shall be equipped with a reverse phase relay or equivalent protection.

K. Power for Hand Elevator. No electrically or mechanically driven friction gearing or clutch mechanism shall be used to operate any hand power elevator.

L. Fuse or Circuit-Breaker. No wire or other current-carrying device shall be substituted for the proper fuse or circuit breaker in an elevator circuit. (Code 1985 § 46-132; Code 1967 § 49-112)

Sec. 14-16-63 Hydraulic machines.

A. Gas Release. Cylinders of hydraulic elevator machines shall be provided with a means for releasing air or other gas.

B. Relief Valve. Each positive-acting pump connected to the pressure tank of hydraulic elevators shall be equipped with a relief valve (or valves) so installed that it cannot be shut off. The relief valve shall be of sufficient size and so located as to pass the full capacity of the pump at full speed without exceeding the safe working pressure of the pump or tank.

C. Automatic By-Pass. Positive-acting elevator pumps, unless equipped with pressure regulators which control the motive power, shall be equipped with automatic by-passes.

D. Hydrostatic Test. Pressure tanks, piping, pumps, valves, cylinders, pistons and packings of a hydraulic elevator shall be maintained to withstand successfully a hydrostatic test wherein the maximum testing pressure is fifty (50) percent over the normal working pressure. Pressure tanks must have adequate openings for internal inspection purposes.

E. Water-Gauge Glass. Each pressure tank shall be equipped with a water-gauge glass, having brass valves and fittings attached directly to the tank and so located as to show the level of the water when the tank is more than half filled.

F. Pressure Gauge. Each pressure tank shall be provided with a correctly indicating pressure gauge having a capacity not less than one and one-half times the normal working pressure allowed in the tank.

G. Inspection Gauge. Each pressure tank shall be provided with a one-quarter inch pipe-size valved connection for attaching an inspector's gauge while the tank is in operation.

H. Tank Guard. Discharge tanks shall be adequately covered or screened.

I. Packing. All packings used in connection with a hydraulic elevator shall be maintained sufficiently tight to prevent any uncontrolled movement of the elevator.

J. Compliance with Rules. Hydraulic elevators operated from pressure tanks where the fluid pressure is obtained by directly admitting steam, air or other gas to the tank, shall comply with all the rules covering hydraulic elevators.

K. Water Level. The water level in a pressure tank shall be maintained at about two-thirds of the capacity of the tank. (Code 1985 § 46-133; Code 1967 § 49-113)

Sec. 14-16-64 Penthouses and machine rooms.

A. Access. Safe and convenient access to penthouses and machine rooms shall be provided and maintained.

B. Use as Thoroughfare Prohibited. Elevator machine rooms and penthouses shall not be used as thoroughfares.

C. Machine Room Doors. Doors to machine rooms shall be arranged to permit the doors to be opened from within the machine room without keys.

D. Machine Guards. When power elevator machines are not located in an elevator machine room, the machines shall be surrounded by a substantial grill enclosure at least six feet high.

Exceptions: machines located in a pump, engine or machine room in the charge of an attendant and/or in any room secured against unauthorized access. Machines located six feet or more above the floor.

E. Light. Permanent provision for adequate artificial light shall be made in machine rooms and penthouses. The electric light switch shall be within easy reach of the machine room entrance.

F. Disconnect Switch. A manually operated multipole disconnect switch shall be provided in the machine room of every electric elevator located adjacent to and visible from the hoisting machine or motor generator set. No provision shall be made to close the disconnect switch from any other part of the building.

G. Floor. Penthouses used as machine rooms and machine rooms shall be provided with a floor. If metal bar grading is used for flooring, the flooring should be designed to reject a three-quarter inch round ball. If perforated sheet steel is used for flooring, the openings should be designed to reject a ball one and one-eighth inch in diameter.

H. Machine Room Storage. Machine rooms shall not be utilized as general storage space and no flammable liquids shall be stored or kept in such rooms.

I. Enclosure for Machinery Compartment. When a compartment which contains machinery for operating an elevator is not separated from the hoistway by fireproof or semifireproof construction, it shall be enclosed with partitions and ceiling of not less than two-hour noncombustible construction and all openings shall be protected with approved fire doors, approved fire shutters or approved fire windows, as the case may require, except that, where one-hour construction is permitted for hoistway enclosures it may have similar construction. (Code 1985 § 46-134; Code 1967 § 49-114)

Sec. 14-16-65 Pipes and wiring.

A. Electric Apparatus Enclosure. All live parts of electric apparatus in or connected with the elevator shaftway shall be suitably enclosed to protect against accidental contact.

B. Electric Grounds. All machine frames, controller frames, control ropes and metal conduits shall be effectively grounded.

C. Maximum Voltage. The maximum voltage or rated system permitted an the operating device of power elevators shall be three hundred (300) volts to ground for automatic operation, elevators having operating devices in the car and at landings and seven hundred fifty (750) direct current or six hundred (600) volts alternating current for other types of operating devices. (Code 1985 § 46-135; Code 1967 § 49-115)

Sec. 14-16-66 Counterweights.

A. Defective Counterweight. Broken or cracked sections of counterweights shall be replaced.

B. Counterweight Rods. Counterweight hanger rods and/or tie rods shall firmly support and secure the counterweight section in place.

C. Counterweight Guides. Counterweights shall run in guide rails or guide boxes and these guides shall confine the counterweights to a definite lane of travel in the hoistway and shall extend from the pit to the underside of the overhead sheave beams.

D. Guard for Counterweight Cables. Cables extending through counterweights shall be guarded by metal or fiber sleeves attached to the cables. (Code 1985 § 46-136; Code 1967 § 49-116)

Sec. 14-16-67 Fire-resistant hoistways.

A. When Required. Fire-resistant enclosures and doors shall be provided where required by local laws and ordinances.

B. Nonfire-Resistant Materials. No nonfire-resistant structural materials shall be added on the inside of any fire-resistant hoistway.

C. Bevel Plates. Projections extending inward from the general surface of the shaftway and which are opposite a car entrance of a power elevator (except interlocks, door closers, door operating devices and signal devices) shall be beveled on the under side or shall be guarded with metal plates or with wood faced with metal. The angle of such bevels shall be not less than sixty (60) degrees from the horizontal.

D. Recesses in Shaftway. Recesses (other than windows and landing openings) in the general surface of the shaftway, which are opposite a car opening of a power elevator shall be furred out with fire-resistant materials substantially flush with the general surface of the shaftway.

Exception: elevators with car doors or gates equipped with electric contacts.

E. Window Guards. Windows which are opposite a car opening of a power elevator shall be furred out with wire grille or expanded metal with smooth edges substantially flush with the general surface of the shaftway and the openings should reject a two inch ball.

Exception: elevators with car doors or gates equipped with electric contacts. (Code 1985 § 46-137; Code 1967 § 49-117)

Sec. 14-16-68 Nonfire-resistant hoistways.

A. Enclosure Generally. Where fire-resistant hoistways are not required by local laws or ordinances, hoist-

ways shall be enclosed to a height of not less than six feet from each floor on all sides not used for landing openings and should be extended to the ceiling. Where material is stored adjacent to the hoistways the enclosure shall extend to the ceiling.

B. Automatic Trap Doors. Hoistways which are equipped with automatic trap doors for fire retardation purposes shall be enclosed as per subsection A of this section, or shall be enclosed with a substantial railing at least forty-two (42) inches high with a tow board approximately six inches high on all sides not used for landing openings. Such railings shall be located not less than twelve (12) inches from the line of the shaftway.

C. Height of Stairway Enclosure. When an elevator is located adjacent to a stairway, all portions of the hoistway enclosure adjoining the stairway shall be not less than six feet above each stair tread (measured at the stair tread nosing) and should be extended to the ceiling.

D. Door Lintel to Ceiling. The hoistways of power elevators shall be enclosed on the sides used for loading and unloading from the door lintel to the ceiling at each floor except at the top floor.

Exceptions:

1. Elevators having car doors or gates equipped with electric contacts;
2. Freight elevators used primarily to carry automobiles, industrial trucks or industrial railroad cars and upon which only the operator and persons necessary to unload the freight are permitted to ride;
3. Sidewalk and platform elevators;
4. Hand elevators;
5. Elevators equipped with automatic trap doors.

E. Materials. Enclosures shall be building walls, solid or latticed partitions, grille work, metal grating, expanded metal with smooth edges or wood. Openings should be designed to reject a two inch ball unless the enclosure is located within one inch of the moving car, counterweight or a sliding door or gate, in which case the enclosure shall be adequately protected.

F. Recesses. Recesses (other than windows) in the hoistway enclosures which are opposite a car opening of a power elevator shall be furred out substantially flush with the general surface of the hoistway. Furring materials shall be as in subsection E of this section.

Exception: elevators having car doors or gates equipped with electric contacts.

G. Windows. Windows in the hoistway which are opposite a car opening of a power elevator shall be furred out as in subsection F of this section.

Exception: elevators having car doors or gates equipped with electric contacts.

H. Projections in Hoistway. Projections in the hoistway opposite a car opening of a power elevator shall be protected as provided in Section 14-16-67. (Code 1985 § 46-138; Code 1967 § 49-118)

Sec. 14-16-69 Outside bars required for certain hoistway windows.

Windows in the hoistway enclosure less than seven floors above the sidewalk level or less than three floors above the roof of an adjacent building shall be fitted on the outside with vertical metal bars not less than five-eighths inch in diameter and spaced not more than ten (10) inches apart.

Note: this is the usual method of indicating on the exterior of the building the location of an elevator hoistway. It serves to warn firefighters not to place ladders against such windows. (Code 1985 § 46-139; Code 1967 § 49-119; Code 1967 § 49-119)

Sec. 14-16-70 Hoistway thoroughfares.

A. Across Hatch Covers. No thoroughfares shall be permitted across the hatch covers of a hoistway whether inside or outside of a building.

Exception: the hatch covers of a sidewalk elevator.

B. Under Hoistway. There shall be no thoroughfares under the hoistway of any elevator unless all the following conditions exist:

1. Adequate buffers are provided;
2. The car is provided with car safeties meeting the requirements of Section 14-16-108;
3. The counterweight is provided with speed governor operated safeties.

Exceptions: counterweights equipped with broken rope, instantaneous type safeties where the contact speed is not in excess of:

a. 250 f.p.m. and the counterweight is 2000 lb. or less,
b. 200 f.p.m. and the counterweight is 3000 lb. or less,
c. 160 f.p.m. and the counterweight is 4000 lb. or less,
d. 125 f.p.m. and the counterweight is 5000 lb. or less,
e. 100 f.p.m. irrespective of the weight of the counterweight.

4. There shall be a structure under the hoistway sufficiently strong to withstand without failure the impact of the car with contract load or the impact of the counterweight when either is descending at capacity speed or at governor trip ping speed where a governor operated safety is used.

C. Through Pit. There shall be no thoroughfares through a hoistway pit. (Code 1985 § 46-140; Code 1967 § 49-120)

Sec. 14-16-71 Strength of hatch covers.

A. Hatch covers, when closed, shall be able to support a uniformly distributed load of at least forty (40) pounds per square foot.

B. Sidewalk hatch covers of the hinged or vertical-lift type shall be able to support a uniformly distributed load of three hundred (300) pounds per square foot. (Code 1985 § 46-141; Code 1967 § 49-121)

Sec. 14-16-72 Counterweight hoistways.

A. Outside Counterweight Hoistway. Hoistways for counterweights located outside of elevator hoistways shall be kept enclosed for the full height of the shaftway.

Exception: if such hoistways are located outside of the building the shaftway for the counterweight shall be guarded to a height of ten (10) feet above the ground, with solid construction.

B. Counterweight Pit Guard. Counterweight hoistways located in the enclosed shaftway of power elevators shall be guarded from a point one foot above the pit floor to a point seven feet above the floor of its own pit or above the floor of the adjacent pit.

Exceptions:

1. When compensating chains or cables are attached to the underside of the counterweight;

2. Light weight looped chains may be used where the clearances do not permit the installation of a guard.

C. Counterweight Shaftway Doors. Doors leading to counterweight shaftways shall be kept locked. (Code 1985 § 46-142; Code 1967 § 49-122)

Sec. 14-16-73 Guard boxes for cables passing through floors outside hoistway.

Where cables pass through floors outside of the hoistway enclosure, such cables should be guarded to a height of not less than six feet with cable guard boxes. (Code 1985 § 46-143; Code 1967 § 49-123)

Sec. 14-16-74 Guide rails.

A. Defective Rails. Where guide rails are sufficiently worn to prevent the proper operation of the car safety device, they shall be replaced.

B. Length of Rails. Guide rails shall extend continuously the full length of the car and/or counterweight hoistway. (Code 1985 § 46-144; Code 1967 § 49-124)

Sec. 14-16-75 Overhead sheaves.

Overhead sheaves of power elevators shall not be fastened to the underside of the overhead support beams by bolts in tension.

Exception: secondary and deflecting sheaves of traction type elevators. (Code 1985 § 46-145; Code 1967 § 49-125)

Sec. 14-16-76 Terminal limit switches and stopping devices for power elevators.

A. Limit Switch Construction. Limit switches or stopping devices located or constructed in a manner which interferes with their proper operation shall be altered to function properly.

B. Normal Limit Switches. Normal terminal limit switches or stopping devices (directional limits) shall be provided on all elevators and shall be arranged to automatically stop the car and to function independent of the operating devices and also independent of such final terminal limit switches or stopping devices as required by subsection C of this section, and further, should, when traveling at any speed attained during normal operation, bring the car to rest within the overtravels, but the buffers may be compressed.

Exceptions:

1. All elevators with hand rope or rod operating devices and equipped with normal terminal limit stop balls fastened to the rope or rod which are arranged to center the operating device and, if winding drum machine equipped shall also be provided with a machine automatic normal terminal stopping device to automatically apply the brake and center the operating device.

2. All elevators with wheel or lever operating devices and with winding drum machines shall be provided with a machine automatic normal terminal limit stopping device to automatically center the directional controls and apply the brake.

3. Hydraulic elevators with a car speed in excess of one hundred fifty (150) feet per minute shall be equipped with an automatically operated stop valve (or valves) which is operated by the movement of the car or the machine and which is independent of the normal control valve (or valves).

C. Final Limit Switches. Final terminal limit switches or stopping devices shall be provided on all electric elevators in addition to the normal terminal limits or stopping devices and shall be arranged to automatically prevent all movement of the car by the operating devices and to stop the car independent of the normal terminal limit switches or stopping devices and further, should, when traveling at any speed attained during normal opera-

tion, bring the car to rest within the overtravels, but the buffers may be compressed.

Exceptions:

1. Electro-hydraulic elevators;

2. Electric platform or sidewalk elevators having winding drum machines with a normal terminal machine automatic stopping device and also with either normal limit switches in the hoistway or with normal limit stopping devices on the operating rope, chain or rod.

D. Location of Normal and Final Limits. Normal and final terminal limits or stopping devices on electric elevators may be located on the car or in the hoistway if operated by the movement of the car, or they may be located in the machine room if mounted on and operated by a stopping device automatically connected to the car with no dependence on friction as a driving means, pro vided that, on winding drum machine equipped elevators:

1. If the normal terminal limit switches are in the hoistway or on the car, the final terminal stopping devices shall be in the machine room and operated by a machine automatic stopping device;

2. If the final terminal limit switches are in the hoistway or on the car, the normal terminal stopping devices shall be in the machine room and operated by a machine automatic stopping device;

3. If operated by polyphase alternating current and the car speed is in excess of seventy-five (75) feet per minute, final stopping devices should be in the machine room and operated by a machine automatic stopping device and should open the elevator service circuit.

Exception: machines with direct current brakes and direct current main line switches operated by final terminal limit switches in the hoistways.

E. Cams for Limit Switches. The cam or cams for operating limit switches shall be of sufficient length to hold the switches in the open position when the car is in contact with the overhead structure or is resting on the fully compressed buffers.

Exception: cams which operate nonautomatic reset limit switches.

F. Magnetically Operated Contactors. Electric drum type elevators which are operated and/or controlled by magnetically operated contactors and which have a capacity speed in excess of one hundred (100) feet per minute, shall have independent motor control contactors operated by the normal and final terminal limit switches. (Code 1985 § 46-146; Code 1967 § 49-126)

Sec. 14-16-77 Pits.

A. Elevator pits shall be kept clean and dry. Water or other liquid which may accumulate in the pit shall be drained off or pumped off.

B. Elevator pits shall not be used for storage space. (Code 1985 § 46-147; Code 1967 § 49-127)

Sec. 14-16-78 Buffers.

A. Generally. All buffers shall be maintained in an upright position and directly under the bumper striker plates affixed to the car or counterweights. The pit striker plate shall be kept centered under the buffer in cases where the inverted buffer is attached to the counterweight.

B. Oil Buffers. Oil buffers shall be kept continuously filled with oil to the level indicated on the reservoir.

C. Required Oil. Whenever oil is added, oils equivalent to those recommended by the buffer manufacturer for use in the buffer shall be used.

D. Required Buffers. Where elevator pits are not equipped with bumpers and where the depth of the pit will permit, spring bumpers with tops at least twelve (12) inches above the bottom of the pit when compressed, shall be installed in the elevator pit.

Exception: hydraulic plunger elevators, platform elevators, sidewalk elevators, hand elevators, and all elevators with a car speed of fifty (50) feet per minute or less. (Code 1985 § 46-148; Code 1967 § 49-128)

Sec. 14-16-79 Hoistway doors or gates for power passenger elevators.

A. Automatic Fire Door. No automatic fire door shall lock any landing opening in the shaftway enclosure from the shaftway side nor any exit leading from any hoistway landing to the outside of the building.

B. Landing Opening. Landing openings in a required fire-resistant hoistway shall be protected by solid horizontally sliding, swinging or combination sliding and swing doors.

C. Maximum Clearance Hoistway Door to Threshold. For automatic operation elevators the distance between the hoistway side of the hoistway door or gate and the edge of the landing threshold should be not more than two and one-half inches. The shaftway face of each shaftway door wherein the above measurement is exceeded shall be furred out to within one-half-inch of the edge of the landing threshold or provided with equivalent protection to prevent an adult or child from standing in the space between the closed hoistway door or gate and the elevator car door or gate. (See also Section 14-16-96(E))

In a nonfire-resistant hoistway, the hoistway openings shall be protected by doors, as heretofore specified or by

horizontally swinging gates which will reject a two inch ball.

Doors and gates shall guard the full width and height of the landing openings.

Exception: scissors or pantograph gates, which reject a three-inch ball when closed, may be used at basement landing openings nonfire-resistant hoistways.

D. Hoistway Doors Over One Hundred Feet Per Minute. Hoistway doors or gates for power passenger elevators operated in excess of one hundred (100) feet per minute shall be provided with door interlocks which conform to Section 14-16-82. In addition, the hoistway doors of all hydraulic passenger elevators shall be provided with a door closer or the elevator shall be equipped with devices which will compensate for the creeping of the car away from the landing opening while the hoistway doors or gates are opened. Lever or wheel operated power elevators shall not be permitted to have mechanic interlocks for the hoistway doors or gates where the interlocks are of a type which may mechanically lock the operating device in the run position.

E. Hoistway Doors Under One Hundred Feet Per Minute. Hoistway doors or gates for power passenger elevators operated at one hundred (100) feet per minute or less shall have interlocks which conform with Section 14-16-82, except that on such elevators existing contacts and mechanical locks which conform with Section 14-16-83, may be continued in service until either their replacement or renewal is required or else the elevator is altered.

F. Hoistway Doors Locked Out of Service. Hoistway doors or gates shall be arranged to be opened by hand from the shaftway side, except when locked out of service. Main exit and bottom terminal hoistway doors or gates shall not be locked out of service while the elevator is in operation.

G. Manual or Mechanical Locks. Where hoistway door or gate interlocks on mechanical locks are:

1. Manually unlocked, these locking devices shall be arranged to prevent the opening of the hoistway doors or gates from the landing side except as provided in Section 14-16-89.

2. Mechanically or electrically unlocked, the locking devices shall be arranged to prevent the opening of the hoistway doors or gates from the landing side unless the car is within the landing zone, except as provided in Section 14-16-89.

H. Power Hoistway Doors. Power closed hoistway doors or gates in elevators employing a type of operation which does not require an operation in the car shall be driven by a mechanism so designed and set that the force necessary to prevent the closing of the door or gate shall not exceed thirty (30) pounds and further, that the hoistway door or gate, plus the car door or gate, plus all parts rigidly connected thereto, shall not develop a kinetic energy in excess of seven foot pounds, computed for the average closing speed or shall be provided with other suitable protecting measures.

I. Hoistway Door Vision Panels. Hoistway doors provided with vision panels shall have the openings protected with clear wire glass in cases where the hoistway is of fire-resistant construction, and in all other cases with either clear wire glass or may be protected by wire grille screens of not less than number thirteen (13) steel wire gauge or metal gratings of equivalent strength which are designed to reject a two-inch ball. (Code 1985 § 46-149; Code 1967 § 49-129)

Sec. 14-16-80 Hoistway doors and gates for freight elevators.

A. Generally. Each landing opening in a freight elevator hoistway shall be continuously equipped with a properly working door or gate.

Where fire-resistant hoistways are required by local laws and ordinances, the landing door shall be either:

1. Automatic fire doors which are kept normally open, but which are closed automatically by the action of heat, provided hoistway gates equipped with locking devices meeting the requirements of Section 14-16-86, are installed in addition to the doors; or

2. Nonautomatic fire doors without hoistway gates, provided the doors are provided with locking devices meeting the requirements of Section 14-16-86(A) or (B).

Exception: the upper landing of sidewalk elevators.

B. Maximum Opening of Gate. Hoistway gates made of grille, lattice or other openwork shall be designed to reject a ball two inches in diameter.

C. Maximum Clearance from Hoistway Door to Threshold. Hoistway doors and gates shall be located within four inches of the edge of the landing threshold.

Exceptions:

1. Elevators provided with car gates equipped as required by Section 14-16-97;

2. Top landing doors or gates;

3. Hand elevators.

D. Guides. Hoistway doors and gates of the sliding type shall operate in guides or rails.

E. Width and Height of Doors. Hoistway doors should guard the full width and height of the landing opening.

F. Minimum Size of Gates. Hoistway gates shall guard the full width of the landing opening and shall extend from within two inches of the landing threshold to a

height of not less than five feet six inches above the threshold.

Exceptions:

1. The top landing gates, where the head room makes it impractical to install gates five feet six inches high, may extend from within two inches of the landing threshold to a height of not less than forty-two (42) inches above the threshold if set back at least twelve (12) inches from the threshold.

2. Landing openings of freight elevators may be equipped with gates which extend from within two inches of the landing threshold to a height of at least forty-two (42) inches if set back at least twelve (12) inches from the edge of the threshold or shall be guarded as specified in Rule 124 of the Elevator Safety Code.

3. The bottom landing of hand sidewalk elevators may be equipped with single bar gates forty-two (42) inches high if set back at least twelve (12) inches from the edge of the landing threshold.

G. Self-Closing Gates. Manually opened self-closing gates shall be of the vertically sliding type only and shall be permitted only on power elevators which can be operated from the car only and on hand-power elevators.

H. Full Automatic Gates. Full automatic gates shall be permitted only at terminal landings on power freight elevators which can be operated only from the car and which have a capacity speed not in excess of one hundred (100) feet per minute and at all landings of power freight elevators which can be operated only from the car and which have a capacity speed not in excess of one hundred (100) feet per minute and used primarily for carrying automobiles and on hand elevators.

Exception: existing full automatic gates on freight elevators which can be operated only from the car and having a capacity speed not exceeding one hundred (100) feet per minute may be retained in use at all landings provided that such gates shall, when renewed or replaced, be subject to the restrictions provided in this subsection.

I. Closing Automatic Gates. Full automatic gates shall not be closed by the direct mechanical action of the car, but may be retarded, while closing, by the car.

J. Vision Panel Requirements. Hoistway doors provided with vision panels shall have the openings protected with clear wire glass in cases where the hoistway is of fire-resistant construction and in all other cases with either clear wire glass or may be protected by wire grille screens of not less than number thirteen (13) steel wire gauge or metal gratings of equivalent strength which are designated to reject a two-inch ball. (Code 1985 § 46-150; Code 1967 § 49-130)

Sec. 14-16-81 Hoistway doors or gates for hand-power passenger elevators.

A. Generally. Hoistway doors or gates for hand-power passenger elevators shall meet the requirements of Section 14-16-80.

B. Sign. The word "Elevator" shall be conspicuously displayed on the landing side of the doors if they are not equipped with interlocks.

C. Interlocks. Hoistway doors for hand-power passenger elevators shall be equipped with interlocks unless:

1. Hoistway gates which close when the car leaves the landing are installed in addition to the hoistway doors; or

2. The hoistway doors are made in two parts, one above the other, the lower part extending approximately thirty (30) inches above the floor and arranged to be opened only after the upper part has been opened and which will be closed by the closing of the upper part; or

3. The hoistway doors are equipped with two spring locks or latches, one located not less than six feet above the door. (Code 1985 § 46-151; Code 1967 § 49-131)

Sec. 14-16-82 Hoistway door or gate interlocks.

A. Recognized Systems. This chapter recognizes two systems of hoistway door or gate interlocks:

1. The door unit system in which the interlock is arranged to prevent the operation of the elevator machine by the operating device, in a direction to move the car away from the landing, unless the hoistway door or gate at that landing at which the car is stopping or is at rest, is locked in closed position;

2. The hoistway unit system, in which the interlocks are arranged to prevent the operation of the elevator machine by the operating device unless all doors or gates are locked in closed position.

With either of the above systems, the interlocks shall prevent the opening of the hoistway doors from the landing side, except as permitted by Section 14-16-89, unless the car is at rest within the landing zone or coasting through the landing zone with its operating device in the stop position.

Exception: the interlock shall not prevent the operation of the car by the operating device with the hoistway door or gate open when the emergency release is in temporary use, nor when the car is being moved within the leveling zone by a car leveling device.

Note: no electrically released, gravity or spring applied rope gripper or lock to prevent the movement of the operating rope or rod shall be recognized as a component device in any interlock system, except where the elevator may be operated only from the car and when the operating

devices are inaccessible from the landing side of the hoistway doors or gates when the same are in the closed position.

B. Door System. The door unit system may be used only where there is a regular operator on the car and where the car can be operated only from inside the car.

C. Manual Hoistway Doors. Power operated elevators where the hoistway doors are not equipped with a door closer and/or no operator is required on the car shall have hoistway doors considered in the closed position only when the door is within three-eighths inch of the lock jamb (or the edge of the opposite door in cases where bi-parting doors are used).

D. Power Closed Hoistway Door. For power elevators which are operated only from the car: hoistway doors equipped with door closers shall be considered closed (and the car may be started) when the door is within four inches of the lock jamb (or the face of the opposite door in cases where bi-parting doors are used), if from this position and any other up to the fully closed position, as defined in subsection C of this section, the door (or doors, if bi-parting) cannot be opened from the landing side to create a door opening more than four inches wide, provided that the door closer will eventually close the door (or doors, if bi-parting) as defined in subsection C of this section.

E. Functioning of Interlocks. The interlocks for the hoistway doors shall function so that the doors shall be in the closed position as defined in subsection C or D of this section, before the car may be operated by the operating device to move the car away from the landing except as provided in subsection H of this section.

F. Contacts. Interlock contacts shall be positively opened and the functioning of the interlock to prevent the movement of the car by the operating devices shall not be solely dependent on the action of a spring or springs, nor gravity, nor upon the closing of an electric circuit. If an electric circuit is used its interruption shall prevent the movement of the car by the operating devices.

G. Interlocks Inaccessible. Interlocks shall be so located as to be normally inaccessible from the landing side of the closed hoistway doors or gates.

H. Hoistway Interlocks Minimum of One Hundred Feet Per Minute. Hoistway doors or gates for power elevators with a contact speed not in excess of one hundred (100) feet per minute may have the interlock service arranged to permit the car to be operated away from. the landing a distance of not over twelve (12) inches before the locking operation takes place, provided the following requirements are met:

1. If the locking operation fails to take place as specified, further movement of the car will open the operating circuit;

2. The car cannot be started by the operating devices until the hoistway door is closed;

3. The car platform is equipped with a substantial vertical face flush with its outer edge and extending at least twelve (12) inches below the car platform.

I. Existing Power Hoistway Doors. On existing power opened and/or closed hoistway doors equipped with door closers and interlocks which do not meet the requirements of subsection D of this section, hoistway doors shall be considered in the closed position and the car may be started only when the door is within three-quarters inch of the lock jamb (or the edge of the opposite door, if bi-parting doors), provided that the closer will eventually close the door (or doors, if bi-parting) as defined in subsection C of this section.

Note: no new application which conforms with subsection I of this section will be allowed. (Code 1985 § 46-152; Code 1967 § 49-132)

Sec. 14-16-83 Hoistway door or gate electric contacts and mechanical locks.

A. Recognized Systems. This chapter recognizes two systems of hoistway door or gate electric contacts:

1. The door unit system, in which the contact is arranged to prevent the operation of the car by the operating devices unless the hoistway door or gate at which the car is standing is closed in position to be locked;

2. The hoistway unit system, in which the contacts are arranged to prevent the operation of the car by the operating devices unless all the hoistway doors or gates are closed in position to be locked.

Exception: the opening of the contact shall not prevent the operation of the car by the operating device when the emergency release is in temporary use, nor when the car is being moved within the leveling zone by a car-leveling device.

Note: no electrically released gravity or spring applied rope gripper or lock to prevent the movement of the operating rope or rod shall be recognized as a component device in any hoistway door or gate electric contact system, except where the elevator may be operated only for the car and when the operating devices are inaccessible from the landing side of the hoistway doors or gates when the same are in the closed position.

B. Door Unit System. The door unit system may be used only when there is a regular operator on the car and where the car can be operated only from inside the car.

C. Sliding Hoistway Doors. Sliding hoistway doors or gates provided with contacts and mechanical locks shall be considered in the closed position when within two inches of full closure (and the car may be started), provided the mechanical locks are equipped with double hook or multiple hook latches which are arranged to prevent opening the doors or gates more than two inches after the car has left the landing zone.

Note: mechanical locks which are not provided with the double hook or multiple hook latches are acceptable only if they are of a type that have the hoistway door or gate locked in the closed position before the contact circuit is closed.

D. Swinging or Combination Hoistway Doors. Swinging or combination slide and swing hoistway doors or gates provided with contacts and mechanical locks shall be considered in the closed position when within one inch of full closure (and the car may be started), provided the mechanical locks are equipped with double or multiple hook latches which are arranged to prevent opening the hoistway doors or gates more than one inch after the car has left the landing zone.

E. Design of Hoistway Electric Contacts. Hoistway door or gate electric contacts shall be designed so that they are positively opened by the locking bar, or by a level, or by some other device attached to and operated by the door or gate. The functioning of a hoistway door or gate electric contact to prevent the movement of the car by the operating devices shall not be dependent solely on the action of a spring or springs, nor solely on gravity, nor shall it be dependent on the closing of an electric circuit. If springs are used, they shall be in compression. The interruption of the electric circuit shall prevent the movement of the car by the operating devices.

F. Inaccessible Contacts and Locks. Contacts and mechanical locks shall be so located as to be normally inaccessible from the landing side of the closed hoistway doors or gates.

G. Mechanical Locks for Hoistway Doors. Mechanical locks shall prevent the opening of the hoistway doors or gates from the landing side unless the car is within the landing zone, except as permitted by subsections C and D of this section and except by emergency keys, if provided, as permitted by Section 14-16-89. (Code 1985 § 46-153; Code 1967 § 49-133)

Sec. 14-16-84 Mechanical locks (car-operated or hand-operated).

A. Mechanical locks shall be constructed with double hook or multiple hook latches.

Exceptions:

1. Mechanical locks which are constructed as defined in the note under Section 14-16-83(C);

2. Mechanical locks for gravity closed gates may have single hook latches.

B. Mechanical locks shall be so located or so guarded as to be normally inaccessible from the landing side of the closed hoistway door or gate.

C. Mechanical locks shall meet the requirements of Section 14-16-83(G). (Code 1985 § 46-154; Code 1967 § 49-134)

Sec. 14-16-85 Emergency releases.

Emergency releases are not required, but where provided shall meet the following requirements:

A. They shall be equipped with a break-glass cover and a means for breaking the glass.

B. They shall be equipped with continuous pressure type buttons or switches.

C. They shall not function when the car can be moved by operating devices located at the landing. (Code 1985 § 46-155; Code 1967 § 49-135)

Sec. 14-16-86 Freight elevator hoistway door or gate locking devices.

A. Locking Devices for Automatic, CPPB. For automatic or continuous pressure operation, electric or electro-hydraulic elevators, locking devices shall meet the following requirements:

1. Vertical sliding hoistway doors or gates:

a. If the capacity speed is in excess of one hundred fifty (150) feet per minute shall be equipped with interlocks which conform to Section 14-16-82(A)(2).

b. If the capacity speed is not in excess of one hundred fifty (150) feet per minute shall be equipped with interlocks which conform to Section 820(A)(2) or with hoistway door electric contacts and mechanical locks which conform to Section 14-16-83(A)(2).

2. Horizontal slide or swing or combination slide and swing hoistway doors or gates shall be equipped with interlocks which conform to Section 14-16-82(a)(2).

Exception: where the capacity speed is not in excess of one hundred (100) feet per minute existing contacts and mechanical locks (provided same conform to Section 14-16-83(a)(2)), may be continued in service until such time as their renewal or replacement is required or until the elevator is altered.

B. Interlock Requirements for Manual or Power Hoistway Doors. For power elevators which are operated only from the car, manually or power operated hoistway doors or gates shall be equipped with interlocks which

meet the requirements of Section 14-16-82, or shall be equipped with electric contacts and mechanical locks which meet the requirements of Section 14-16-83.

C. Mechanical Locks for Self-Closing and Fully Automatic Hoistway Gates. For power elevators operated only from the car and for hand elevators, manually opened, self-closing and fully automatic vertically sliding hoistway gates shall be equipped with mechanical locks which meet the requirements of Section 14-16-84. (Code 1985 § 46-156; Code 1967 § 49-136)

Sec. 14-16-87 Gate or door counterweights.

A. All gate or door counterweights shall operate in guides or boxes from which they cannot be dislodged.

B. The bottoms of all guides or boxes shall be constructed to retain the counterweight if the counterweight means of suspension breaks. Car door or gate counterweight guides shall be guarded on their car enclosure side. (Code 1985 § 46-157; Code 1967 § 49-137)

Sec. 14-16-88 Landing threshold for passenger and freight elevators.

A. Maintenance. Landing thresholds and ramps leading to landing thresholds shall be maintained so that persons will not readily slip or trip thereon.

B. Tracks. All tracks on a landing threshold shall have the tops of the rails substantially flush with the landing threshold.

C. Landing Lighting. Landings shall be properly illuminated. (Code 1985 § 46-158; Code 1967 § 49-138)

Sec. 14-16-89 Service and emergency keys for hoistway doors or gates.

Service and emergency keys are not required, but where provided they shall meet the following requirements:

A. Service keys shall be given only to authorized persons and may open any or all the hoistway doors or gates only when the car is within the landing zone of the door which is arranged to be opened by the service key.

B. Emergency keys shall be kept in a break-glass case adjacent to the elevator opening nearest to the main entrance to the building or shall be kept by the superintendent or person in charge of the building in a location where they are not accessible to unauthorized persons.

C. Emergency keys shall be of a type not readily duplicated and may open any hoistway doors or gates which are arranged to be opened by the emergency key regardless of the position of the car in the hoistway. (Code 1985 § 46-159; Code 1967 § 49-139)

Sec. 14-16-90 Car slings and platform frames.

A. Elevator car slings shall be rectangular and platform frames shall be substantially level.

B. All power elevators shall have steel car frames and outside platform frames of steel.

Exceptions:

1. Elevators having their hoist ropes attached at or below the car platform may have wood frames and wood outside platform frames if a steel suspension beam of approved size, to which the hoist ropes are attached, is installed below the platform.

2. Existing wood car frames and platforms with wood outside frames having the hoist ropes attached to the car crosshead may be retained in use provided a steel beam of approved size is installed under the car platform extending the full width of the car and secured by "U" bolts or other approved means passing over the top of the crossheads or are provided with steel tierods of an approved size extending continuously over the top of the crosshead and bolted underneath the side members of the car platform or unless other approved means are provided to prevent separation of the platform from the crosshead.

3. When existing wood car frames and platforms are replaced or removed, the new car frames and the outside platform frames shall be of steel.

4. Platform elevators having a rise of fifteen (15) feet or less. (Code 1985 § 46-160; Code 1967 § 49-140)

Sec. 14-16-91 Car floors.

A. Elevator car floors shall be maintained so that persons will not readily slip or trip thereon.

B. Where tracks are located on an elevator car floor the tops of the rails shall be substantially flush with the general surface of the car floor. (Code 1985 § 46-161; Code 1967 § 49-141)

Sec. 14-16-92 Power elevator car sides.

A. Generally. Elevator car sides of solid or openwork, wood or metal construction shall be provided on all sides of passenger or freight power elevators which are not used for loading or unloading except sidewalk and platform elevators. If of openwork construction, openings should be designed to reject a two-inch ball, unless the enclosure is located within, one inch of the hoistway wall or the counterweight, in which case the enclosure shall be protected by a mesh which should reject a one-half-inch ball.

B. Height. Power freight elevator car enclosures should extend to a height of not less than six feet above the car floor and in no case shall they be less than sixty-six (66) inches high. All power passenger elevator car enclo-

sures shall extend from the car floor to the car top. That portion of the car enclosure which is in front of the counterweight shall extend to the car top or to the top of the crosshead where no car top is provided. (Code 1985 § 46-162; Code 1967 § 49-142)

Sec. 14-16-93 Power elevator car tops.

Power passenger elevators shall be equipped with a solid or openwork car top which will reject a one and one-half-inch ball. Car tops shall be constructed to sustain a load of not less than one hundred fifty (150) pounds applied at any place on the car top. (Code 1985 § 46-163; Code 1967 § 49-143)

Sec. 14-16-94 Power operated sidewalk elevator tops.

Power operated sidewalk elevators shall be provided with either flat metal tops of metal frames or arched metal bows of sufficient strength to open the hatch covers, or be provided with a device that will stop the car before a person riding on the car platform could be injured, if the hatch cover is not in the open position when the car is operated in the up direction. (Code 1985 § 46-164; Code 1967 § 49-144)

Sec. 14-16-95 Cars to have only one compartment.

Elevator cars shall not have more than one compartment. (Code 1985 § 46-165; Code 1967 § 49-145)

Sec. 14-16-96 Car doors or gates for power passenger elevators.

A. Requirements when Provided with Electric Contacts. Car doors or gates provided with car door or gate electric contacts shall protect each entrance of a power passenger elevator car, shall be arranged to guard the full width of the opening and shall extend from within two inches of, and up to a height of not less than six feet above the car platform flooring.

B. Scissor or Pantograph Gate. Car gates of the scissors or pantograph type on automatic operation elevators shall not be opened under power for spice in excess of nine inches from the full closure position.

C. Driving Mechanism When Operator Not Used. Power closed car doors or gates, in elevators employing a type of operation which does not require a operator in the car, shall be driven by a mechanism designed and set that the force necessary to prevent the closing of the door or gate shall not exceed thirty (30) pounds and further, that the car door or gate, plus the hoistway door or gate, plus all parts rigid connected thereto shall not develop a kinetic energy in excess of seven foot pounds computed the average closing speed, or shall be provided with other suitable protecting measures.

D. Relationship to Hoistway Doors. For automatic operation passenger elevators having power closed or automatically released self-closing car doors or gates, and manually closed or self-closing hoistway doors, the closing of the car door or gate shall be prevented unless the hoistway door is closed in a position to be locked.

E. Maximum Clearance from Car Gate to Hoistway Gate for Automatic of CPPB. For automatic operation or continuous pressure operation, the minimum clearance space between the car doors or gates and the hoistway doors or gates shall not exceed five and one-half inches. Where this distance is exceeded the hoistway doors or gates shall be altered to comply with Section 14-16-79(C).

F. New or Replaced Gates. Where existing car gates are replaced or new gates installed, the gates shall be constructed to reject a three-inch ball.

G. Sliding Doors. Sliding car doors may be solid, may be provided with open grille or bars which should be designed to reject a two-inch ball or may be provided with glass or open grille vision panels. Grilles, bars or vision panels may extend the full height of the car door panel. Clear wire or laminated glass shall be used for glass vision panel replacements. (Code 1985 § 46-166; Code 1967 § 49-146)

Sec. 14-16-97 Car doors or gates for power freight elevators.

A. Generally. A car door or gate provided with a car door or gate electric contact shall be provided at each entrance to a power freight elevator where the construction does not comply with any of the following:

1. Section 14-16-67(D) or (E);
2. Section 14-16-68(D), (F) and (G);
3. Section 14-16-80(C);
4. Section 14-16-104(C).

Car doors or gates equipped with car doors or gate electric contacts shall be provided at each entrance to power elevators having automatic operation.

B. Self-Closing Mechanically Locked Gate. A self-closing mechanically locked car gate or door may be provided to guard the opening in the elevator car adjacent to the side of a hoistway which has but one landing opening; provided that, the elevator machine is not equipped with an electrically released brake and that the car speed is seventy-five (75) feet per minute or less.

C. Horizontal or Vertical Sliding Gates. Car doors or gates for power freight elevators shall be of the horizontally or vertically sliding type, shall guard the full width of

the car opening and should extend from within two inches of and up to six feet above the car platform flooring.

D. Collapsible Gates. Collapsible car gates for power freight elevators should be designed to reject a four and one-half-inch ball when the gate is fully closed.

E. Sliding Doors. Sliding car doors may be solid, or may be provided with open grille or bars which should be designed to reject a two-inch ball or may be provided with glass or grille vision panels. Grilles, bars or vision panels may extend the full height of the door panel. Clear wire or laminated glass shall be used for glass vision panel replacements.

F. Replacing or Installing Gates. Where new car gates are installed or existing gates replaced, they shall comply with the dimensions specified in subsections C and D of this section. (Code 1985 § 46-167; Code 1967 § 49-147)

Sec. 14-16-98 Car door or gate electric contacts.

A. Arrangement. Car door or gate electric contacts shall be arranged to prevent the starting of the car by the operating device unless the car door or gate is within two inches of full closure.

Exceptions:

1. The contact when the car door or gate is opened shall not prevent the starting of the car by the operating device if the emergency release is in temporary use, nor prevent the movement of the car within the leveling zone by the car leveling device.

2. Automatic operation elevators may be operated with an open car gate if there is no passenger in the car, provided the elevator car is equipped with a floating platform and all safety requirements for this type of control and construction are complied with. See Section 14-16-109(I).

3. In cases where both the car door or gate is equipped with a closer, and the hoistway door or gate is equipped with a door closer complying with Section 14-16-82(D), and the elevator is operated only from the car, the contact may permit the starting of the elevator by the operating device when the car door or gate is within four inches of full closure.

B. Functioning. Car door or gate electric contacts shall be positively opened and the functioning of the contact to prevent the starting of the car shall not be solely dependent upon the action of a spring or springs, nor upon gravity, nor upon the closing of an electric circuit. If an electric circuit is used its interruption shall prevent the starting of the car by the operating devices.

C. When Prohibited. Car door or gate electric contacts shall not be permitted on power elevators equipped with machines with mechanically released brakes.

D. Rope Gripper or Lock. No electrically released, gravity or spring applied rope gripper or lock to prevent the movement of the operating rope or rod shall be recognized as a component device in any car or gate electric contact system, except where the elevator may be operated only from the car and when the operating devices are inaccessible from the landing side of the hoistway doors or gates when the same are in the closed position. (Code 1985 § 46-168; Code 1967 § 49-148)

Sec. 14-16-99 Car emergency exits.

A. Required. Each elevator car equipped with a top shall be provided with either a car top or car side emergency exit.

B. Dimension for Top Exits. Top emergency exit openings, where provided, should be not less than fourteen (14) inches by twenty-two (22) inches. Where new exit openings are installed, they shall, where space conditions permit, conform to the dimensions specified.

C. Opening Top Exits. Top emergency exit covers, where provided, shall be arranged so that the exit covers may be opened by hand from either the inside or the top side of the car.

D. Opening Side Exits. Side emergency exit panels, where provided, shall open inwardly and shall be arranged to be opened by hand from either the inside or the outside of the car or may be equipped with lock and removable key which shall be kept either in the car or in the emergency hoistway door key case at all times, and also with the lock arranged to be opened by hand from the outside of the car.

E. Electric Contacts on Side Exits. Side emergency exit panels, where provided, on automatic or continuous-pressure operated elevators, shall be provided with electric contacts which shall be arranged to prevent the operation of the car by the operating devices when the exit panel is open.

F. Dimension for Side Exits. Side emergency exit openings, where provided, should be not less than sixteen (16) inches wide and no fixed obstruction in the hoistway which blocks up the opening shall be permitted. Where new exit openings are installed, they shall conform to the dimensions specified where space conditions permit. (Code 1985 § 46-169; Code 1967 § 49-149)

Sec. 14-16-100 Car lighting.

A. Elevator cars shall be adequately illuminated at all times when in use.

B. Elevator car lighting or hoisting lighting circuit switches shall be located on the car, in the hoistway or adjacent to the hoistway. (Code 1985 § 46-170; Code 1967 § 49-150)

Sec. 14-16-101 Glass in cars.

No piece of glass, unless laminated or otherwise shatterproof should exceed one square foot in area when located in the cab of the car. (Code 1985 § 46-171; Code 1967 § 49-151)

Sec. 14-16-102 Aprons for cars equipped with car-leveling devices.

A. Each elevator car equipped with car-leveling devices that operate the car when the hoistway doors or gates are open shall have the car platform provided with a substantial vertical face, flush with the edge of the car platform adjacent to the hoistway opening and extending a sufficient distance below the car platform so that no horizontal opening in the hoistway occurs when the car may be moved by the car-leveling devices.

B. Elevator cars equipped with inching or teaser devices that operate the car when the hoistway doors or gates are open shall have the car platform provided with a vertical face as defined in subsection A of this section. (Code 1985 § 46-172; Code 1967 § 49-152)

Sec. 14-16-103 Adjusting and renewing guide shoes.

When guide shoes are sufficiently worn so as to cause any material reduction in the clearances mentioned in Section 14-16-104(A), (B) and (D), the guide shoes shall be adjusted or rebabbitted or renewed depending upon the type of guide shoes furnished. (Code 1985 § 46-173; Code 1967 § 49-153)

Sec. 14-16-104 Clearances between cars, counterweights and shaftways.

A. Between Car and Hoistway Car and Counterweight. There shall be maintained a clearance of not less than one-half-inch between the sides of the car and the shaftway enclosure and not less than one-half-inch clearance between the car and its counterweights.

B. Between Car and Landing Threshold. There shall be maintained a clearance of not less than one-half-inch between car platforms and landing thresholds for elevators using steel guide rails with side post construction, and three-fourths inch for elevators with wood guide rails or corner post construction. This clearance shall be maintained so as not to exceed one and one-half inches.

C. Between Hoistway and Open Edge of Car. The clearance between the shaftway enclosure and the open edges of the car platform should not exceed five inches, except where the hoistway doors are installed wholly within the hoistway; in which case the maximum clearance should not exceed seven and one-half inches. Car doors or gates equipped as required in Section 14-16-97, shall be installed where this above clearance exceeds five and one-half inches.

D. Between Two Cars. If two or more adjacent cars are operated in the same shaftway the horizontal clearance between cars should not be less than two inches.

E. Overhead Clearances.

1. The distance between the top of the elevator car sling and any obstruction directly above it when the car floor is level with the top landing shall be equal to or be greater than the sum of the following:

a. The distance between the counterweight and its buffer;

b. The maximum stroke of the counterweight buffer;

c. Six inches.

2. The distance between the top of the counterweight and any obstruction directly above it when the car floor is level with the top landing shall be equal to or greater than the sum of the following:

a. The distance between the top of the buffer and its striker plate on the car;

b. The maximum stroke of the car buffer;

c. Six inches.

3. For cars traveling faster than two hundred fifty (250) feet per minute add this item to each of the above sums: one-half of the stroke of the buffer used.

Note: this item may be omitted if provision is made to eliminate the jump of the car or counterweight, if its top clearance is being considered, at buffer engagement.

F. Reducing Overhead Clearance. No structure or apparatus shall be installed either on the top of the car, or extending upwards above the top of the car, or extending downwards from the top of the hoistway which would reduce the over-travel clearances; unless prior to installation an investigation is made and permission is given by the department of labor, supervising inspector.

G. Compressed Counterweight Buffer. When the counterweight is resting on its fully compressed bumper, no equipment attached to the elevator car or car frame shall strike the overhead construction. (Code 1985 § 46-174; Code 1967 § 49-154)

Sec. 14-16-105 Signal systems generally.

Each power freight or passenger elevator or each grouping of elevators shall be provided with a signal system by means of which signals can be given from any landing whenever an elevator is desired at that landing.

Exceptions:

A. Signal-operation elevators;

B. Automatic-operation elevators;

C. Continuous-pressure-operation elevators;

D. Power elevators which are scheduled to stop at each floor. (Code 1985 § 46-175; Code 1967 § 49-155)

Sec. 14-16-106 Emergency signal.

Each automatic operation or continuous-pressure-operation elevator shall be equipped with either an emergency signal that can be operated from within the car and which is clearly audible outside the hoistway or shall be equipped with a telephone located in the car and connected to a central exchange or to a private exchange which is continuously attended. (Code 1985 § 46-176; Code 1967 § 49-156)

Sec. 14-16-107 Platform elevators.

A. No platform elevator shall be used for passenger service.

B. No platform elevator with a travel in excess of fifteen (15) feet shall be permitted unless it complies with all the requirements of the freight elevator. (Code 1985 § 46-177; Code 1967 § 49-157)

Sec. 14-16-108 Car and counterweight safeties and speed governors.

A. Car Safeties. Each elevator suspended by cables shall be equipped with a mechanically applied car safety (or safeties), which should be attached below the car floor and capable of stopping and sustaining the car together with its contract load.

Exceptions:

1. Power freight-elevators and all platform elevators with a total rise not exceeding fifteen (15) feet;

2. Hand freight-elevators with a total rise not exceeding thirty (30) feet;

3. Sidewalk elevators with a total rise not exceeding thirty (30) feet.

B. Governor for Power Freight Elevators. All power freight elevator cars where the capacity-speed is in excess of one hundred (100) feet per minute shall have the car safeties in conformity with subsection D of this section applied by speed governor devices.

Exception: rope geared hydraulic elevators.

C. Broken Rope Safeties. All power freight elevator cars with a capacity speed not in excess of one hundred (100) feet per minute and all hand-power elevator cars, subject to the requirements of subsection A of this section, may be equipped with broken rope type car safeties located either in the safety-plank beneath the car platform or in the crosshead of the car sling or on the stiles of the car sling.

When new car safeties are installed or existing car safeties replaced, they shall, subject to the requirement of subsection A of this section, be applied by speed governors.

Exception: existing broken-rope instantaneous type car safeties on rope geared hydraulic elevators may be retained in operation without governors irrespective of the car speed.

D. Accessible Safeties. Four types of safeties are acceptable:

1. Type I (Instantaneous) which shall be limited to a capacity speed not in excess of one hundred fifty (150) feet per minute, except as provided in subsection C of this section;

2. Type W.C. (Wedge Clamp) with constant retarding force;

3. Type G.W.C. (Gradual Wedge Clamp) with gradual increasing retarding force;

4. Type F.G.C (Flexible Guide Clamp) with constant retarding force.

E. Pawl Type Safeties. Pawl type safeties applying to a rack guide are permitted only on hand freight-elevators and only on power freight-elevators where the capacity-speed is not in excess of fifty (50) feet per minute, where also the capacity is not in excess of two thousand (2,000) pounds; and where also, no person other than the operator is permitted to ride.

F. Lubrication for Safeties. Car safeties shall be kept well lubricated and operating freely.

G. Adjustment of Car Safeties. Car safeties shall be adjusted to work together and the application of the safeties shall not cause the car platform to become out of level more than one-half-inch per foot measured in any direction.

H. Setting of Governors. Speed governors shall be set to apply either at not less than fifteen (15) percent over the capacity speed or at not more than forty (40) percent over capacity speed except that no speed governor shall be required to be set to apply at less than one hundred seventy-five (175) feet per minute.

I. Releasing Car Safeties. Car safeties may be arranged to release by raising the elevator car but when the car safeties are applied no decrease in the tension of the governor cable or motion of the car in the descending direction shall release the car safeties.

J. Governor Location. Governors shall be located where their full movement is unobstructed and nothing shall be stored or permitted to remain near the governors which might interfere with their operation.

K. Testing Car Safety and Governor. Every car safety and its speed governor shall be tested in accordance with the requirements of the ASA Safety Code for Elevators.

L. Repainting Governors and Safeties. No speed governor and no car safety shall be repainted unless they are retested as required by subsection K of this section. (Code 1985 § 46-178; Code 1967 § 49-158)

Sec. 14-16-109 Operation and control.

A. Operating Devices Accessible for Hoistway. Power elevators operated by ropes, cables, rods or any other devices which are accessible from the outside of the hoistway shall either:

1. Have these operating devices made inaccessible from the outside of the hoistway; or

2. Be equipped with all automatic operation equipment and operating device safeguards required by subsection (I)(2) of this section.

B. Wheel or Lever Operating Devices. Wheel or lever operating devices shall be provided with up and down position indicators on the operating device.

C. Hand-Rope Cable Sheave Guard. Sheaves for hand-rope cables shall be equipped with guards to prevent the ropes from leaving the sheaves or the hand-rope cable tension shall be automatically maintained.

Overhead tension weights for hand-ropes shall be secured by cables or chains fastened to the weights and to a suitable anchorage. Hand-rope cables shall be kept smooth, clean, free of oil or grease and without projecting wires.

D. Car Switch Operating Device. All operating devices of car switch operating elevators shall automatically return to the stop position when pressure is released.

E. More than One Operating System. Elevators equipped with more than one operating system shall have the operating systems interlocked to allow the use of only one operating system at a time.

Exception: automatic operation elevators.

F. Emergency Stop Switch. Electro-hydraulic and electric elevators which have an elevator machine provided with an electrically released brake shall be provided with an emergency stop switch in the car and this switch should be of a type in which the contacts are mechanically opened and not solely spring opened.

Exceptions:

1. Automatic operation elevators equipped with a stop button so marked, in the car;

2. Sidewalk or platform elevators.

G. Defective Contacts. Contacts which are badly pitted, burned, cracked or broken or which indicate a condition leading to possible fusing together of the contacts shall be renewed.

H. Circuit Breaker Connected to Fire Alarm System. No circuit breaker operated automatically by a fire alarm system shall interrupt the operating circuit of a passenger elevator.

I. Automatic Operation Elevator. Automatic operation elevators shall conform with the following:

1. If the car has started for a given landing, no impulse can be given to send the car in the reverse direction.

2. The car cannot be started by the operating devices unless the car door or gate is closed and is equipped with a contact as provided in Section 14-16-98(A) and all hoistway doors or gates are closed and are equipped with either interlocks or with contacts and car operated mechanical locks and as required by either Section 14-16-79(D) or (E) or Section 14-16-86(A).

Exception: floating platform construction may be used on passenger elevators to permit the car to be operated from the landing buttons with the car gate open and no passenger in the car, under the following conditions:

a. The entire side of the hoistway opposite a car opening, including the doors, sills, lintels and spandrels shall be substantially flush (within tolerance of one-quarter inch).

b. The operation of the car from the car buttons shall be prevented unless the platform is depressed and the car gate is closed.

c. A weight of thirty (30) pounds placed anywhere in the form shall cause it to function.

d. The platform shall be so constructed that there is no pocket or recess to catch refuse or dirt under the platform or no horizontal opening at the car sides where refuse or dirt may block the car platform in its depressed position.

e. The entire platform area within the car and the car threshold shall float.

f. There are no handrails in the car.

g. Hoistway door interlocks are provided as required by Section 14-16-82(A)(2).

J. C.P.P.B. Operation. Continuous-pressure operation shall not be used for elevators unless they are provided with all safety devices required for automatic operation.

K. Overload Circuit Breaker. If an overload circuit breaker is used for a direct-current elevator the opening of the motor circuit and the opening of the brake circuit shall occur simultaneously.

L. Centering Rope on Rope or Rod Operating Device. Each power elevator operated by a hand rope or rod operating device shall be provided with a centering rope which will insure the operating mechanism being placed in

the stop position when it is desired to stop the car, and the car shall be equipped with an operating rope car lock arranged to engage (at all landings) stop buttons on the operating rope or rod. The centering rope shall be so located as to be available to the operator for the full travel of the car.

Exceptions:

1. Electric elevators equipped with electrically released brakes and emergency stop switches in the car;

2. Electric elevators equipped with electrically released brakes and hoistway door or gate interlocks or electric contacts or with car door or gate electric contacts;

3. Sidewalk elevators.

M. Sequence Relay. Electric elevators equipped with electric brakes and operated by hand cables, levers or wheel operating devices, shall, if provided with car emergency switches, car door or gate electric contacts or hoistway door or gate interlocks or electric contacts, have the operating and control circuits so arranged that in the case of failure of power or the opening of the car or hoistway door or gate interlock or contact circuits of the opening of the car emergency switch while the car is running, it will be necessary to return the operating device to the off position before the car can again be started. (Code 1985 § 46-179; Code 1967 § 49-159)

Sec. 14-16-110 Disconnecting devices.

All new and relocated elevators shall be provided with a disconnecting means for automatic operation or continuous pressure operation elevators an all buildings exceeding fifty-five (55) feet in height as follows: there shall be provided in the elevator car or at the starter's station for each automatic operation elevator or continuous pressure operation elevator a means to disconnect the elevator from the landing operating devices. The means provided shall be accessible only to authorized persons. (Code 1985 § 46-180; Code 1967 § 49-160)

Chapter 14-20

TRAILERS AND TRAILER COURTS*

Article 1
General Provisions

Sections:

14-20-1	Definitions.
14-20-2	Trailer owners and occupants subject to city ordinances and rules.
14-20-3	Parking or storing trailers outside trailer court.
14-20-4	Rules and regulations of health department.
14-20-5	Conflicts between chapter and other ordinances and laws.
14-20-6	Violation of chapter, rules or regulations.

Article 2
Trailer Courts

14-20-7	Permit—Fee.
14-20-8	Approval of plans.
14-20-9	Inspections.
14-20-10	Management.
14-20-11	Guest registration.
14-20-12	Service buildings required.
14-20-13	Water supply.
14-20-14	Sewage disposal.
14-20-15	Garbage and refuse disposal.
14-20-16	Report of communicable diseases.

* Charter reference—Authority to regulate trailer camps, § 864.

Article 1
General Provisions

Sec. 14-20-1 Definitions.

For the purposes of this chapter, the following definitions shall apply:

"Service building" means a building maintained by trailer court management to provide toilet facilities for male and female, laundry facilities and to provide shower facilities for use by occupants of trailers without such facilities.

"Trailer or trailer coach" means any vehicle used or so constructed as to permit its being used, as a conveyance upon the public streets or highways and duly licensable as such and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons, provided that this definition shall not include transport trucks or vans equipped with sleeping space for a driver or drivers.

"Trailer court" means any plot of ground within the city upon which two or more trailer coaches, occupied for dwelling or sleeping purposes, are located. (Code 1985 § 37-1; Code 1967 § 39-1)

Sec. 14-20-2 Trailer owners and occupants subject to city ordinances and rules.

Immediately upon arrival within the city limits, the owner and occupants of any trailer shall be subject to all the laws, ordinances, rules and regulations of the city and any violation thereof shall constitute a misdemeanor. (Code 1985 § 37-2; Code 1967 § 39-2)

Sec. 14-20-3 Parking or storing trailers outside trailer court.

The parking or storage of trailer coaches shall not be permitted on any premises within the city not operating as a trailer court under a valid permit. This section shall not apply to the owner of such vehicle if he or she is a bona fide resident of the city and possesses sufficient space on his or her premises to park or store the unoccupied trailer coach and if such parking or storage is approved in writing by the health department and is not in violation of any city ordinance. (Code 1985 § 37-3; Code 1967 § 39-3)

Sec. 14-20-4 Rules and regulations of health department.

The health department is empowered to formulate from time to time and to enforce any rules and regulations that such department may deem advisable governing the operation of trailers and trailer courts, bearing on any matters of sanitation or housing. (Code 1985 § 37-4; Code 1967 § 39-4)

Sec. 14-20-5 Conflicts between chapter and other ordinances and laws.

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 ordinance or code, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. (Code 1985 § 37-5; Code 1967 § 39-5)

Sec. 14-20-6 Violation of chapter, rules or regulations.

Any person who violates the provisions of this chapter or the rules and regulations adopted pursuant thereto, or fails to perform the reasonable requirements of the health

department or health officer after receipt of thirty (30) days' written notice of such requirements, shall be subject to punishment as provided in Section 1-24-1 of this code for each offense and each day of continued violation after conviction shall constitute a separate offense. (Code 1985 § 37-6; Code 1967 § 39-6)

Article 2
Trailer Courts

Sec. 14-20-7 Permit—Fee.

A. No trailer court shall be established or maintained by any person within the city without a valid current permit from the health department issued in the name of the current manager. The department is authorized to issue and to suspend or revoke permits upon written notice of reasonable cause to secure abatement of unsanitary conditions and compliance with health rules and regulations.

B. Before a permit is issued by the health department, an annual permit fee of one hundred fifty dollars ($150.00) shall be paid to the city and county health department. Such fee shall be due on January first of each calendar year and shall be paid by January 31st. (Code 1985 § 37-21; Ord. 2955 § 1(1), (2), 12-11-79; Ord. 349 § 1, 12-31-68; Code 1967 § 39-17)

Sec. 14-20-8 Approval of plans.

Such scale, detailed plans as may be required by the health department shall be submitted for review and approval before construction and operation of a trailer court. Such plans shall show provisions and arrangement facilities to comply with this chapter and with other codes and regulations involved. (Code 1985 § 37-22; Code 1967 § 39-18)

Sec. 14-20-9 Inspections.

The health department is authorized and directed to make inspections of trailer courts and to enter at reasonable times upon the trailer court property to investigate compliance with health rules and regulations. (Code 1985 § 37-23; Code 1967 § 39-19)

Sec. 14-20-10 Management.

The active manager or owner of a trailer court shall be capable and responsible for the proper sanitation of the premises and shall provide full-time competent employees to maintain and operate the establishment in a satisfactory condition at all times. (Code 1985 § 37-24; Code 1967 § 39-20)

Sec. 14-20-11 Guest registration.

The owner or occupant of a trailer shall promptly register with the owner or manager of the trailer court when the vehicle is parked therein. The owner shall enter upon such register his or her date of arrival, name in full and the individual names of the persons in his or her party, license number of the vehicle and the state in which such vehicle was licensed, and the last permanent address of the owner of such vehicle; and, upon leaving, he or she shall enter the date of his or her departure. (Code 1985 § 37-25; Code 1967 § 39-21)

Sec. 14-20-12 Service buildings required.

Each trailer court that accepts a dependent trailer coach for parking shall be provided with one or more service buildings. (Code 1985 § 37-26; Code 1967 § 39-22)

Sec. 14-20-13 Water supply.

An accessible, adequate, safe and potable supply of water shall be provided in each trailer court, capable of furnishing a minimum of one hundred twenty-five (125) gallons per day per trailer coach space. Where a public supply of water of such quality is available, connection shall be made thereto and its supply shall be used exclusively. The development of an independent water supply to serve the trailer court shall be made only after express approval has been granted by the health department. (Code 1985 § 37-27; Code 1967 § 39-23)

Sec. 14-20-14 Sewage disposal.

Trailer courts shall be served by a public sewer system, if available, or by a private disposal system which has the approval of the health department. Each trailer coach space shall be provided with a satisfactory sewer connection. All sewage disposal apparatus, including appurtenances thereto, shall be provided, maintained and operated so as not to create a nuisance or health hazard. (Code 1985 § 37-28; Code 1967 § 39-24)

Sec. 14-20-15 Garbage and refuse disposal.

A. One central station for storage of garbage receptacles and rubbish shall be provided in detail at every trailer court as follows: an area, basin, platform or rack constructed of concrete or similar material as to be permanently enduring, nonabsorbing, washable and cleanable in all its parts and equipped with a properly constructed drain connecting with the sanitary sewer, having a retaining wall not less than four inches in height entirely surrounding its outside circumference and of sufficient size to store and clean all of the garbage receptacles without contaminating adjacent surfaces. Vehicle washing stations shall be simi-

larly constructed but may be modified to specifically accommodate vehicles.

B. Standard garbage receptacles shall be supplied by the management of ample number to accommodate all the garbage, ashes and household refuse inside the cans, allowing the covers to fit properly at all times and at no time shall garbage, ashes or other refuse be dumped upon the ground on any part of the premises. Garbage receptacles shall be conveniently placed and readily accessible to all the patrons and employees of the establishment. (Code 1985 § 37-29; Code 1967 § 39-25)

Sec. 14-20-16 Report of communicable diseases.

It shall be the duty of the owner or manager of a trailer court to promptly report to the health department all cases or suspected cases of communicable disease occurring within the court. (Code 1985 § 37-30; Code 1967 § 39-27)

Chapter 14-24

LANDMARKS PRESERVATION

Sections:

14-24-1	**General purposes.**
14-24-2	**Definitions.**
14-24-3	**Classifications of local historic districts.**
14-24-4	**Certificate of appropriateness.**
14-24-5	**The Memphis landmarks commission.**
14-24-6	**Determination of economic hardships.**
14-24-7	**Right to appeal.**
14-24-8	**Violation—Penalty.**
14-24-9	**Memphis Landmarks Commission Fund.**

Sec. 14-24-1 General purposes.

The local historic district provisions are established in order that appropriate measures may be taken to ensure preservation of structures of historic value to Memphis and Shelby County pursuant to the authority contained in Section 13-7-401 of the Tennessee Code Annotated. The general intent includes the following specific purposes:

A. To promote the educational and cultural welfare of the people of Memphis;

B. To preserve and protect the historic and architectural value of significant resources;

C. To ensure compatibility and to create an aesthetic atmosphere with local historic districts;

D. To foster civic beauty and community pride;

E. To stabilize and improve property values and to strengthen the local economy;

F. To enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided. (Ord. 3751 § 1, 5-3-88; Code 1985 § 26-66)

Sec. 14-24-2 Definitions.

The following terms are to be used in the interpretation and enforcement of this chapter:

"Alter" or "alteration" means any exterior change due to or because of new construction, change of materials, demolition or otherwise to buildings, objects, structures or sites which are located in a local historic district. Alteration shall not include ordinary repair and maintenance.

"Applicant" means the record owner of a site and/or buildings located thereon, the lessee thereof (with the written approval of the record owner thereof) or a person holding a bona fide contract to purchase the same.

"Building" means any structure, place or any other construction built for the shelter or enclosure of person, animals or personal property or any part of such structure when subdivided by division walls or party walls extending to or above the roof and without openings in such separate walls and located within a local historic district. The term "building" shall be construed as if followed by the words "or any part thereof."

"Certificate of appropriateness" means a document giving approval or approval contingent on meeting certain specified conditions which is issued by the commission for work proposed by an applicant.

"Commission" means the Memphis landmarks commission.

"Construction" means the erection of any improvements on any parcel of ground located within a local historic district, whether the site is presently improved or unimproved.

"Demolition" means the complete or partial removal, except by act of God, of a building, object, structure or site within a local historic district.

"Deign review guidelines" means standards set forth by Ordinance No. 3751 and this chapter which are adopted by the commission for a local historic district and which are considered by the commission in granting certificates of appropriateness.

"Exterior" means all outside surfaces of any building, object, structure or site.

"Historic conservation district" means a local historic district established by the city council requiring architectural design review guidelines for demolition, new construction or additions to habitable areas of buildings, structures, sites and objects in the public right-of-way and within the boundaries of the historic conservation district.

"Historic preservation district" means a local historic district established by the city council requiring architectural design review guide lines for construction, alteration, addition or demolition of buildings, structures, sites and objects in the public right-of-way and within the boundaries of the historic preservation district.

"Local historic district" means a geographically definable area which possesses a significant continuity of buildings, sites, structures or objects which are united historically or aesthetically by plan or physical development and which has been designated as a historic preservation district by the city council.

"National register of historic places" means a national listing of buildings, sites, districts and objects which are considered worthy of preservation because of their archi-

tectural merits or importance in local, regional or national history. Listing on the national register of historic places does not bring a property under provisions of the landmarks ordinance unless the property is designated as a local historic district by city council.

"Ordinary repairs and maintenance" means any work to correct deterioration, decay or damage to a building, object, structure or site in order to restore the same, as nearly as may be practical, to its condition prior to such deterioration, decay or damage, using materials identical to the original. (Ord. 3751 § 1, 5-3-88; Code 1985 § 26-67)

Sec. 14-24-3 Classifications of local historic districts.

A. There are created the following classifications of local historic districts, as shown on the official zoning map of the city:

1. Historic Preservation District. In a designated historic preservation district, no building, structure, object or site shall be constructed, altered, repaired, relocated or demolished unless the action meets with the requirements set forth in Ordinance No. 3751 and this chapter for compliance with the design review guidelines adopted for the historic preservation district and for issuance of a certificate of appropriateness.

2. Historic Conservation District. In a designated historic conservation district, no building, structure, object or site shall be constructed, relocated, demolished or increased or reduced in a habitable area unless the action meets with the requirements set forth in Ordinance No. 3751 and this chapter for compliance with the design review guidelines adopted for the historic conservation district for issuance of a certificate of appropriateness.

To indicate the local historic district overlay zone the prefix, "H-P" shall be added for historic preservation districts and the letters "H-C" shall be added for historic conservation districts on the official zoning map. Any use permitted by the existing zoning classification is also permitted in the local historic districts.

B. Local historic districts shall meet one or more of the following criteria, in that they are:

1. Associated with events which have made a significant contribution to local, state or national history;

2. Associated with persons significant in our past;

3. Comprised of structures or groups of structures that embody the distinctive characteristics of a type, period or method of construction; or that represent the work of a master or possess high artistic values; or that represent a significant and distinguishable entity whose components I may lack individual distinction;

4. Likely to yield archaeological information; or

5. Listed in the national register of historic places. (Ord. 3751 § 1, 5-3-88; Code 1985 § 26-68)

Sec. 14-24-4 Certificate of appropriateness.

A. The building official shall not issue any building or other permit in a:

1. Historic preservation (H-P) district for the construction, alteration, demolition or relocation of a building, object, structure or site within any historic preservation district unless a certificate of appropriateness has been issued.

2. Historic conservation (H-C) district for new construction, demolition, relocation or increase in habitable area of a building, object, structure or site within any historic conservation district unless a certificate of appropriateness has been issued.

B. Additionally, the commission is authorized to review the construction, alteration, relocation or demolition of any building, structure, object or site, whether privately or publicly owned, which is located in a local historic district, and for which a building permit is not required, except work undertaken for the purpose of ordinary repair and maintenance.

C. Failure of a property owner or the holder of a building or other permit to construct, demolish, alter or relocate a building or any property in accordance with the requirements of the certificate of appropriateness shall constitute a violation of the zoning ordinances of the city. (Ord. 3751 § 1, 5-3-88; Code 1985 § 26-69)

Sec. 14-24-5 The Memphis landmarks commission.

A. Establishment of Memphis Landmarks Commission. The commission shall serve as a historic zoning commission as provided by T.C.A. 13-7-403, for the city. The commission shall be under the general supervision of the executive office of the city.

B. Powers and Duties.

1. Designation of Local Historic Districts. The commission shall review applications regarding creation of local historic districts. Applications shall be filed in the office of the commission and public hearing on such applications shall be held at a special or regularly schedule meeting of the commission.

The commission shall furnish to the land use control board, in writing, its recommendations regarding the creation of any local historic district. Submission for rezoning as a local historic district shall be in accordance with Chapter 16-24 of this code. Written notice shall be given to all affected property owners concerning the application as required by the zoning ordinance of the city.

The city council shall review and consider the recommendations of the commission and the land use control board prior to the establishment of any local historic district.

2. Adoption of Design Review Guidelines. Prior to the establishment of any local historic district, the commission shall adopt a set of design review guidelines, which it will apply in ruling upon the granting or denial of a certificate of appropriateness. Such design review guidelines shall be consistent with the purposes of this chapter and with regulations and standards adopted by the secretary of the interior pursuant to the National Historic Preservation Act of 1966, as amended.

Reasonable public notice and opportunity for public comment, by public hearing or otherwise, shall be required before the adoption of any such design review guidelines.

3. Determinations for Certificates of Appropriateness.

a. It shall be the duty of the commission to make the following determinations with respect to any local historic district when application is made for a certificate of appropriateness or whenever any such determination is deemed necessary by the commission.

i. Appropriateness of altering, constructing or demolishing any building, structure or object within a local historic district;

ii. Appropriateness of exterior architectural features, including signs and other exterior fixtures;

iii. Appropriateness of exterior design of any new extension on any existing building or structure;

iv. Appropriateness of front yard, side yards, off-street parking spaces, location of entrance drives into the property or sidewalks along the public right-of-way;

v. Appropriateness of the general exterior design, arrangement, texture or material of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings; however, the landmarks commission shall not consider work undertaken for the purpose of ordinary repair and maintenance, nor shall it consider interior design or arrangement, and it shall only advise on exterior paint colors.

b. Upon review of the application for a building permit, the commission shall give prime consideration to:

i. Historical or architectural value of the present structure;

ii. The relationship of the exterior architectural features of such structure to the rest of the structures in the surrounding area.;

iii. The compatibility of exterior design, arrangement, texture and materials proposed to be used.;

iv. To any other factor, including aesthetic, which is deemed pertinent.

4. Research, Education, Planning and Project Funding. The commission shall conduct and encourage research, planning and educational projects for the purpose of protecting historic districts and documenting the historic significance thereof, including the following:

a. Recommend to the mayor and city council designated sites and districts for loans and grants under the city landmark fund and subject to approval by the mayor and city council, make applications for and administer grants for the purpose of preserving and restoring structures and sites located within local historic districts;

b. Initiate or assist in surveys, plans and studies and programs designed to identify, list and evaluate structures, objects, sites and areas worthy of preservation and develop strategies and methods for their protection;

c. Consult with and consider the recommendations of civic groups, public agencies and citizens interested in historic preservation and provide information to the public;

d. Research historic properties and apply for designation to the national register of historic places and establish a list of properties eligible for designation as local historic districts.

C. Right of Entry Upon Land. The commission, its members or employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by Ordinance No. 3751 and this chapter or by the determination of the commission. There shall be no right of entry into any building without the consent of the owner.

D. Membership and Procedures.

1. Membership. The commission shall consist of nine (9) members who shall have been bona fide residents of the city for not less than three years immediately prior to appointment and who shall continue to be bona fide residents of the city as long as they serve, including: a representative of a local patriotic or historical organization; and architect, if available; a person who is a member of the local planning commission at the time of his or her appointment; and the remainder shall be from the community in general. The present members of the landmarks commission whose terms of office have not expired shall serve for their current term of office. Thereafter, new members shall be appointed as set out in subsection (D)(3) of this section.

2. Advisory Members and Staff. Advisory members to the commission may be designated by the following organizations and agencies to provide additional technical expertise and coordination: the Memphis and Shelby

County office of planning and development; the Memphis and Shelby County office of construction code enforcement; Memphis Heritage Inc.; center city commission; the department of housing improvement; Memphis park commission; a locally designated member of the Tennessee Historical Commission.

3. Appointment Removal and Vacancies. Members of the commission shall be appointed by the major of the city, subject to confirmation by the city council.

The members of the commission shall serve for a five-calendar year term, except that members first appointed shall serve as follows: two members for one year, two members for two years, two members for three years, two members for four years and one member for five years. All members shall serve without compensation and may be removed from membership by the appointing authority for just cause. Any member being so removed shall be provided, upon request, a public hearing on the removal decision before the city council.

Commission members shall hold office until their successors are appointed. Vacancies on the commission shall be filled for the unexpired term of those members whose positions have become vacant in the manner herein provided for the appointment of all members.

4. Election of Officers, Rules and Meetings. The commission shall elect from its members its own chairperson and other officers deemed appropriate to carry out its purposes. The commission shall adopt rules of order and establish regular meeting dates. At least five members shall constitute a quorum for the transaction of business. The concurring vote of five members of the commission shall constitute final action of the commission on any matter before it.

All meetings of the commission shall be open to the public. Notice shall be given of the place, date and time of any public hearings held under the provisions of Ordinance No. 3751 and this chapter by publication in a newspaper of general circulation at least three days prior thereto. The commission shall keep minutes of its procedures showing the vote of each member upon each question or if absent or failing to vote, indicating such fact.

5. Conflict of Interest. Any member of the commission who shall have a direct or indirect interest in any property which is the subject matter of or affected by a decision of the commission shall be disqualified from participating in the discussion, decision or proceedings of the commission in connection therewith.

6. Applications for Certificates of Appropriateness. Applications shall be filed in the office of the secretary of commission and shall contain all required information, including plans, specifications, drawings and photographs.

The commission shall make a decision on the appropriate new proposed development within thirty (30) days of receipt of sufficient data and within ten (10) days shall issue or deny the certificate of appropriateness, stating approval with or without attached conditions or disapproval with the grounds for disapproval stated in writing.

In the event of a determination to deny a certificate of appropriateness, the commission shall request consultation with the applicant for a period not to exceed sixty (60) days for the purpose of considering modifications to the application in keeping with the criteria. If at the end of that time an acceptable solution has not been achieved, the certificate of appropriateness shall be denied. No subsequent application which is substantially the same shall be accepted for at least six months from the date of the final action on the previous proposal.

7. Enforcement. To monitor work in local historic districts the commission staff will conduct routine surveys to ensure that work in progress is undertaken and completed in compliance with the certificate of appropriateness and to see that the work is not undertaken without permits. If the commission finds that work undertaken is not done in accordance with the requirements for the certificate of appropriateness, it shall notify the owner of record in the following manner:

a. By certified mail to the last know address of the applicant or owner of record; or

b. By telephone.

If, within seven days, action is not undertaken by the owner to meet the requirements of the certificate of appropriateness, the commission may determine that noncompliance has occurred. The commission shall notify the building official of any such noncompliance. A stop work order may be issued by the building official that all exterior work must stop until the order is lifted. (Ord. 4172 § 1, 4-27-93; Ord. 3751 § 1, 5-3-88; Code 1985 § 26-70)

Sec. 14-24-6 Determination of economic hardships.

Each application for removal or demolition shall be considered, taking into account economic hardship The commission may, after reasonable notice, set an application for public hearing and may consider any or all of the following:

A. Estimate of the cost of the proposed redevelopment, alteration, demolition or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the commission for changes necessary for the issuance of a certificate of appropriateness.

B. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness

of any structures on the property and their suitability for rehabilitation.

C. Estimated market value of the property in its current condition; after completion of the proposed redevelopment, alteration, demolition or removal; after any changes recommended by the commission; and in the case of a proposed demolition, after renovation of the existing property for continued use.

D. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

E. Amount paid for the property, the date of purchase and the party from who purchased, including a description of the relationship, if any between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.

F. If the property is income-producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.

G. Any other information considered necessary by the commission to make a determination as to whether the property does yield or may yield a reasonable return to the owners. Request for consideration shall be taken up at a public hearing with reasonable notice and consideration given to any or all of the factors listed above. (Ord. 3751 § 1, 5-3-88; Code 1985 § 26-71)

Sec. 14-24-7 Right to appeal.

A. Appeals from any decision of the landmarks commission: (1) may be taken in accordance with statutory certiorari, provided for in Chapter 8, Title 27 of the Tennessee Code Annotated; or (2) may be directed to and resolved by the council of the city, with a recommendation from the chief administrative officer of the city. After city council action, an aggrieved applicant to the landmarks commission may still seek court relief as provided in Chapter 8, Title 27 of the Tennessee Code Annotated.

B. Nothing in this chapter shall be interpreted as giving the commission any authority to consider, review, examine or control the use of property classified as a local historic district. Use shall be controlled solely by the zoning controlling such property prior to its classification as a local historic district or as may be rezoned by subsequent amendments. (Ord. 4172 § 1, 4-27-93; Ord. 3751 § 1, 5-3-88; Code 1985 § 26-72)

Sec. 14-24-8 Violation—Penalty.

A. Any person, firm or corporation violating any of the provisions of Ordinance No. 3751 and this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined no more than fifty dollars ($50.00) per day plus court costs. Each day's continuance of a violation shall be considered a separate offense.

B. Where an alteration is undertaken without issuance of a certificate of appropriateness, the owner shall be required to return the property, in as much is reasonably possible, to its state prior to the alteration or as determined appropriate by the commission based upon the design review guidelines.

C. In addition to the party determined to be in violation of Ordinance No. 3751 and this chapter, any other person who may have knowingly assisted in the commission of any such violation shall be guilty of a separate offense. (Ord. 3751 § 1, 5-3-88; Code 1985 § 26-73)

Sec. 14-24-9 Memphis Landmarks Commission Fund.

A. There is established a city account designated as the Memphis landmarks commission fund from which account may be paid costs and expenses incurred by the city in connection with the purchase, repair, alteration, preservation or improvement of any property within a historic district as defined by Ordinance No. 3751 and this chapter, and into which fund may be paid:

1. Such sums as may be recovered by the city as reimbursement for costs and expenses of repair, alteration or improvement of local historic district properties found to be substandard; and

2. Such other sums as may by ordinance or this chapter be appropriated to or designated revenue of such fund; and

3. Such other sums as may by gift, bequest or grant be de posited in such fund and that the city comptroller is authorized to draw the necessary warrants and make the necessary transfers.

B. Use of the fund shall include, but not be limited to, facade and property easements, purchase of materials and property and rehabilitation loans. (Ord. 3751 § 1, 5-3-88; Code 1985 § 26-74)

Title 15

SUBDIVISIONS

Chapters:

15-4 General Provisions
15-8 Word Usage and Definitions
15-12 Procedure
15-16 Design Standards Generally
15-20 Lots and Blocks
15-24 Public Streets
15-28 Private Drives
15-32 Reservation of Land
15-36 Improvements Generally
15-40 Standard Improvement Contract
15-44 Street Improvements
15-48 Drainage
15-52 Sewer Systems
15-56 Water Systems
15-60 Street Dedications
15-64 Street and Alley Closings
15-68 Street Name Changes
15-72 Subdivisions Revocation
Appendix I Certificate Forms
Appendix II Figures

Chapter 15-4

GENERAL PROVISIONS

Sections:

15-4-1	**Title.**
15-4-2	**General declaration.**
15-4-3	**Purposes.**
15-4-4	**Requirements for approval of preliminary plan.**
15-4-5	**Jurisdiction and exemptions.**
15-4-6	**Conditions.**
15-4-7	**Variances.**
15-4-8	**Amendments.**
15-4-9	**Interpretation, conflict and separability.**
15-4-10	**Violation—Penalty.**
15-4-11	**Saving provision—Applicability.**
15-4-12	**Reservations and appeals.**

Sec. 15-4-1 Title.

These regulations shall hereafter be known, cited and referred to as the "Subdivision Regulations of Memphis and Shelby County." (Code 1985 Appx. B § 101; Ord. 3352, 12-20-83)

Sec. 15-4-2 General declaration.

A. It is declared that the subdivision of land and subsequent development is subject to the control of the city and county pursuant to the official comprehensive plan for the orderly, planned, efficient and economic development of the city and county.

B. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace and shall not be subdivided until provision has been made for adequate public services and facilities.

C. These regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, the zoning ordinance, comprehensive plan and other ordinances, resolutions and policies of the city and county. (Code 1985 Appx. B § 102; Ord. 3352, 12-20-83)

Sec. 15-4-3 Purposes.

These regulations are adopted for the following purposes:

A. To protect and provide for the public health, safety and general welfare;

B. To guide the future growth and development of the city/county in accordance with the comprehensive plan, transportation plans and other approved or adopted plans and policies;

C. To protect the character and the social and economic stability of all parts of the county and to encourage the or deny and beneficial development thereof;

D. To protect and conserve the value of land, the value of buildings and improvements thereon and to minimize conflicts among uses of land and buildings;

E. To prevent overcrowding or overdevelopment of land and undue congestion of population;

F. To guide public and private policy and action to provide adequate and efficient public facilities;

G. To provide sufficient and effective traffic circulation with particular regard to the avoidance of congestion on streets and highways, the safe accommodation of pedestrian traffic movements, and the proper location and width of streets, and building line location;

H. To establish reasonable standards and procedures for subdivisions and resubdivisions to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land;

I. To consider the availability of public facilities and determine if there is sufficient capacity to serve the proposed subdivision;

J. To minimize the pollution of air, streams and ponds; to determine the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources;

K. To encourage the preservation of the natural beauty and topography and to encourage appropriate development with regard to these natural features. (Code 1985 Appx. B § 103; Ord. 3352, 12-20-83)

Sec. 15-4-4 Requirements for approval of preliminary plan.

A preliminary subdivision plan shall not be approved unless it is in conformance with the city/county comprehensive plan; unless there are adequate public facilities available, to be provided by the subdivider or programmed within the capital improvements program of the A.G.B. to accommodate the proposed development and, unless the development is in conformance with these regulations. (Code 1985 Appx. B § 104; Ord. 3352, 12-20-83)

Sec. 15-4-5 Jurisdiction and exemptions.

A. These regulations shall apply to the subdivision of land, as defined herein, located within the city and the unincorporated portions of Shelby County.

B. The subdivision of property located in the unincorporated portion of Shelby County within three miles of

the city limits shall be jointly reviewed and acted upon by the city and county.

C. No land shall be subdivided within the city or unincorporated portion of Shelby County until:

1. The subdivider or his or her agent has submitted a preliminary plan in accordance with these regulations;

2. The subdivider has obtained approval of the preliminary plan and final plat; and

3. The approved final plat is filed and recorded in the Shelby County register's office.

D. No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of and which does not conform with the provisions of these subdivision regulations.

E. Final plats may be submitted for approval in accordance with the requirements and procedures of the former subdivision regulations if a preliminary plan has been approved in accordance with the requirements of the former subdivision regulations and the preliminary plan approval period has not expired. Requests for extensions of time for preliminary plans shall not be granted unless the plan conforms to these regulations.

F. No excavation or filling of land or construction of any public or private improvements shall take place or commence except in conformity with these regulations.

G. For the purpose of these regulations, the following are exempted and do not require application for subdivision to the land use control board:

1. Any division, of land recorded after March 1, 1989, within the city of within three miles of the corporate limits of the city, where each lot created has at least four acres of area exclusive of road right-of-way, has a minimum of fifty (50) feet of frontage on a public road and shall be recorded by a survey certifying to the following:

a.i. A certificate by the engineer or surveyor certifying that the property is not located within a major roadway corridor as specifically approved by the city engineer and designated on the major road plan adopted by the metropolitan planning organization (MPO), or

ii. A certificate by the owner reserving or dedicating the required MPO public road rights-of-way in accordance with the major road plan and the following schedule:

Improved Road Corridors

Priority one	Dedicate
Priority two	Dedicate
Priority three	Reserve

Unimproved Road Corridors

Priority one	Reserve
Priority two	Reserve
Priority three	Reserve

b. Building setbacks shall be measured from the required MPO road right-of-way line whether dedicated or reserved. A certificate by the engineer or surveyor certifying that the property is not contained within a one hundred (100) year flood hazard area or, if the property is contained in a one hundred (100) year flood hazard area, the one hundred (100) year base flood elevation shall be certified to by the engineer or surveyor for each parcel created. The one hundred (100) year base flood elevations from Federal Emergency Management Agency (FEMA) flood insurance study maps shall be used where available. If FEMA data is unavailable, the certifying engineer shall submit to the city engineer for approval detailed hydrologic and hydraulic plans and calculations defining the expected one hundred (100) year base flood elevation,

c. A certificate by the engineer or surveyor certifying that drainage flows exiting the original parcel of record are produced by a watershed of less than one hundred (100) acres. The original parcel of record shall be defined as that tract of land existing by recorded deed or plat prior to March 1, 1989 and shall be included in its entirety within the boundaries of the survey,

d. Any lot greater than four acres that does not conform to the standard for drainage in exempt lots in subsection (G)(1)(c) of this section shall not be granted such exemption until the owner has submitted the necessary drainage plans to the city engineer for technical review and, if required, an improvement contract has been executed by the owner for providing drainage improvements as required by the subdivision regulations;

2. Any division of land recorded after March 1, 1989 beyond three miles of the corporate limits of the city, where each lot created has at least four acres exclusive of road right-of-way, has a minimum of fifty (50) feet of frontage on a public road and shall be recorded by a survey certifying to the following:

a.i. A certificate by the engineer or surveyor certifying that the property is not located within a major roadway corridor as specifically approved by the county engineer and designated on the major road plan adopted by the metropolitan planning organization (MPO), or

ii. A certificate by the owner reserving or dedicating the required MPO public road rights-of-way in accordance with the major road plan and the following schedule:

Improved Road Corridors

Priority one	Dedicate
Priority two	Dedicate
Priority three	Reserve

Unimproved Road Corridors

Priority one	Reserve
Priority two	Reserve
Priority three	Reserve

Building setbacks shall be measured from the required MPO road right-of-way line whether dedicated or reserved,

b. A certificate by the engineer or surveyor certifying that the property is not contained within a one hundred (100) year flood hazard area; or, if the property is contained in a one hundred (100) year flood hazard area, the one hundred (100) year base flood elevation shall be certified to by the engineer or surveyor for each parcel created. The one hundred (100) year base flood elevations from Federal Emergency Management Agency (FEMA) flood insurance study maps shall be used where available. If FEMA data is unavailable, the certifying engineer shall submit to the city engineer for approval detailed hydrologic and hydraulic plans and calculations defining the expected one hundred (100) year base flood elevation,

c. A certificate by the engineer or surveyor certifying that drainage flows exiting the original parcel of record are produced by a watershed of less than two hundred fifty (250) acres. The original parcel of record shall be defined as that tract of land existing by recorded deed or plat prior to March 1, 1989 and shall be included in its entirety within the boundaries of the survey,

d. Any lot greater than four acres that does not conform to the standard for drainage in exempt lots in subsection (G)(2)(c) of this section shall not be granted such exemption unless approved by the county engineer. The county engineer may require minor drainage improvements including rip rapping, dredging, sloping, seeding, sodding and other efforts to ensure the proper flow of stormwater and to minimize erosion. Upon satisfactory completion of the improvements and inspection by the county engineer, a building permit may be issued;

3. The sale, exchange or combining of parcels of land between one or more owners of adjoining properties, provided additional lots are not created and that the resulting parcels are not less than the minimum sizes required by these and the zoning regulations; and further provided that the resulting parcel from such sale, exchange or combining of properties shall not be eligible for two-family dwellings in the RS-15, RS-10, RS-8 or RS-6 districts;

4. The division or sale of land by judicial decree;

5.a. Parcels recorded by deed or plat prior to March 6, 1956,

b. Any division of land beyond three miles of corporate limits of the city recorded by deed between February 1, 1984 and March 1, 1989 containing four acres of land and fifty (50) feet of frontage on a public road.

H. There is no exemption to the subdivision regulations applicable within the Fletcher Creek Drainage Basin. Drainage requirements and additional requirements for building floor elevation are required in conformance with the Section 26 FCD Fletcher Creek Drainage Basin District overlay zone established in the Memphis and Shelby County Joint Zoning Ordinance and requirements included in Sections 301.1 and 301.7 of these Subdivision Regulations. (Ord. 5008 § 3, 2003; Ord. 3853 § 1(VIII), 4-18-89; Code 1985 Appx. B § 105; Ord. 3352, 12-20-83)

Sec. 15-4-6 Conditions.

The land use control board (L.U.C.B.) and the appropriate governing body(ies) (A.G.B.) may impose reasonable conditions on the subdivision of land, The land owner(s) shall comply with the conditions imposed. (Code 1985 Appx. B § 106; Ord. 3352, 12-20-83)

Sec. 15-4-7 Variances.

A General. Where the L.U.C.B. or A.G.B. finds that extra ordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purpose of these regulations may be served to a greater extent by an alternative proposal, a variance may be granted. Such variance shall not have the effect of nullifying the intent and purpose of these regulations and that the L.U.C.B. or A.G.B. shall not grant variances unless it shall make findings based upon the evidence presented in each case that:

1. The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;

2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not generally applicable to other property;

3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are enforced; and

4. The purpose of the variance is not based primarily upon financial consideration.

B. Conditions. In granting variances, the L.U.C.B. or A.G.B. may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements of these regulations.

C. Procedures. A petition for any such variance shall be submitted in writing by the subdivider at the time the preliminary plan is filed for consideration by the L.U.C.B. The petition shall state fully the grounds for the variance and all the facts relied upon by the petitioner. (Code 1985 Appx. B § 107; Ord. 3352, 12-20-83)

Sec. 15-4-8 Amendments.

For the purpose of providing for the public health, safety and general welfare, the city and county may from time to time amend the provisions of these subdivision regulations according to the following procedures:

A. Initiation. An amendment to the text of these regulations may be initiated by the A.G.B., A.D.P.W. or the O.P.D. and shall set forth the purpose and reason for such amendment.

B. Procedure.

1. Not less than thirty-five (35) nor more than seventy-five (75) days after an application has been filed with the O.P.D., the L.U.C.B. shall hold a public hearing on the proposed amendment.

2. The O.P.D. shall submit to the L.U.C.B. a written recommendation.

3. Notice of the L.U.C.B. public hearing shall be published in a daily newspaper of general circulation stating the nature of the proposed amendment and the date, time and place of the public hearing. The notice shall be published not more than thirty (30) days, nor less than ten (10) days prior to such public hearing.

4. The L.U.C.B. shall make a recommendation on the text amendment after deliberation and prior to the close of the public hearing. The L.U.C.B. may, prior to the close of the public hearing, take the matter under advisement or defer a recommendation until the next regular meeting of the board.

5. The O.P.D. shall forward the recommendations of the L.U.C.B. and staff to the A.G.B. within ten (10) days from the date of the L.U.C.B. public hearing.

6. The A.G.B. shall hold a public hearing on the text amendment after receipt of the recommendation from the O.P.D. and L.U.C.B. The city council public hearing shall be at the time of the third reading of the amendment and the public hearing may be held before both the city and county legislative bodies in joint session.

7. Notice of public hearing before the A.G.B. shall be published in a daily newspaper of general circulation stating the date, time and place of the hearing not more than thirty (30) days nor less than ten (10) days prior to the public hearing. Notice of the city council public hearing shall be published three times. (Code 1985 Appx. B § 108; Ord. 3352, 12-20-83)

Sec. 15-4-9 Interpretation, conflict and separability.

A. Minimum Requirements. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

B. Conflict with Public Provisions. The regulations are not intended to interfere with, abrogate or annul any other ordinance, rule, or regulation, statute or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

C. Separability. If any part or provision of these regulations or application thereof to any person of circumstance is adjudged invalid by any court of competent jurisdiction, such judgement shall be confined in its operation to the part, provision or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The A.G.B. declares that they would have enacted the remainder of these regulations even without any such part, provisions or application. (Code 1985 Appx. B § 109; Ord. 3352, 12-20-83)

Sec. 15-4-10 Violation—Penalty.

A. Violations.

1. No owner or agent of the owner, of any parcel of land in a proposed subdivision for which a preliminary plan has been filed shall transfer or sell any such lot or portion of the proposed subdivision before a final plat of such subdivision has been approved by the A.G.B. in accordance with the provisions of these regulations and recorded in the office of the Shelby County register.

2. The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer or lease with the intent of evading these regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these regulations.

3. No street number or building permit shall be issued for the erection of any building or structure located on a lot, tract or parcel of land which violates the provisions of these regulations.

B. Penalties.

1. Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premise.

2. The appropriate division of public works (A.D.P.W.) may request that the appropriate attorney's office initiate legal action to require the bonding company to complete an approved subdivision recorded under the bonding procedure that is in violation of the standard improvement contract or other provisions of these regulations. (Code 1985 Appx. B § 110; Ord. 3352, 12-20-83)

Sec. 15-4-11 Saving provision—Applicability.

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior subdivision regulations or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue or as affecting the liability of any person, firm or corporation, or as waiving any right of the city or county under any section or provision existing at the time of adoption of these regulations or as vacating or annulling any rights obtained by any person, firm or corporation by lawful action of the city or county except as shall be expressly provided for in these regulations. (Code 1985 Appx. B § 111; Ord. 3352, 12-20-83)

Sec. 15-4-12 Reservations and appeals.

Upon the adoption of these regulations according the law, the subdivision regulations of Memphis and Shelby County adopted as amended, are repealed, except as to such sections expressly retained herein. (Code 1985 Appx. B § 112; Ord. 3352, 12-20-83)

Chapter 15-8

WORD USAGE AND DEFINITIONS

Sections:

15-8-1 **Word usage.**
15-8-2 **Definitions.**

Sec. 15-8-1 Word usage.

The provisions and rules of this chapter shall be observed and applied in the interpretation of these regulations. Except where the context clearly indicates to the contrary, the following interpretations shall be used:

A. Words used in the present tense shall include the future tense.

B. Words in the singular include the plural and words in the plural include the singular.

C. The masculine gender shall include the feminine and the feminine gender shall include the masculine.

D. The word "shall" is mandatory.

E. The word "should" is recommended.

F. The word "may" is permissive.

G. The word "person" includes individuals, firms, corporations, associations and any other similar entities.

H. The word "city" means the city of Memphis, Tennessee.

I. The word "county" means Shelby County, Tennessee.

J. In case of any difference of meaning or implication between the text of these regulations and any caption, illustration or table, the text of these regulations shall control.

K. Words not specifically defined herein shall be interpreted in accord with their usual dictionary meaning and customary usage. (Code 1985 Appx. B § 201; Ord. 3352, 12-20-83)

Sec. 15-8-2 Definitions.

For the purpose of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this section.

"Appropriate division of public works (A.D.P.W.)" means the county division of public works or the city engineer of the city of Memphis.

"Appropriate governing body (A.G.B.)" means the Memphis City Council (MCC) and/or the Shelby County Board of Commissioners (SCBC) with jurisdictions of each body as follows:

Category	Within City Limit	Within 3-Mile Limit	Beyond 3-Mile Limit
Subdivision	MCC	MCC/SCBC	SCBC
Street and alley closure	MCC	MCC/SCBC	SCBC
Street name change	MCC	SCBC	SCBC
Subdivision revocation	MCC	SCBC	SCBC
Street dedication	MCC	MCC/SCBC	SCBC

"Alley" means a public right-of-way which affords only a secondary means of access to the property abutting thereon.

"Base pavement" means compacted road gravel or equivalent base material approved by the A.D.P.W.

"Block" means a tract of land bounded by streets.

"Building line" means a line on a plat which designates an area on a lot in which a building may be constructed.

"Channel lined ditch" means a vertical wall, steel-reinforced, concrete drainage structure designed and constructed in accordance with the standards and specifications of the A.D.P.W.

"Common area" means an area held in private ownership available for use by the occupants of more than one unit and recorded as a lot in the Shelby County register's office.

"Comprehensive plan" means the plan adopted by the legislative bodies which may consist of maps, data and other descriptive matter for the physical development of the city and county or any portion thereof, including any amendments, extensions or additions, thereto adopted indicating the general location of major roads, parks or other public building sites, routes for public utilities, plans for financing public improvements and other similar information, as specified by Joint Resolution and Ordinance No. 2524 or latest revision thereof.

"Conveyance of vehicular right-of-access" means the waiving of all rights by the owner(s) and subsequent owner(s) to have any private vehicular access to a public dedicated street.

"Developer/subdivider" means any person or corporation undertaking the subdivision of land as herein defined.

"Easement" means authorization by a property owner for the use of any designated part of his or her property by another for a specified purpose.

"Final plat" means the application materials and the final drawing, described in these regulations, suitable for recording with the Shelby County register's office.

"Grade" means the relative slope of facilities including drains, sewers, roads, street or other public ways.

"Health department" means the Memphis and Shelby County health department.

"Land use control board" means the Memphis and Shelby County land use control board (L.U.C.B.).

"Lot" means a tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

1. Corner means a lot which adjoins the point of intersection of two or more streets.

2. Double frontage means a lot other than corner lots abutting two or more streets.

3. Flag lots means a lot on which the buildable area is connected to the street by a strip of land, more narrow than the typical minimum lot width required in the zoning ordinance, provided that the width at the front building line at least equals the required lot width of the zoning ordinance.

4. Interior lot means a lot other than a corner lot.

5. Lot of record means a parcel of land in a subdivision recorded in the Shelby County register's office or a parcel described by metes and bounds or platted which has been recorded prior to March 6, 1956.

"MCC" means Memphis city council.

"NGVD" means National Geodetic Vertical Datum of 1929—formerly mean sea level datum.

"Office of planning and development (O.P.D.)" means the agency of Memphis and Shelby County created by and assigned the responsibility to carry out the functions of Joint Resolution and Ordinance Number 2524 including the administrative staff to the land use control board.

"Owner" means the holder of legal title. Holders of any equitable interest such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten (10) years may act together with the holder of legal title whenever a statement of ownership is required by these regulations. Full disclosure of all legal and equitable interests in the property is required.

"Pedestrian way" means a facility provided primarily for the movement of pedestrians within or between developments.

"Phasing" means a proposed plan for the completion of a development in increments or stages.

"Preliminary plan" means the application materials and the preliminary drawing, described in these regulations, indicating the proposed manner or layout of the subdivision.

"Private drive" means a facility primarily used for vehicular access to more than one lot owned and maintained by a private entity.

"Property owner's association" means a legal entity, made up of property owners in a development.

"Registered engineer" means an engineer properly licensed and registered in the state of Tennessee.

"Registered surveyor" means a surveyor properly licensed and registered in the state of Tennessee.

"Resubdivision" means any subdivision of an existing lot in a recorded subdivision.

"Right-of-way" means land publicly owned or dedicated for public use as a street herein defined.

"SCBC" means Shelby County board of commissioners.

"Screening" means the use of vegetation, fencing or berms to restrict sound or vision.

"Sidewalk" means a paved facility intended primarily for pedestrian access and located within a right-of-way or pedestrian easement.

"Standard improvement contract" means a contract between a subdivider and the A.G.B. which describes the improvements that are required of the subdivider, specifies the time period the subdivider shall have to complete the required improvements and fully delineates the responsibilities of each party with respect to the construction and acceptance of any public improvements.

"Street" means a right-of-way for vehicular and pedestrian access which is accepted for the public use and is maintained by the city, county or state, whether designated as a street, highway, thoroughfare, road, parkway, avenue, boulevard, lane, place, cove, cul-de-sac or loop. (See Section 15-24-2 for classification definitions)

"Subdivision" means the division of land into two or more lots in accordance with these regulations.

1. "Rural subdivision" means a subdivision that meets the following requirements.

a. Is located more than three miles from the corporate limits of the city;

b. Each lot contains at least one acre in area;

c. Each lot is located in a single-family residential zoning district; and

d. Each lot contains a minimum width of one hundred fifty (150) feet of road frontage except that flag lots and lots on cul-de-sacs may have less than one hundred fifty (150) feet of road frontage but shall have a minimum of one hundred fifty (150) feet at the building line.

2. "Urban subdivision" means a subdivision that does not meet the requirements of a rural subdivision.

"Subdivision technical review committee (S.T.R.C.)" is comprised of city and county agencies, that provides technical assistance to the L.U.C.B. in the review of subdivisions, street and alley closures and other applications governed by these regulations; the S.T.R.C. shall consist of a representative of the following agendas and organizations:

1. Office of planning and development (chairperson);
2. City and county public works division;
3. City and county building official;
4. City and county traffic engineers;
5. City and county fire departments;
6. Memphis and Shelby County health department;
7. Memphis light, gas and water division;
8. Home builders association of Memphis;
9. Memphis board of realtors.

(Ord. 3853 § 1(I), 4-18-89; Code 1985 Appx. B § 202; Ord. 3352, 12-20-83)

Chapter 15-12

PROCEDURE

Sections:

15-12-1	**Pre-application.**
15-12-2	**Preliminary plan submission.**
15-12-3	**Preliminary plan requirements.**
15-12-4	**Preliminary plan review.**
15-12-5	**Approval period.**
15-12-6	**Final plat submission.**
15-12-7	**Final plat requirements.**
15-12-8	**Final plat review.**
15-12-9	**Revisions and amendments.**
15-12-10	**Minor subdivision.**

Sec. 15-12-1 Pre-application.

A. Purpose. The pre-application procedure is designed to provide the subdivider with an opportunity to consult with O.P.D. prior to preparation of the preliminary plan. Applicants are encouraged to utilize this procedure to avoid time delays and costs associated with the preparation of the preliminary plan.

B. Sketch plan. Prior to filing an application, the subdivider may submit to the O.P.D. a sketch plan of the proposed subdivision showing its relationship to surround properties and to natural features. This step does not require formal application or fees Upon receipt of a sketch plan, O.P.D. may schedule a pre-application conference with the subdivider to review the proposed subdivision.

C. O.P.D. Response. The O.P.D. shall notify the subdivider whether the sketch plan as submitted meets the objectives and standards of these regulations and if not, the reason therefor. (Ord. 3853 § 1(I), 4-18-89; Code 1985 Appx. B § 301.1; Ord. 3352, 12-20-83)

Sec. 15-12-2 Preliminary plan submission.

The subdivider shall submit the following materials to O.P.D. before the preliminary plan shall be processed:

A. Official application form: required copies completed and signed by the owner(s);

B. Preliminary plan: one original tracing and required copies;

C. Transparency: one transparent film of subdivision, eight and one-half by eleven (11) inches;

D. Required fees: a check or money order payable to the Memphis and Shelby County office of planning and development in an amount determined by the uniform fee schedule available at O.P.D.;

E. Name and addresses: the subdivider shall provide one copy of the names and addresses of current property owners adjacent to the property for subdivisions and within three hundred (300) feet for resubdivisions. The names and addresses shall be typed on gummed labels. (Ord. 3853 § 1(I), 4-18-89; Code 1985 Appx. B § 301.2; Ord. 3352, 12-20-83)

Sec. 15-12-3 Preliminary plan requirements.

A. Scale. The plan shall be drawn at a scale of one inch equals one hundred (100) feet or a larger scale suitable to the size of development if authorized by O.P.D.

B. Preparer. The plan shall be prepared by a surveyor or engineer licensed in the state of Tennessee and the name, license number and company name shall be indicated on the plan.

C. Required Data. The preliminary plan shall incorporate the following information:

1. Scale, date of preparation, north arrow and vicinity map, acreage, number of lots;
2. Subdivision name; name and address of owner; name and address of individual or firm responsible for preparation of the plan;
3. Dimensions of lot lines, lot numbers, the minimum lot area in square feet and the area of each lot in square feet for subdivisions of ten (10) lots or less;
4. Boundary lines from deed records and survey;
5. Adjoining subdivisions by name and section and the names of owners and acreage of all abutting unsubdivided tracts;
6. Name, location, right-of-way and median configuration of existing streets; proposed dedication and medians for existing and proposed streets; and names of proposed streets;
7. All existing structures including primary and accessory buildings or building pads within the subdivision and within five hundred (500) feet on unsubdivided adjacent properties;
8. Location and type of existing utilities;
9. Method of sewage disposal proposed;
10. One hundred (100) year flood plain and floodway boundaries and elevation of each;
11. Major environmental features, including large groups of mature trees;
12. All existing and subdivider's proposed public and private easements including their location, purpose and width and the Shelby County register's office instrument number for existing easements;
13. Existing and proposed contour data showing contour intervals of two feet or less; elevation shall refer to NGVD and be referenced to a bench mark on or near the subject property; downstream channel elevations at fifty

(50) foot stations within three hundred (300) feet of the subdivision boundary shall be shown;

14. Sites reserved for parks, playgrounds, schools or other public uses, together with the purpose and conditions or limitations of such reservation;

15. The proposed method to accommodate drainage; and, the acreage of each drainage area within the subdivision and the calculated acreage and location of the drainage both entering and leaving the subdivision;

16. Where division of the property into phases or sections is contemplated, the proposed boundaries of such sections shall be shown and labeled and the sequence of development listed alphabetically or numerically;

17. Where the resubdivision of a lot in a previously recorded subdivision is proposed, the title of the proposed subdivision must indicate and identify the lot number and subdivision name for the previous subdivision; and

18. Other conditions on the tract: water courses, utility lines and utility structures (storm sewer, gas, electric, telephone, etc.). The engineer shall indicate the existence of public water and sanitary sewers or the distance to the nearest available facilities.

D. Required Flood Data ('A' Zone). If a subdivision is equal to or greater than five acres or fifty (50) lots, and is located partially or completely in a special flood hazard area ('A' zone) where no water surface elevation data or floodway has been calculated by the city or county flood insurance study, the developer shall submit detailed hydrologic and hydraulic plans prepared by a registered professional engineer to define the expected one hundred (100) year flood elevation through out the site of the proposed development.

If any subdivision is located partially or completely within the Fletcher Creek Drainage Basin, the development is required to provide for no increase in the peak discharge rate from pre-development to post-development conditions based on a ten (10) and twenty-five (25) year, twenty-four (24) hour storm as described in the city Drainage Design Manual, in accordance with Section 26 FCD Fletcher Creek Drainage Basin district overlay zone of the Memphis and Shelby County joint zoning ordinance. Preliminary plans will be required to show an area for storm water detention sufficient to meet these storm water design requirements. (Ord. 5008 § 1, 2003; Ord. 3853 § 1(I), 4-18-89; Code 1985 Appx. B § 301.3; Ord. 3352, 12-20-83)

Sec. 15-12-4 Preliminary plan review.

A. Agency Comment. Upon submission of a completed application, O.P.D. shall distribute copies of the plan to local agencies for their review and comment. Distribution to state or federal agencies may also be made.

B. Subdivision Technical Review Committee. O.P.D. shall schedule the preliminary plan for review by the S.T.R.C. which may make comments regarding revisions to the plan or conditions of approval.

C. O.P.D. Recommendation. The O.P.D. shall recommend to the L.U.C.B. the approval, approval with conditions or rejection of the application and shall include all department agency comments received.

D. Notification to Property Owners. O.P.D. shall give written notification to all adjacent property owners for subdivisions and within three hundred (300) feet for resubdivisions. Notification shall be mailed not less than fourteen (14) days or more than thirty-five (35) days prior to the L.U.C.B. meeting at which the application is scheduled for consideration.

E. L.U.C.B. Meeting. The L.U.C.B. shall consider a subdivision application not less than thirty-five (35) nor more than seventy-five (75) days after it has been filed. The L.U.C.B. shall approve, approve with conditions or reject the application after deliberation and prior to the close of the public meeting on the application. The L.U.C.B. may, prior to the close of the public meeting, hold the matter under advisement or defer a decision until the next regular meeting of the board. Substantial design reconfiguration or other major changes made after the S.T.R.C. review shall be cause for the L.U.C.B. to defer a decision pending review of a modified preliminary plan by the S.T.R.C.

F. Notification of the L.U.C.B. Action. O.P.D. shall notify the subdivider or his or her representative of the decision of the L.U.C.B. Notification shall be in writing and forwarded within three working days of the L.U.C.B. action.

G. Revised Plan. A revised preliminary plan shall be submitted to O.P.D. by the subdivider if there are any approved modifications to the plan.

H. Appeals.

1. Right to Appeal. Any individual appearing or submitting written comments at the L.U.C.B. meeting or any governmental body submitting comments may appeal the decision of the L.U.C.B. to the A.G.B.

2. Submission of Appeal. Appeals shall be submitted in writing to the appropriate chief administrative officer depending upon the jurisdiction of the application. A copy of the appeal shall be sent to the O.P.D.

3. Deadline. Appeals shall be submitted within ten (10) working days of the O.P.D. notification.

4. Required Information. The request for an appeal shall indicate the name and case number of the application, the date of the L.U.C.B. action, the specific decision

and/or conditions which are being appealed and the name, address and phone number of the appellant.

5. Legislative Hearing. The appeal shall be scheduled for legislative consideration. Notice shall be sent to the applicant, the appellant, any individual appearing or who submitted written comments at the L.U.C.B. meeting and members of the S.T.R.C., not less than ten (10) days nor more than thirty-five (35) days in advance of the scheduled hearing.

6. Legislative Action. The A.G.B. shall approve the appeal, approve with conditions or deny the appeal.

7. Revised Plan. A revised preliminary plan shall be submitted to O.P.D. by the subdivider if there are any approved modifications to the plan. (Ord. 3853 § 1(I), 4-18-89; Code 1985 Appx. B § 301.4; Ord. 3352, 12-20-83)

Sec. 15-12-5 Approval period.

A. The approval of preliminary plans shall be for a two-year period of time.

B. Recording of final plate within the approval period shall constitute compliance with this section. If the preliminary plan contains a sequence of sections, all sections shall have a final plat recorded within the approval period. If a final plat(s) has not been recorded within the approval period, the preliminary plan approval shall be null and void.

C. The subdivider may request an extension of time for the approval period. Requests for extensions shall be submitted in writing to the L.U.C.B. prior to the expiration date. The subdivider shall indicate the reasons for the extension and the estimated time for finalizing the development. When granted, extensions shall be for no more than two-year periods. (Ord. 3853 § 1(I), 4-18-89; Code 1985 Appx. B § 301.5; Ord. 3352, 12-20-83)

Sec. 15-12-6 Final plat submission.

The subdivider shall submit to O.P.D. the following materials:

A. Final plat data sheet: required completed copies and the ward, block and parcel number(s) of the property.

B. Final plat: one original mylar in ink and required copies.

C. Required Fees.

1. Final Plat Filing Fee. The subdivider shall submit a check or money order, made payable to the Memphis and Shelby County office of planning and development; the amount determined by the uniform fee schedule available at O.P.D.

2. A.D.P.W. Fees. The subdivider shall pay to the A.D.P.W. any fees required for administrative review, maintenance and development fees.

3. Recording Fee. A check or money order, made payable to the Shelby County register, shall be submitted to O.P.D. with the final plat. (Ord. 3853 § 1(I), 4-18-89; Code 1985 Appx. B § 301.6; Ord. 3352, 12-20-83)

Sec. 15-12-7 Final plat requirements.

A. Scale. The final plat shall be drawn at a scale of one inch equals one hundred (100) feet or a larger scale suitable to the size of development if approved by O.P.D. The plat shall be drawn on a sheet twenty (20) by twenty-four (24) inches.

B. Preparer. The final plat shall be prepared and sealed by an engineer or surveyor licensed in the state of Tennessee.

C. Information. The final plat shall incorporate the following information:

1. Scale, north arrow, name of firm or individual responsible for preparation, date of preparation and a vicinity map, acreage and number of lots;

2. Name of subdivision and name of owner or subdivider;

3. Adjoining subdivisions by name and section and the names of owners of all abutting unsubdivided tracts;

4. Name, location and rights-of-way of existing and proposed streets;

5. The location, bearing, width and length of every street centerline, tract boundary, rights-of-way, lot lines and all existing and proposed easements with their purpose individually designated;

6. Sites reserved for parks, playgrounds, schools or other public uses;

7. The tie-in dimension from a boundary line to the centerline of the nearest existing public street;

8. Lots and common areas numbered in numerical order; and, the area of each in square feet;

9. Accurate location and description of existing monuments and markers or the location and description of a permanent bench mark set as a part of the subdivision survey;

10. Conditions imposed by the L.U.C.B. or A.G.B. if not shown graphically;

11. The regulatory base flood water surface elevation; and

12. If located in the Fletcher Creek Drainage Basin, accurate location and descriptions including length, depth and capacity of any improvements intended to prevent any increase in the peak discharge rate from pre- to post-development, based on a ten (10) and twenty-five (25) year, twenty-four (24) hour storm as described in the city of Memphis Drainage Design Manual. A detailed hydrologic study prepared by a registered professional engineer

licensed in the state of Tennessee must be submitted indicating how the development will meet the required no increase in the peak discharge rate from pre- to post-development levels based on a ten (10) and twenty-five (25) year, twenty-four (24) hour storm as described in the city of Memphis Drainage Design Manual, in accordance with Section 26 FCD Fletcher Creek Drainage Basin district overlay zone in the Memphis and Shelby County zoning ordinance.

D. Certifications. The following signed certificates shall be provided on the final plat (see Appendix I.).

1. Owner's certificate;
2. Engineer's and/or surveyor's certificate and seal;
3. Mortgagee's certificate, if applicable;
4. Notary's certificate for all owners and mortgagees;
5. Office of planning and development certificate.

E. Dimensions.

1. All dimensions shall be accurate to the nearest one-hundredth of a foot and all angles accurate to within ten (10) seconds.

2. The boundary lines of each lot shall be determined by accurate survey in the field and shall be closed as follows:

a. Urban Subdivisions. The angular error of closure shall not exceed twenty-five (25) seconds times the square root of the number of angles turned. The linear error of closure shall not exceed one foot per seventy-five hundred (7,500) feet.

b. Rural Subdivisions. The angular error of closure shall not exceed thirty (30) seconds times the square root of the number of angles turned. The linear error of closure shall not exceed one foot per five thousand (5,000) feet.

3. Surveys shall be coordinated and tied into U.S. Coast and Geodetic Traverse and Triangulation Survey or city control where available.

F. Protective Covenants. The subdivider may include protective covenants or deed restrictions on the final plat or recorded by separate instrument and referenced by book and page number on the final plat. (Ord. 5008 § 2, 2003; Ord. 3853 § 1(II), 4-18-89; Code 1985 Appx. B § 301.7; Ord. 3352, 12-20-83)

Sec. 15-12-8 Final plat review.

A. Submission of Plat. The final plat and other required materials shall be submitted to O.P.D.

B. Conformance with Preliminary plan. The O.P.D. shall review the final plat for conformance with the approved preliminary plan regarding the number and size of lots, lot and street layout, phase lines and other provisions of the preliminary approval.

C. A.D.P.W. Review. After the initial determination by O.P.D. that the final plat conforms to the preliminary approval or only requires minor revision, O.P.D. shall forward copies of the plat to the A.D.P.W. requesting preparation of any required contracts and approval resolutions for the A.G.B.

D. Required Revisions/Additions. Concurrently with the review of the A.D.P.W., O.P.D. will complete its review of the final plat and notify the subdivider or his or her engineer of nonconformities, omissions or corrections required before the final plat shall be forwarded for legislative action.

E. Legislative Action. Upon receiving notification from O.P.D. that the final plat is complete and correct, the A.D.P.W. shall forward to the A.G.B. the final plat with the appropriate resolution and standard improvement contract executed by the developer. The A.G.B. may take action on the final plat if it is in substantial compliance with the approved preliminary plan.

F. Recordation. O.P.D. shall record the final plat in the Shelby County register's office after receiving the certified resolution from the A.G.B. and the authorization forms from the health department and the A.D.P.W. If the subdivider finalized the plat under the no bond procedure (See Section 15-40-4(B), the plat shall not be recorded until all required improvements have been completed and inspected by the A.D.P.W. and the final resolution authorizing acceptance of the improvements has been acted upon by the A.G.B. or proper bond has been posted.

G. Distribution of Recorded Plat. Following recordation of the final plat, O.P.D. shall distribute a copy of the plat to the building department, the A.D.P.W., the fire department and other agencies responsible for providing services to the property. (Ord. 3853 § 1(I), 4-18-89; Code 1985 Appx. B § 301.8; Ord. 3352, 12-20-83)

Sec. 15-12-9 Revisions and amendments.

A. Minor Revisions—Criteria.

1. Preliminary Plan. Minor revisions to an approved preliminary plan may be permitted by O.P.D. if the revisions are within the scope and intent of the original approval.

2. Final Plat. A final plat may be rerecorded to:

a. Revise or correct dimensions;

b. Change street names;

c. Add, delete or modify easements or private covenants;

d. Change subdivision name; or

e. Other minor modifications that are within the scope and intent of the original approval subject to approval of the O.P.D. director or his or her designee.

B. Procedures.

1. Preliminary Plan. When minor revisions are proposed to an approved preliminary plan, the subdivider shall submit a letter to O.P.D. with a copy to A.D.P.W. delineating the revisions and requesting authorization for administrative revision. O.P.D. shall notify the subdivider whether the proposed revision qualifies for administrative approval and the basis for the determination. If approved, the final plat may be submitted in accordance with the revisions. O.P.D. shall distribute copies of the revised plan to the appropriate agencies.

2. Final Plat. When minor revisions are proposed to an approved final plat, the subdivider shall submit a written request to O.P.D. with a copy to A.D.P.W. as described above. If the plat has been recorded, the subdivider shall submit the recorded plat with a statement describing the revisions made and title back for O.P.D. director's signature or his or her designee, and date of signing. If the ownership of the subdivision has changed or if any lots have been sold since the previous recording, an owner's and notary's certificate shall he or she provided on the plat for each current owner.

In addition to the letter and the revised final plat, the subdivider shall submit the required fees to O.P.D. for processing and rerecording the revised plat, O.P.D. shall distribute copies of the recorded final plat to the appropriate agencies.

C. Amendments. Proposed modifications to an approved preliminary plan or final plat which are not in accordance with the revision criteria shall be submitted and processed according to the provisions of Sections 15-12-1 through 15-12-8. (Ord. 3853 § 1(I), 4-18-89; Code 1985 Appx. B § 301.9; Ord. 3352, 12-20-83)

Sec. 15-12-10 Minor subdivision.

A. A subdivider may submit a subdivision plan for administrative approval provided said plan complies with the following standards:

1. The plan consists of not less than two, but not more than four lots;

2. The plan does not require the installation of any public facility improvements as required by Chapters 15-36 through 15-56 of these regulations;

3. The plan conforms to the MPO major road plan;

4. The plan does not propose the resubdivision of any lot in a previously approved subdivision;

5. All lots shall have the minimum required frontage on an existing improved public street as set forth in the zoning ordinance for the district in which the property is located and only one lot may be configured as a flag lot;

6. The subdivision shall comprise only one phase;

7. The plan does not adversely affect the development of adjoining property and is not in conflict with any provision of the zoning ordinance or the subdivision regulations.

B. Submitted and procedure requirements for a minor subdivision shall be in accordance with this chapter.

1. The information required for submittal shall conform to the information requirements for a preliminary plat as set forth in Section 15-12-3.

2. Notification of Owners.

a. Notification of adjacent property owners as outlined in Section 15-12-4(D) shall be provided by the subdivider for the S.T.R.C. meeting.

b. Any public opposition to the subdivision presented at the S.T.R.C. meting or to O.P.D. in writing not more than five days after the S.T.R.C. meeting shall be cause to disqualify the subdivision from the minor subdivision approval process.

3. The director of the office of planning and development shall, after review by the subdivision technical review committee, determine whether the submitted plan conforms to the above standards for a minor subdivision.

a. If the plan is determined to be in conformance the director shall authorize the submittal of the final plat for approval and recording in accordance with Sections 15-12-6 through 15-12-8 of these regulations.

b. Approval and recording of a minor subdivision shall require the signature of the certificate of approval by the city and/or county engineer, and the director of the office of planning and development following approval by the A.G.B.

c. If the plan is determined not to be in conformance the subdivider may, after submitting such information required by O.P.D., proceed in accordance with Section 15-12-4 for review by the L.U.C.B. (Ord. 4184 § 1, 6-8-93; Ord. 3853 § 1(I), 4-18-89; Code 1985 Appx. B § 301.10; Ord. 3352, 12-20-83)

Chapter 15-16

DESIGN STANDARDS GENERALLY

Sections:

15-16-1 **Subdivision layout.**
15-16-2 **Phasing of development.**

Sec. 15-16-1 Subdivision layout.

A. General Design Objectives.

The subdivision of land within Shelby County shall provide for the efficient and orderly development of the site within the context of the general area in which it is located and adhere to the following principles:

1. Provide a safe and convenient circulation system minimizing pedestrian and vehicular conflicts and traffic congestion;
2. Preserve the integrity of developed areas;
3. Provide lots which are suitable for the type of development anticipated;
4. Encourage the protection of the natural environment such as topography, mature vegetation, highly erodable flooding and wetlands;
5. Provide for sufficient open areas for passive and active recreational uses;
6. Promote efficient utilization of energy resources.

B. Modifications.

The L.U.C.B. or A.G.B. may require modifications or additions to a proposed plan of subdivision to conform to the general design principles. (Ord. 3853 § 1(V), 4-18-89; Code 1985 Appx. B § 401; Ord. 3352, 12-20-83)

Sec. 15-16-2 Phasing of development.

A. General.

When a subdivision is proposed to be developed in phases, the boundaries of each phase and the sequence of development shall be shown on the preliminary plan. The development shall be in sequential order.

B. Purposes.

The phasing of development permits incremental development. Additionally, when a subdivider intents to develop a portion of a larger tract of ground and leaves the balance for future development as a reserve tract, a phasing system may be permitted.

C. Review criteria.

The review of a phasing plan shall incorporate the following considerations:

1. Circulation. A phase plan shall provide for proper circulation and access.
2. Facilities / Utilities. A phase plan shall provide for the logical and orderly improvement of facilities and extension of utilities within the development. (Code 1985 Appx. B § 402; Ord. 3352, 12-20-83)

Chapter 15-20

LOTS AND BLOCKS

Sections:

15-20-1	**General lot design.**
15-20-2	**Flag lots.**
15-20-3	**Corner lots.**
15-20-4	**Lots abutting arterials.**
15-20-5	**Double frontage lots (other than arterial streets).**
15-20-6	**Lots with easements.**
15-20-7	**Reserve tracts.**
15-20-8	**Lots not served by public sewer and water.**
15-20-9	**Lot numbering.**
15-20-10	**Blocks.**

Sec. 15-20-1 General lot design.

A. Zoning Requirements. All lots shall meet the minimum requirements of the zoning ordinance and be of sufficient size and shape to accommodate a structure that conforms to appropriate city/county building and construction codes, housing and public health codes.

B. Lot Shape. Wherever possible lots shall be regular in shape and not have a projection extending from the main body of the lot, if such projection is not functionally needed for the staff of a flag lot or to meet the required side or rear yard of a structure on the lot.

C. Side Lot Lines. Side lot lines shall be at approximately right angles or radial to the street line unless a variation would yield a better street and lot layout.

D. General Suitability. The L.U.C.B. or A.G.B. may reject a preliminary plan if it is determined that the proposed subdivision is not in keeping with the character of development in the neighborhood. This provision shall utilize but not be limited to the following principles:

1. Building setback lines should be consistent with any adjoining urban subdivision.

2. Lots should be comparable in size and lot width to lots in the immediate area. (Ord. 3558 § 1, 5-20-86; Code 1985 Appx. B § 403.1; Ord. 3352, 12-20-83)

Sec. 15-20-2 Flag lots.

The staff or strip of land providing access from the building site to the street shall be wide enough to accommodate a curb cut meeting the design standards of the A.D.P.W. Flag lots where the staff exceeds one hundred fifty (150) feet in length may be approved after determining that servicing by fire and emergency vehicle can be accommodated. (Ord. 3558 § 1, 5-20-86; Code 1985 Appx. B § 403.2; Ord. 3352, 12-20-83)

Sec. 15-20-3 Corner lots.

Corner lots shall have sufficient width to allow for building setbacks from both street lines and an adequate buildable area. (Ord. 3558 § 1, 5-20-86; Code 1985 Appx. B § 403.3; Ord. 3352, 12-20-83)

Sec. 15-20-4 Lots abutting arterials.

A. Residential Zoned Lots With Direct Vehicular Access to Arterial Street.

1. Minimum Lot Width and Depth. The minimum lot frontage at the street line shall be one hundred (100) feet and the minimum lot depth shall be one hundred fifty (150) feet. (Note: the lot width and total square footage of a lot must also meet the minimum requirements of the zoning of the property.)

2. Landscaping. A landscape area (Plate A-3) shall be provided and maintained.

3. Turnaround Area. Each lot shall be provided a suitable paved drive area on the lot to permit vehicles to turn around and egress to the arterial in a forward motion. Each final plat shall contain a statement indicating those lots requiring a turnaround area.

B. Residential Zoned Lots Without Direct Access to an Arterial Street.

The preliminary plan shall indicate the front and rear yards for lots with frontage on an arterial street.

1. For lots with rear yards along the arterial street, the following requirements shall apply:

a. Screening. A planting screen (Plate RV-1, RV-2 or RV-3 or an equivalent screen approved by the office of planning and development) shall be provided and maintained.

b. Bond. The standard improvement contract shall include the cost of the required screening.

c. Maintenance. The screening shall be maintained by a homeowners association and the documents establishing the association shall be recorded in the county register's office prior to or concurrent with the recording of the final plat(s).

2. For lots with front yards along the arterial street, a landscape area (Plate A-3) shall be provided and maintained. (Ord. 3558 § 1, 5-20-86; Code 1985 Appx. B § 403.4; Ord. 3352, 12-20-83)

Sec. 15-20-5 Double frontage lots (other than arterial streets).

A planting screen, Plate RV-1, RV-2 or RV-3 or an equivalent screen approved by the office of planning and

development, shall be provided and maintained along the street carrying or expected to carry the greater traffic volume and across which there shall not be vehicular right-of-access. (Ord. 3558 § 1, 5-20-86; Code 1985 Appx. B § 403.5; Ord. 3352, 12-20-83)

Sec. 15-20-6 Lots with easements.

A. Encroachment Upon Easements. No structure shall encroach upon an easement.

B. Residential Developments. There shall be sufficient lot depth and width to provide a reasonable buildable area for the primary structure and sufficient depth for accessory uses in addition to an easement(s).

C. Nonresidential Developments. Sufficient buildable and landscaping areas shall be provided in addition to an easement(s). (Ord. 3558 § 1, 5-20-86; Code 1985 Appx. B § 403.6; Ord. 3352, 12-20-83)

Sec. 15-20-7 Reserve tracts.

Where a subdivision is part of a larger tract and the area of the unsubdivided portion is less than fifty (50) acres, a sketch plan shall be submitted for the entire property showing the extension of future streets, drainage and sewers to ensure that subsequent development of the reserve tract has adequately been addressed. (Ord. 3558 § 1, 5-20-86; Code 1985 Appx. B § 403.7; Ord. 3352, 12-20-83)

Sec. 15-20-8 Lots not served by public sewer and water.

A. Unsewered Lots. Lot dimensions and area shall conform to the standards and requirements of the health department.

A lot shall contain a minimum of two acres after road dedication and shall have a minimum width of one hundred and fifty (150) feet unless served by a privately owned and maintained sewer system. (Flag lots and those at the terminus of a cul-de-sac may have frontage of less than one hundred and fifty (150) feet.)

B. Public Water Not Available. When lots require both individual septic tank systems and a private well for water, the minimum lot size shall be four acres after road dedication with a minimum width of one hundred and fifty (150) feet. Flag lots and those at the terminus of a cul-de-sac may have frontage of less than one hundred and fifty (150) feet.

C. Variations. Where the provisions of this section cannot be met, the L.U.C.B. or A.G.B. may permit variations in these requirements after receiving a written opinion from the health department that the proposed variations would not create a health hazard and the proposed lots are acceptable for septic tank and/or wells. (Ord. 3558 § 1, 5-20-86; Code 1985 Appx. B § 403.8; Ord. 3352, 12-20-83)

Sec. 15-20-9 Lot numbering.

All lots established for building and common area shall be designated by numbers listed consecutively within a block. Lot numbering may be cumulative throughout the subdivision if the numbering system continues from block to block in a uniform manner. (Ord. 3558 § 1, 5-20-86; Code 1985 Appx. B § 403.1; Ord. 3352, 12-20-83)

Sec. 15-20-10 Blocks.

Blocks shall be designed in adequate length and width to provide safe and sufficient vehicular and pedestrian circulation. (Ord. 3558 § 1, 5-20-86; Code 1985 Appx. B § 403.10; Ord. 3352, 12-20-83)

Chapter 15-24

PUBLIC STREETS

Sections:

15-24-1	**General arrangement and layout.**
15-24-2	**Classification of public streets.**
15-24-3	**Access and circulation.**
15-24-4	**Right-of-way width.**
15-24-5	**Right-of-way dedication.**
15-24-6	**Access limitations.**
15-24-7	**Driveways and curb cuts.**
15-24-8	**Intersections.**
15-24-9	**Curves.**
15-24-10	**Sight distance.**
15-24-11	**Grades.**
15-24-12	**Tangents.**
15-24-13	**Corner radii.**
15-24-14	**Length of dead end street.**
15-24-15	**Sidewalks—Requirements for installation.**
15-24-16	**Curb and gutter.**
15-24-17	**Medians.**
15-24-18	**Public alleys.**
15-24-19	**Street names.**

Sec. 15-24-1 General arrangement and layout.

The street pattern shall be based upon the following general design criteria:

A. Provide for adequate vehicular access to all properties within the development;

B. Provide street connections to adjacent properties to ensure adequate traffic circulation within the general area;

C. Provide a local residential street system which discourages through traffic and provides adequate access for fire, police and other emergency vehicles;

D. Provide a sufficient number of continuous streets and major thoroughfares, adequately sized to accommodate the present and future traffic demands of an area; and

E. Provide principal and minor arterials in accordance with the major road plan. (Ord. 4839, 1-16-01; Ord. 4185 § 2, 8-24-93; Code 1985 Appx. B § 404.1; Ord. 3352, 12-20-83)

Sec. 15-24-2 Classification of public streets.

A. Arterials: streets having the primary purpose of carrying through traffic and the secondary purpose of providing access to abutting properties. Arterial streets may be further classified as follows:

1. Limited access: streets and highways with the sole purpose of carrying through traffic with the highest degree of mobility and safety. These roads provide no direct access to abutting properties.

2. Principal arterial: streets and highways serving major metropolitan activity centers, the highest traffic volume corridors, the longest trip desires and a high proportion of total urban area travel on a minimum of mileage. Service to abutting land should be subordinate to the provision of travel service to major traffic movements. This system carries the major portion of trips entering and leaving an urban area, as well as the majority of through movements desiring to bypass the central city and normally will carry important intraurban as well as intercity bus routes.

3. Minor arterial: streets and highways interconnecting with and augmenting the principal arterial system and providing service to trips of moderate length at a somewhat lower level of travel mobility. The system places more emphasis on land access and distributes travel to geographic areas smaller than those identified with the higher system. It includes all arterials not classified as principal or limited access roads.

B. Collectors: streets penetrating neighborhoods, collecting traffic from local streets and channeling it into the arterial systems. A minor amount of through traffic may be carried on collector streets, but the system primarily provides service access and carries local traffic movements within residential neighborhoods or commercial and industrial areas. It may also serve local bus routes. Collector streets may be further classified as follows:

1. Major collector: streets serving commercial and industrial areas or large volumes of residential traffic. All cul-de-sac and loop streets serving nonresidential areas shall be classified as major collectors except as specified in subsection (B)(2) of this section.

2. Minor collector: streets serving low and moderate volumes of residential traffic, and cul-de-sacs and loop streets serving office uses generating less than one thousand (1,000) vehicular trips per day.

C. Locals: residential streets not classified in a higher system, primarily providing direct access to abutting land and to collector streets. They offer the lowest level of mobility and usually carry no bus routes. Service for through traffic is deliberately discouraged.

Local streets may be further classified as follows:

1. Major local: streets providing access to abutting residential property and service to other residential streets at a somewhat lower level of mobility than collector streets.

2. Minor local: streets similar to major local streets but serving a smaller number of dwelling units; minor local streets provide the minimum level of mobility for two-way traffic.

3. Loop: streets which make the necessary directional changes to intersect the same street in two different locations without having any other intervening street intersections; a loop street serves abutting properties only.

4. Cul-de-sac: streets which are dead end having only one end open for vehicular access and serves only abutting properties. (Ord. 4839, 1-16-01; Ord. 4185 § 2, 8-24-93; Code 1985 Appx. B § 404.2; Ord. 3352, 12-20-83)

Sec. 15-24-3 Access and circulation.

A. Arterials. Limited access roads, principal arterials and minor arterials shall be designated according to the most recently adopted major road plan.

B. Collectors. The number and general location of collector streets shall be in accordance with the approved collector street plan. In addition, any street which serves or is expected to serve over two hundred (200) dwelling units shall be designated as a collector. Streets serving over two hundred (200) dwelling units at a density exceeding six units per acre, over six hundred (600) dwelling units at any density or any nonresidential property except as provided in Section 15-24-2(B)(2) shall be designated as major collectors.

C. Locals. Streets not designated as arterials or collector streets shall be designated as major local streets unless they can meet one of the exceptions below:

1. Streets which serve or are expected to serve less than one hundred (100) dwelling units may be designated as minor local streets.

2. Streets which serve or are expected to serve less than fifty (50) dwelling units and meeting the requirements of Section 15-24-2(C)(3) may be designated as loop streets.

3. Streets meeting the requirements of Sections 15-24-2(C)(4) and 15-24-14 may be designated as cul-de-sacs.

(Note: a street shall "serve" a parcel if the street is used or expected to be used as part of the shortest path between such parcel and the nearest arterial street.)

D. Intersections. Arterials should intersect with other arterials and collector roads. Local streets intersecting arterials shall be discouraged. Intersections of local streets with limited access roads shall not be permitted.

E. Number of Access Points. Residential developments with more than eighty (80) lots or dwelling units shall have at least two points of public road access. Residential developments with more than two hundred (200) lots or dwelling units shall have at least three separate points of public road access. Where three or more points of access are required, a collector street may be considered as two points of public road access. Where two or more points of access are required, at least two must connect to existing public streets.

Nonresidential developments shall provide sufficient public road access to accommodate the ultimate traffic volume anticipated and to enable the safe and convenient servicing by police, fire and other emergency vehicles.

F. Adjacent Properties. Street stubs into adjacent properties shall be required to ensure adequate circulation. All existing stub streets, contiguous to the property shall be connected to the proposed street system.

G. Reserve Strips. Strips of land preventing the right-of-access at the terminus of or adjacent to, existing or proposed roads shall not be permitted. (Ord. 4839, 1-16-01; Ord. 4185 § 2, 8-24-93; Code 1985 Appx. B § 404.3; Ord. 3352, 12-20-83)

Sec. 15-24-4 Right-of-way width.

A. Design of Rights-of-Ways. The design of rights-of-ways shall be as shown on Charts I, II and III set out at the end of this section. If the alternative design for an urban subdivision is proposed, a forty (40) foot front building setback shall be provided. The LJCB or A.G.B. may reduce the setback but not less than the minimum required in the zoning ordinance if staggered setbacks or curvilinear streets are proposed.

B. Permanent Turnaround. At the terminus of a cul-de-sac, a permanent turnaround shall be provided in accordance with the standards contained in Charts I, II and III set out at the end of this section.

C. Temporary Turnarounds. When a street is terminated at a phase line on a temporary basis and the depth from the terminus to the nearest intersecting street is greater than two hundred (200) feet, a temporary turnaround shall be provided and constructed with an all weather surface on the abutting phase.

D. Transition Between Rights-of-Way. Where streets of differing rights-of-way connect, a smooth transition shall be provided subject to the approval of the A.D.P.W.

E. Variation in Right-of-Way. Any variations in right-of-way requirements shall be requested in writing. Variations shall only be granted in unusual circumstances related to topography, size or shape of the tract or other similar circumstances.

Chart I
Urban Design Right-of-Way
(Feet)

Street Type	Right-of-Way	Pavement Width	Curb & Gutter	Grass Strip / Pedestrian Way	Sidewalk Width
Arterials					
Limited Access	MRP	MRP	N/A	N/A	N/A
Principal	MRP	MRP	6-30	4 1/2	5
Minor	MRP	MRP	6-30	4 1/2	5
Collectors					
Major	68	48	6-30	4 1/2	5
Minor	60	40	6-30	4 1/2	5
Cul-de-sac Terminus (Radius)	75	65	6-30	4 1/2	5
Locals					
Major	52	36	6-30	3 1/2	4
Minor	45	30	6-30	3	4
	45	30	Valley*	0	6 CL
Loop					
50 Dwelling Units or Less	43	28	6-30	7	N/A
	45	28	Valley	7	N/A
Greater than 50 Dwelling Units	43	28	6-30	3	4
	45	28	Valley	3	4
	43	28	Valley	0**	6 CL
Cul-De-Sac					
25 Dwelling Units or Less	43	28	6-30	7	N/A
	45	28	Valley	7	N/A
Greater than 25 Dwelling Units	43	28	6-30	3	4
	45	28	Valley	3	4
	43	28	Valley	0**	6 CL
Cul-de-sac Terminus (Radius)	47 1/2	40	6-30		
	48 1/2	40	Valley		

MRP - Major Road Plan
CL - Curb Line
* Valley curbs only permitted where lots have 35 feet of frontage or less excluding corner lots and normal variances required for curvilinear lots.
** Where lots have 35 feet of frontage or less.

Chart II
Alternative Urban Design Rights-of-Way
with Grass Strip and Sidewalk, if Required,
within Utility / Pedestrian Easement
(Feet)

Street Type	Right-of-Way	Pavement Width	Curb & Gutter	Easement Grass Strip / Pedestrian Way	Easement Sidewalk Width
Locals					
Minor	31	30	6-30	3	4
	33	30	Valley*	0	6 CL
Loop					
50 Dwelling Units or Less	29	28	6-30	7	N/A
	31	28	Valley	7	N/A
Greater than 50 Dwelling Units	29	28	6-30	3	4
	31	28	Valley	3	4
	31	28	Valley	0**	6 CL
Cul-De-Sac					
25 Dwelling Units or Less	29	28	6-30	7	N/A
	31	28	Valley	7	N/A
Greater than 25 Dwelling Units	29	28	6-30	3	4
	31	28	Valley	3	4
	31	28	Valley	0**	6 CL
Cul-de-sac Terminus (Radius)	40 1/2	40	6-30		
	41 1/2	40	Valley		

CL - Curb line sidewalk
* Valley curbs only permitted where lots have 35 feet of frontage or less excluding corner lots and normal variances required for curvilinear lots.
** Interior lots have 35 feet of frontage or less.

Chart III
Rural Design Rights-of-Way
(Feet)

Street Type	Right-of-Way	Pavement Width	Shoulder	Permanent Slope Drainage Easement
Arterials				
Limited Access	*	*	*	*
Principal	*	*	*	*
Minor	*	*	*	*
Collectors				
Major	68	24	10	4

Street Type	Right-of-Way	Pavement Width	Shoulder	Permanent Slope Drainage Easement
Minor	60	24	10	4
Cul-de-sac Terminus (Radius)	75	36	10	4
Locals				
Major	50	24	10	9
Minor	50	24	10	9
Loop				
50 Dwelling Units or Less	50	24	10	9
Greater than 50 Dwelling Units	50	24	10	9
Cul-De-Sac				
25 Dwelling Units or Less	50	24	10	9
Greater than 25 Dwelling Units	50	24	10	9
Cul-de-sac Terminus	50	36		

* Same as urban design rights-of-way.

(Ord. 4839, 1-16-01; Ord. 4185 § 2, 8-24-93; Code 1985 Appx. B § 404.4; Ord. 3352, 12-20-83)

Sec. 15-24-5 Right-of-way dedication.

A. Limited Access Street. The subdivider shall have the option to dedicate the right-of-way for a limited access road according to the adopted major road plan; or, shall dedicate the right-of-way equivalent to a principal arterial and provide a building setback line sufficient to accommodate the required limited access road and any required building setback. Dedication for frontage roads shall be in addition to the right-of-way requirements of the major road plan.

B. Arterial Streets. Dedication for proposed or existing principal and minor arterials shall be made for priority I and II roads as indicated on the adopted major road plan. Roads designated as priority III on the major road plan shall either be dedicated or a permanent reservation shall be provided and front building setbacks shall be shown on the final plat as measured from the proposed right-of-way.

C. Collector Streets. Dedication for collector streets shall be made in accordance with the standards set forth in Section 15-24-4 of these regulations. A dedication variance may be granted for developments with frontage on existing collector streets if it is determined that a variance would not adversely affect current or future traffic movement and either:

1. The collector road is existing and fully developed on both sides of the road such that additional dedication and widening is not feasible and, the collector road dedication is not at an intersection with a minor or principal arterial or another collector road which may require additional right-of-way for turn lanes or other traffic control measures;

2. The collector street is not likely in the foreseeable future to serve enough traffic volume to justify requiring additional dedication.

D. Local Streets. Dedication for local streets shall be in accordance with Section 15-24-4. Additional dedication for existing local streets may be granted a variance under the criteria outlined above in subsection C of this section.

E. Partial Street Dedications. Partial dedications may be permitted only in those instances where it is necessary for the proper development of the property and is in the public interest to locate a public street on a common property line. Sufficient right-of-way shall be provided for at least twenty-four (24) feet of pavement, in addition to curb and gutter and sidewalk when required by the provisions of these regulations. (Ord. 4839, 1-16-01; Ord. 4185 § 2, 8-24-93; Code 1985 Appx. B § 404.5; Ord. 3352, 12-20-83)

Sec. 15-24-6 Access limitations.

A. Limited Access Arterial. Where a subdivision abuts a proposed or existing limited access road, all right-

of-vehicular access to such road shall be conveyed to the A.G.B. including existing points of access. If no other means of access to the subdivision is available, a frontage road shall be provided along the entire frontage. A temporary access from the frontage road to the limited access arterial may be permitted, but such access shall be terminated when the frontage road is further extended or is connected to another public street. Frontage roads provided hereunder shall meet the requirements of the appropriate street classification for the development being served, except that sidewalks are not required on the side of the street nearer the limited access facility.

B. Minor and Principal Arterials.

1. Access Limitation. Where a subdivision abuts an existing or proposed minor or principal arterial, double frontage lots with no access to the arterial, lots with rear service drives, common access drives or other treatment may be required.

2. Residential Driveways. Driveways should not be permitted on minor and principal arterials. Where this requirement cannot be met, shared or common driveways may be required. All driveways shall be designed to provide egress in a forward motion.

C. Double Frontage and Corner Lots. Where lots have frontage on two streets, a conveyance of vehicular access on the street carrying or expected to carry the greater traffic volume may be required.

D. Ingress-Egress Easements. Ingress/egress easements shall be shown graphically on the preliminary plan, and on the final plat accompanied by a statement describing the responsibility for maintenance.

E. Restricted Access. All restricted access shall be graphically indicated on the preliminary plan and final plat. (Ord. 4839, 1-16-01; Ord. 4185 § 2, 8-24-93; Code 1985 Appx. B § 404.6; Ord. 3352, 12-20-83)

Sec. 15-24-7 Driveways and curb cuts.

A. General Design. Curb cuts shall be located and designed to provide safe and convenient ingress and egress to the site and shall be designed in accordance with A.D.P.W. policies and standards. No curb cut shall be closer than twenty (20) feet from the point of curvature of a corner radius.

B. Number. Multiple commercial and industrial curb cuts/driveways within a subdivision on arterial streets are discouraged, and shared curb cuts and internal access between lots and uses are encouraged. (Ord. 4839, 1-16-01; Ord. 4185 § 2, 8-24-93; Code 1985 Appx. B § 404.7; Ord. 3352, 12-20-83)

Sec. 15-24-8 Intersections.

A. Spacing. Intersections on the same side of a street shall be spaced a minimum of three hundred (300) feet apart, measured from centerline to centerline.

B. Angle. The angle of intersection between the centerline of two streets shall be as close to ninety (90) degrees as possible. (Refer to Figure 1, set out in Section 15-24-12 for the minimum permitted angle of centerlines for the various street intersections.)

C. Offset. The centerline of two streets intersecting the same road on opposite sides shall be offset as shown and illustrated in Figure 2, the last Figure of the Appendix to this title. Offset dimension "D" between intersections is categorized by the type of facilities involved. If the two legs creating the offset are different types of facilities, the shorter of the offset dimension "D" shall apply.

Type of facility	Type A	Type B
Arterial (principal & minor)	300 ft.	400 ft.
Collector	200 ft.	250 ft.
Minor	150 ft.	150 ft.

(Ord. 4839, 1-16-01; Ord. 4185 § 2, 8-24-93; Code 1985 Appx. B § 404.8; Ord. 3352, 12-20-83)

Sec. 15-24-9 Curves.

A. Horizontal. The minimum centerline radius permitted for each street classification is shown below.

Principal arterial	1,400 feet
Minor arterial	1,125 feet
Major collector	825 feet
Nonresidential cul-de-sac / loop and "L" street*	400 feet
Minor collector	400 feet
Major local	150 feet
Minor local	100 feet
Cul-de-sac	75 feet
Loop and "L" street	75 feet

* Such streets shall be the same width as major collectors.

B. Vertical. The minimum lengths for vertical curves on the various street types are shown below:

Street Classification	"K" Factor Crest Curve Minimum*	"K" Factor Crest Curve Desirable**	"K" Factor Sag Curve Minimum*	"K" Factor Sag Curve Desirable**
Local	29	29	37	37
Collector	54	65	56	60
Arterial	88	145	76	100

* Horizontal distance in feet required to effect a one (1.0) percent change in grade, where:
K = L/A
where
L = Horizontal length in feet of parabolic vertical curve
where
A = Algebraic difference in joining (tangent) grades in percent
**Desirable dimensions shall be required in roadway design unless it is demonstrated to the A.D.P.W. that topography or other extenuating circumstances prevents use of the desirable dimensions. In no case shall dimensions less than the minimum be approved.

(Ord. 4839, 1-16-01; Ord. 4185 § 2, 8-24-93; Code 1985 Appx. B § 404.9; Ord. 3352, 12-20-83)

Sec. 15-24-10 Sight distance.

The minimum sight distance for the various street types are shown below:

A. Design speeds and stopping sight distances to be used for each street classification is shown below.

Street Classification	Stopping Sight Distance* Minimum	Stopping Sight Distance* Minimum
Minor local**	20 mph	125 feet
Major local	30 mph	200 feet
Collector	40 mph	300 feet
Arterial	50 mph	450 feet

* Measured in feet on a vertical curve between points three and one-half(3.5) feet and one-half(0.5) feet above the centerline of the finished grade.

** Default speed is thirty (30) mph with a stopping sight distance of two hundred (200) feet unless specific traffic calming geometrics are used. Use of low speed elements must be consistent throughout the length of the minor local street in order to maintain a constant design speed and not introduce unexpected vertical or horizontal direction changes. Speed limit and other necessary warning signs shall be installed per the approved signing plan.

B. Intersection Sight Distance. Intersection sight distance shall be provided as detailed in the AASHTO Policy of Geometric Design of Streets and Highways (Latest Edition) for applicable Cases I, II, IIIa, IIIb, IIIc or Case IV. All intersections are to be considered as Case I, unless approved otherwise by the A.D.P.W. (Ord. 4839, 1-16-01; Ord. 4185 § 2, 8-24-93; Code 1985 Appx. B § 404.10; Ord. 3352, 12-20-83)

Sec. 15-24-11 Grades.

A. The minimum grade for a public street is 0.4 percent except that cul-de-sacs without a drainage inlet at or near the cul-de-sac terminus and streets on fill shall have a 0.5 percent minimum grade. The maximum grade for the various street types are shown below:

Street Classification	Maximum Grade Percentage
Arterials	6%
Collector	10%
Local	12%

B. Proposed grade lines at intersecting local and lesser streets shall require transition vertical curves if the grade of the intersecting non-through approach street is greater than 3.0 percent. Transition vertical curves shall begin at the apparent intersection of the curb lines of the intersecting streets. (Ord. 4839, 1-16-01; Ord. 4185 § 2, 8-24-93; Code 1985 Appx. B § 404.11; Ord. 3352, 12-20-83)

Sec. 15-24-12 Tangents.

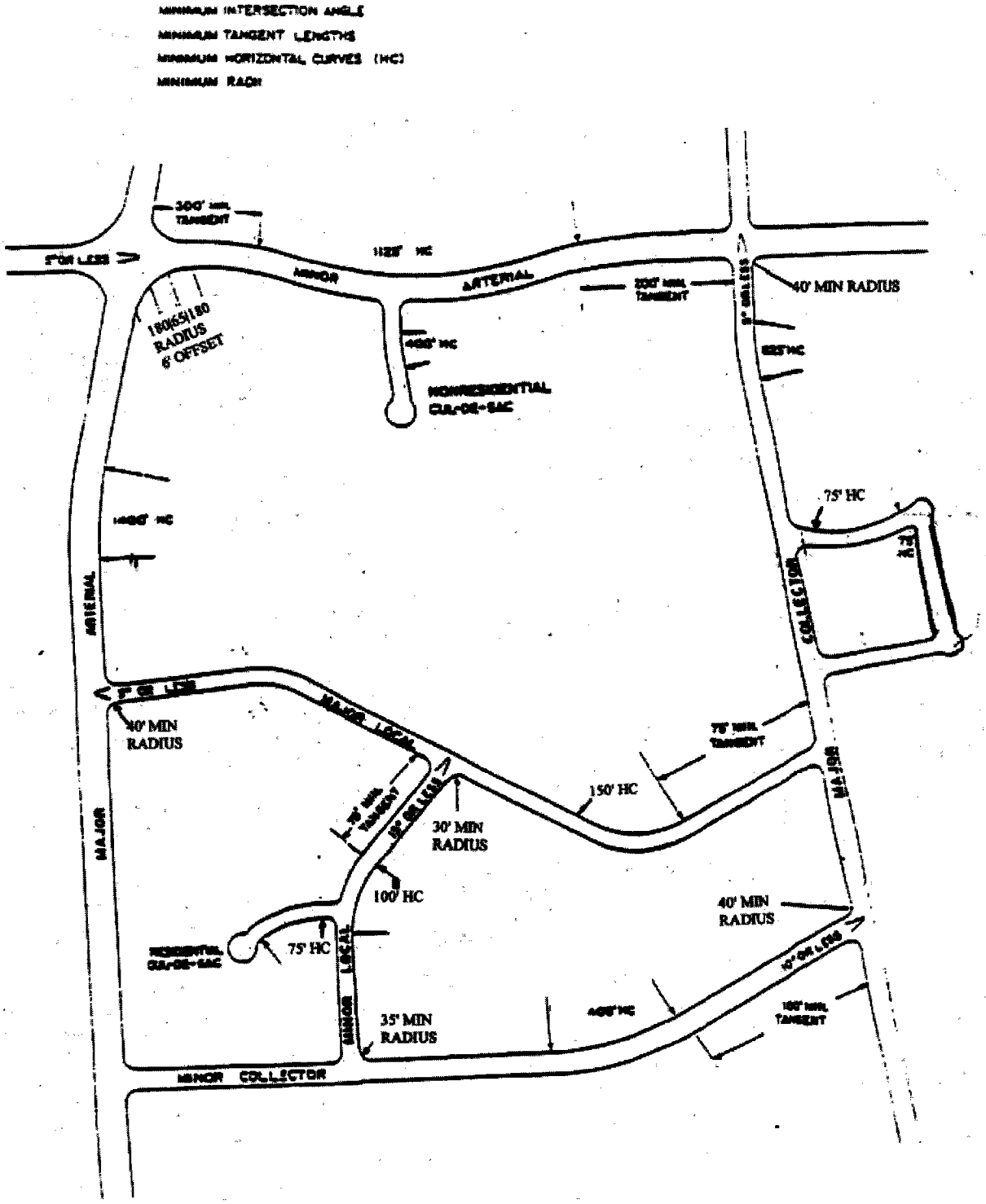
A. Approach Tangents. The minimum centerline tangents permitted on approach to intersections are shown below.

Intersection Type	Tangent Length Minimum
Arterial with arterial	300 feet
Arterial with collector	200 feet
Collector with arterial or collector	100 feet

(Note: See Figure 1, at the end of this section, for illustration of required approach tangents.)

B. Tangents Between Curves. Between reverse curves there shall be a centerline tangent not less than three hundred (300) feet in length on arterials and one hundred (100) feet on collectors. No tangent is required on local, loop or cul-de-sac streets.

Figure 1



(Ord. 4839, 1-16-01; Ord. 4185 § 2, 8-24-93; Code 1985 Appx. B § 404.12; Ord. 3352, 12-20-83)

Sec. 15-24-13 Corner radii.

The minimum curb line radii for the various street intersections are shown below:

Intersection Type	Corner Radii Minimum
Arterial with arterial	180-65-180 (offset 6')
Arterial with collector	40 feet
Arterial with local	40 feet
Collector with collector	40 feet
Collector with local	35 feet
Local with local	30 feet

(Note: See Figure 1, in Section 15-24-12, for illustration of required corner radii.)

(Ord. 4839, 1-16-01; Ord. 4185 § 2, 8-24-93; Code 1985 Appx. B § 404.13; Ord. 3352, 12-20-83)

Sec. 15-24-14 Length of dead end street.

Streets which are designed to be permanently terminated shall conform to the maximum length provided below:

Minimum Lot Frontage*	Maximum Length (feet)**
60 feet or less	600
61-80 feet	800
81-149 feet	1000
150 feet or greater	1200

* Except lots at the end of the cul-de-sac.

** Measured along the street centerline from the center point of the cul-de-sac terminus to the centerline of the through street.

(Ord. 4839, 1-16-01; Ord. 4185 § 2, 8-24-93; Code 1985 Appx. B § 404.14; Ord. 3352, 12-20-83)

Sec. 15-24-15 Sidewalks—Requirements for installation.

The installation and construction of sidewalks formerly required by these regulations shall be the responsibility of the homebuilder and/or owner in accordance with city and county sidewalk ordinances and policies. (Ord. 4839, 1-16-01; Ord. 4185 § 2, 8-24-93; Code 1985 Appx. B § 404.15; Ord. 3352, 12-20-83)

Sec. 15-24-16 Curb and gutter.

Curb and gutter are required on all streets within urban subdivisions. (Ord. 4839, 1-16-01; Ord. 4185 § 2, 8-24-93; Code 1985 Appx. B § 404.16; Ord. 3352, 12-20-83)

Sec. 15-24-17 Medians.

A. General Provisions. Medians on nonarterial roads may be permitted at intersections provided sufficient right-of-way is provided for the standard street surface, the proposed median and a transitional area tapering to the standard street width. Maintenance of medians in nonmajor streets shall be solely the responsibility of a property owner's association or lot owner(s) as specified on the final plat. The median design and construction are subject to the approval of A.D.P.W.

B. Median Openings. Median openings shall be provided for intersecting streets and to accommodate concentrated heavy traffic volumes. The location and design of additional median opening is subject to approval of A.D.P.W.

C. Median Modification. Modifications to a median shall be at the expense of the subdivider. Modifications shall be constructed in accordance with plans approved by the A.D.P.W., and shall be constructed in conformance with adjacent lanes. (Ord. 4839, 1-16-01; Ord. 4185 § 2, 8-24-93; Code 1985 Appx. B § 404.17; Ord. 3352, 12-20-83)

Sec. 15-24-18 Public alleys.

Public alleys shall not be permitted.

(Ord. 4839, 1-16-01; Ord. 4185 § 2, 8-24-93; Code 1985 Appx. B § 404.18; Ord. 3352, 12-20-83)

Sec. 15-24-19 Street names.

The A.D.P.W. shall recommend and the A.G.B. shall approve the naming of public streets. The subdivider shall propose street names for new streets which will be considered with respect to the following criteria:

A. Street names shall not be used which duplicate, or closely approximate phonetically, the names of existing streets.

B. Streets lying on approximately the same line shall have the same name unless the intervening space between the separate parts is greater than two thousand (2,000) feet.

C. Street names prefixes or suffixes such as north, south, east or west shall be used to clarify the general location of the street. (Ord. 4839, 1-16-01; Ord. 4185 § 2, 8-24-93; Code 1985 Appx. B § 404.19; Ord. 3352, 12-20-83)

Chapter 15-28

PRIVATE DRIVES

Sections:

15-28-1	**General provisions.**
15-28-2	**General design criteria.**
15-28-3	**Geometric design standards.**
15-28-4	**Pavement width.**
15-28-5	**Dead end drives.**
15-28-6	**Intersections.**
15-28-7	**Multiple access points to public streets.**
15-28-8	**Construction requirements.**
15-28-9	**Maintenance.**

Sec. 15-28-1 General provisions.

A. The provisions of this chapter apply to individual lots with access on a private drive and with no direct access to a public street. Private drives within apartment complexes, shopping centers and other developments which provide internal circulation for one parcel are not subject to the provisions of this chapter.

B. Private drives may be permitted where the subdivider demonstrates that private ownership, control and maintenance of street facilities is integral to the design and function of the subdivision; that provision has been made for the continuing and adequate maintenance of such drives; that the private drives in the development will not interrupt or jeopardize the continuous circulation of vehicular traffic in the general area.

C. All plans are subject to the review of the A.D.P.W. (Code 1985 Appx. B § 405.1; Ord. 3352, 12-20-83)

Sec. 15-28-2 General design criteria.

Private drive systems shall conform to the following criteria:

A. Provide adequate access to all lots with facilities within the development;

B. Shall be a sufficient width to accommodate fire and other emergency vehicles; and

C. Shall be separated from the public street system to discourage vehicular traffic from public streets. (Code 1985 Appx. B § 405.2; Ord. 3352, 12-20-83)

Sec. 15-28-3 Geometric design standards.

There are no specified minimum geometric design standards for curvature of a private drive, however, all private drives shall be designed to provide safe and convenient access to all properties within the development. (Code 1985 Appx. B § 405.3; Ord. 3352, 12-20-83)

Sec. 15-28-4 Pavement width.

The pavement width, exclusive of curb and gutter, on private drives shall be dependent upon the type and intensity of development proposed, but in no instance shall be less than twenty-two (22) feet in width for two-way traffic. (Code 1985 Appx. B § 405.4; Ord. 3352, 12-20-83)

Sec. 15-28-5 Dead end drives.

A. The length of dead end drives shall be governed by the same criteria for public streets provided in Section 15-24-14.

B. Dead end drives shall be terminated by a circular or T-type turnaround. The width of the paved surface area shall be determined by the type and intensity of development proposed but in no instance shall be less than thirty-three (33) foot radius. The design of any turn-around is subject to the approval of the respective fire department and A.D.P.W. (Code 1985 Appx. B § 405.5; Ord. 3352, 12-20-83)

Sec. 15-28-6 Intersections.

Private drives should not be a direct connection between two public streets. Where the projection or connection of a public street into a private drive system is unavoidable, the private drive shall be designed to clearly distinguish between the public streets and private drives by means of curbing, turnarounds, signing and/or other measures deemed necessary by the A.D.P.W. (Code 1985 Appx. B § 405.6; Ord. 3352, 12-20-83)

Sec. 15-28-7 Multiple access points to public streets.

Projects containing private drives shall conform to the access and driveway standards of Section 15-24-3(E). (Code 1985 Appx. B § 405.7; Ord. 3352, 12-20-83)

Sec. 15-28-8 Construction requirements.

Private drives shall be constructed to equal or exceed the base materials, compaction and final surfacing standards for public streets. If curb, gutter and sidewalk are not provided, drainage swales adjacent to the roadway shall be required. (Code 1985 Appx. B § 405.8; Ord. 3352, 12-20-83)

Sec. 15-28-9 Maintenance.

Before final plats for developments containing private drives are approved, the subdivider shall provide for approval by O.P.D. and A.D.P.W. copies of the property

owners' association document which clearly delineates the responsibilities for common use and maintenance of the private drives. The property owners' association document shall be recorded simultaneously with the final plat and the instrument number noted on the final plat. (Code 1985 Appx. B § 405.9; Ord. 3352, 12-20-83)

Chapter 15-32

RESERVATION OF LAND

Sections:

15-32-1 **Public sites and open spaces.**
15-32-2 **Termination.**
15-32-3 **Other areas.**

Sec. 15-32-1 Public sites and open spaces.

Where a proposed park, playground, school or other public use shown in the comprehensive plan is located in whole or in part in a proposed subdivision, the L.U.C.B. or A.G.B. may require the reservation of such lands. Such reservation shall continue in effect for a period of not more than one year from the date of approval of the preliminary plan. This reservation period may be extended for an additional year upon submission of a letter to the L.U.C.B. or A.G.B. of intent to purchase by the appropriate governmental agency. Further extensions may be permitted upon mutual agreement between the subdivision owner and the L.U.C.B. or A.G.B. each of which shall not exceed two years. (Code 1985 Appx. B § 406.1; Ord. 3352, 12-20-83)

Sec. 15-32-2 Termination.

The reservation may be terminated upon notice from the appropriate governmental agency stating that the property may be released for development. (Code 1985 Appx. B § 406.2; Ord. 3352, 12-20-83)

Sec. 15-32-3 Other areas.

The L.U.C.B. or A.G.B., upon consideration of the particular type of development proposed, and particularly in large scale developments not anticipated in the comprehensive plan, may require the reservation of other lands the extent, character and location suitable to the needs created by such development for schools, parks and other public purposes. Such reservations shall be subject to the time period requirements of this chapter. (Code 1985 Appx. B § 406.3; Ord. 3352, 12-20-83)

Chapter 15-36

IMPROVEMENTS GENERALLY

Sections:

15-36-1 **General provisions.**
15-36-2 **Soil erosion.**
15-36-3 **Electrical service.**

Sec. 15-36-1 General provisions.

A. Required Improvements.

The subdivider shall enter into a standard improvement contract to construct at his or her expense the improvements required in this section, and other provisions of these regulations.

B. Submission.

1. Engineering plans shall be submitted to the A.D.P.W. for review and shall be prepared in accordance with the design standards and specifications of the A.D.P.W. The plans, when signed by the A.D.P.W., shall become permanent records and the property of the A.D.P.W.

2. The A.D.P.W. shall from time to time publish design standards and policies which will form the basis of review.

3. Additional Required Data.

a. The project engineer shall submit along with his or her construction plans a drainage area map showing the subject property and all surrounding contributory drainage areas. Included on this map shall be grading and drainage information pertaining to any existing adjacent developments, design flow rates and supporting hydrologic and hydraulic data where applicable.

b. The engineer shall submit evidence, along with the construction plans, that sanitary sewer service has been extended through the project, all the way to the project boundaries, to serve all upstream Drainage Basins.

C. Installation.

Improvements shall be constructed in accordance with the A.D.P.W. construction standards and specifications and engineering plans reviewed by the A.D.P.W.

D. Acceptance.

Any improvements constructed by the subdivider shall not be officially accepted until final inspection and approval has been made by the A.D.P.W., the appropriate warranty surety has been provided and the A.G.B. has approved a resolution accepting the improvements.

E. Warranty.

Warranty of all improvements shall be the responsibility of the subdivider until acceptance by the A.G.B. (Ord. 4839, 1-16-01; Code 1985 Appx. B § 501; Ord. 3352, 12-20-83)

Sec. 15-36-2 Soil erosion.

The subdivider shall submit a plan and schedule for soil erosion and sedimentation control to the A.D.P.W. for approval. The subdivider shall provide necessary erosion control such as seeding for gentle slopes, grass sod for sharper slopes, with special grading and terracing in accordance with the plans approved by the A.D.P.W. All freshly excavated and embankment areas not covered with satisfactory vegetation shall be fertilized, mulched and seeded and/or sodded as required to prevent erosion. Storm sewer inlets shall have debris guards as approved by the A.D.P.W. to trap sediment and avoid possible damage by blockage. Provisions shall be made to accommodate increased runoff caused by changed soil and surface conditions during development. Runoff shall be intercepted and safely conveyed to storm drains or natural outlets where it will not erode or flood land. Sediment basins shall be installed and maintained to collect sediment from runoff waters. If it is determined by the A.D.P.W. that the necessary erosion control is not being provided by the subdivider, the A.D.P.W. shall officially notify the subdivider of the problem. If the subdivider has not begun to provide satisfactory erosion control within fifteen (15) days after the notice, the A.D.P.W. shall make the necessary improvements to eliminate the erosion problem documenting all expenses incurred. Prior to release of the bond or recording of a final plat under the no bond procedure, all expenses incurred by the A.D.P.W. shall be paid in full by the subdivider. (Code 1985 Appx. B § 506; Ord. 3352, 12-20-83)

Sec. 15-36-3 Electrical service.

The subdivider shall provide electricity to each residential lot. (Code 1985 Appx. B § 508; Ord. 3352, 12-20-83)

Chapter 15-40

STANDARD IMPROVEMENT CONTRACT

Sections:

15-40-1	**Required.**
15-40-2	**Expiration and extension.**
15-40-3	**Property transfer and assumption contract.**
15-40-4	**Assurances.**
15-40-5	**Conversion procedures—No bond to bond.**

Sec. 15-40-1 Required.

A standard improvement contract shall be executed between the subdivider and the appropriate governing authority when improvements, as described in these regulations, are required. The owner/subdivider shall provide the improvements as specified in the contract. (Ord. 3853 § 1(VI), 4-18-89; Code 1985 Appx. B § 502.1; Ord. 3352, 12-20-83)

Sec. 15-40-2 Expiration and extension.

If the subdivider, due to unforeseen circumstances, is unable to complete all improvement required under the contract in the time specified, the subdivider shall submit a written request for extension of the contract period to the A.D.P.W. at least sixty (60) days prior to the expiration of the existing contract for city/county contracts or thirty-five (35) days for city or county only contracts. The request shall specify the reason for failure to complete the work as agreed and a prospective date for such completion. Requests for extensions shall be approved or rejected by the A.G.B.

If a security has been provided to insure performance of the improvements specified under the contract and the security is inadequate to cover the cost of the uncompleted improvements at the time the extension is sought, the subdivider shall provide additional security to cover current cost projections as made by the A.D.P.W.

Failure to follow this extension procedure constitutes a breach of the contract and places the subdivider in violation of the subdivision regulations. (Ord. 3853 § 1(VI), 4-18-89; Code 1985 Appx. B § 502.2; Ord. 3352, 12-20-83)

Sec. 15-40-3 Property transfer and assumption contract.

Prior to transferring the rights and obligations of all or a portion of a standard improvement contract, the subdivider shall notify the A.D.P.W. when the transfer is to occur and the name and address of the transferee. The subdivider shall provide the A.D.P.W. with an assumption agreement by which the transferee agrees to perform the work required under the standard improvement contract and to provide security needed to assure such performance. The assumption agreement shall be subject to the review of the respective city and/or county attorney and subject to the approval of the A.G.B. (Ord. 3853 § 1(VI), 4-18-89; Code 1985 Appx. B § 502.3; Ord. 3352, 12-20-83)

Sec. 15-40-4 Assurances.

To assure performance of the standard improvement contract provisions for required improvements, the subdivider shall select one of the following methods:

A. Bond. The subdivider shall submit a security deposit in the form of a performance bond, a cash deposit, a certificate of deposit or irrevocable/automatically renewable letter of credit for one hundred (100) percent of the costs of improvements as computed by the respective A.D.P.W.

1. Recordation of Plat. The final plat shall be recorded in the Shelby County register's office following legislative approval of the plat and the contract by the A.G.B. Building permits may be issued after recordation of the plat.

2. Release of Bond. The security posted by the subdivider shall not be released until the A.D.P.W. has inspected all of the improvements, and all improvements have been satisfactorily completed in accordance with the contract and engineering plans and the A.G.B. has accepted the completed improvements as outlined in Sections 15-36-1(D) and (E) of these regulations.

3. Bond Reduction. The A.D.P.W. may approve a reduction in the amount of the bond as improvements are made and inspected, but in no case shall the bond be less than ten (10) percent of the estimated costs of improvements.

4. Proof of Liability. The subdivider shall provide proof of liability insurance to the A.D.P.W. until the subdivision is officially accepted by the A.G.B. In the event of premature expiration of liability, a certificate of renewal shall be provided thirty (30) days prior to expiration of the liability insurance.

B. No Bond. The subdivider may begin installation of required improvements subsequent to the conditional final plat approval and contract approval by the A.G.B.; and, approval of engineering plans by the A.D.P.W. The director of O.P.D. or his or her designee shall not record the final plat, no building permits shall be issued, and no lots shall be sold until all improvements have been installed to the specifications of the A.D.P.W. and accepted

by the A.G.B. (Ord. 3853 § 1(VI), 4-18-89; Code 1985 Appx. B § 502.4; Ord. 3352, 12-20-83)

Sec. 15-40-5 Conversion procedures—No bond to bond.

A subdivision being developed under the no bond procedure may be converted to a bonded subdivision by submission of appropriate documents and security as specified under the bonding procedure. The A.D.P.W. may permit a conversion upon approval of the security deposit without additional legislative approval. The final plat may then be recorded, lots sold and building permits issued in accordance with the provisions of a bonded subdivision. (Ord. 3853 § 1(VI), 4-18-89; Code 1985 Appx. B § 502.5; Ord. 3352, 12-20-83)

Chapter 15-44

STREET IMPROVEMENTS

Sections:

15-44-1	**Base pavement.**
15-44-2	**Medians.**
15-44-3	**Curbs and gutters.**
15-44-4	**Sidewalks—Requirements for installation.**
15-44-5	**Street name signs.**

Sec. 15-44-1 Base pavement.

A. Width.

1. Arterial Roads.

a. Limited Access. No improvements are required unless a frontage road is dedicated which shall be improved to at least twenty-four (24) feet of base pavement.

b. Principal and Minor. For roads designated as priority I on the major road plan, the subdivider shall construct no less than twenty-eight (28) feet of base pavement when one-half of the design right-of-way is dedicated; and not more than fifty-six (56) feet of base pavement equally divided on either side of a median when the full design right-of-way is dedicated. No improvements are required for roads designated as priority II or III on the major road plan except where required for access.

2. Collector and Minor Streets. All collector, local and minor streets shall be constructed with base pavement equal to the design pavement widths provided in Section 15-24-4 of these regulations.

B. Construction Standards. The standards for construction of base pavement on all streets shall be in accordance with the specifications established by the A.D.P.W.

C. Variations—Cash Payment. When the construction of improvements at the time of development, in the opinion of the A.G.B., is not desirable, a cash payment in lieu of construction shall be required. The cash payment shall be deposited by the A.G.B. in an account for the improvement of such roadway and shall be applied to the cost of such improvements. (Ord. 4185 § 2, 8-24-93; Code 1985 Appx. B § 503.1; Ord. 3352, 12-20-83)

Sec. 15-44-2 Medians.

A. Construction. Curb and gutter are not required adjacent to the median if the median is required by the major road plan. The subdivider shall be responsible for the construction of curbed medians where they are proposed by the subdivider but not by the major road plan. Construction design shall be subject to the approval of the A.D.P.W.

B. Modifications. The modification of a median shall be the responsibility of the subdivider and all costs associated therewith and subject to the approval of the A.D.P.W. (Ord. 4185 § 2, 8-24-93; Code 1985 Appx. B § 503.2; Ord. 3352, 12-20-83)

Sec. 15-44-3 Curbs and gutters.

A. Urban Subdivisions. The subdivider shall provide curbs and gutters on all streets in an urban subdivision as set forth in Section 15-24-16.

B. Rural Subdivisions. Curbs and gutters shall not be required unless a substantial portion of the immediate area has curbs and gutters.

C. Variances. A variance of curbs and gutters may be permitted in areas which are fully developed without curbs and gutters. (Ord. 4185 § 2, 8-24-93; Code 1985 Appx. B § 503.3; Ord. 3352, 12-20-83)

Sec. 15-44-4 Sidewalks—Requirements for installation.

The installation and construction of sidewalks formerly required by these regulations shall be the responsibility of the homebuilder and/or owner in accordance with city and county sidewalk ordinances and policies. (Ord. 4185 § 2, 8-24-93; Code 1985 Appx. B § 503.4; Ord. 3352, 12-20-83)

Sec. 15-44-5 Street name signs.

The subdivider shall install permanent street name signs in accordance with design and location standards determined by the A.D.P.W. (Ord. 4185 § 2, 8-24-93; Code 1985 Appx. B § 503.5; Ord. 3352, 12-20-83)

Chapter 15-48

DRAINAGE

Sections:

15-48-1	**Urban subdivisions.**
15-48-2	**Rural subdivision.**
15-48-3	**Downstream capacity.**
15-48-4	**Phasing of development.**
15-48-5	**Timing of construction.**
15-48-6	**Dams.**
15-48-7	**Drainage design criteria.**

Sec. 15-48-1 Urban subdivisions.

A. Easements. The subdivider shall provide easements for all drainage facilities necessary to accommodate storm water originating within the subdivision and upstream in accordance with the location and dimension requirements of the A.D.P.W.

B. Areas Requiring One Hundred Square Foot Cross Section or Less. For drainage areas requiring a channel lined ditch cross section of a hundred (100) square feet or less, the subdivider shall provide all necessary drainage improvements. Such improvements shall include, but not be limited to underground pipes, inlets, catch basins, culverts, channels, other structures and manholes for the adequate disposal of storm water. The subdivider shall maintain any natural drainage course and shall provide required easements for larger drainage canals, future storm sewers and outfalls if needed.

C. Areas Containing Greater than One Hundred Square Foot Cross Section. For drainage areas requiring a channel lined ditch cross section greater than one hundred (100) square feet, the A.D.P.W. shall, prior to preliminary plan approval, require one of the following options:

1. Channel line the ditch to the required section and provide an easement sufficient to contain the channel lined ditch; or at the option of the subdivider, pay an amount equal to 1.00 times the construction cost of a one hundred (100) square foot cross section channel lined ditch. The subdivider shall submit a cash deposit at the time of execution of the standard improvement contract or other acceptable security to assure payment. Payment shall be made by the subdivider at such time as the contract for drainage improvement is approved and awarded by the A.G.B. Subdivider shall be given written notice thirty (30) days prior to a demand for the funds by the A.D.P.W. The remaining cost shall be paid by the A.G.B. or shared if the subdivision is located within three miles of the city corporate limits; or

2. Improve the capacity of the ditch in accordance with a design approved by the A.D.P.W. The subdivider shall perform work such as sloping, seeding, sodding, riprapping, ditch paving, dredging and other efforts to ensure the proper flow of stormwater and to minimize erosion. A sufficient easement shall be provided to permit the ditch to meander and cave-in without endangering improvements on adjacent property If the ditch alignment is changed, sufficient easement may be required for both old and new channels.

D. One Hundred Square Foot Cost Estimate. The A.D.P.W. shall approve the alignment and estimate the construction cost of a hundred (100) square foot cross section area channel lined ditch. The estimated cost of construction including engineering and inspection cost shall be an amount equal to 1.00 times the construction cost of one hundred (100) square foot cross section and shall be used for determining a preliminary estimate to be charged to the subdivider for the purpose of entering into a standard improvement contract.

E. Exempted Rivers and Streams. The subdivider shall not be required to pay for improvements on streams containing ten thousand (10,000) acres of drainage or greater. (Ord. 4839, 1-16-01; Code 1985 Appx. B § 504.1; Ord. 3352, 12-20-83)

Sec. 15-48-2 Rural subdivision.

The subdivider shall be responsible for the drainage improvements described in Section 15-48-1. In circumstances where the A.D.P.W. determines that improvements would not be desirable, the A.D.P.W. may permit the subdivider to leave the drainageway in its natural state. In these circumstances, the subdivider shall provide sufficient easement to allow the ditch to meander and cave-in without endangering improvements on adjacent property. If the ditch alignment is changed, sufficient easement shall be provided for both old and new channels. The subdivider may be required to perform work such as riprapping, ditch paving, dredging, sloping, seeding, sodding and other efforts to ensure the proper flow of stormwater and to minimize erosion. (Ord. 4839, 1-16-01; Code 1985 Appx. B § 504.2; Ord. 3352, 12-20-83)

Sec. 15-48-3 Downstream capacity.

Downstream capacity shall be sufficient to accommodate the additional runoff generated by the subdivision. (Ord. 4839, 1-16-01; Code 1985 Appx. B § 504.3; Ord. 3352, 12-20-83)

Sec. 15-48-4 Phasing of development.

When a subdivision contains a major drainageway and the subdivider proposes to develop the subdivision in phases, the A.D.P.W. shall estimate the total cost of the required drainage improvements, and the developer shall post a cash deposit with the A.D.P.W. for each phase based on the pro-rata gross land area share of each phase. The method of securing the required improvements shall be subject to the approval of the A.D.P.W. (Ord. 4839, 1-16-01; Code 1985 Appx. B § 504.4; Ord. 3352, 12-20-83)

Sec. 15-48-5 Timing of construction.

All drainage facilities to be located in a street or private drive shall be completed prior to constructing base pavement. (Ord. 4839, 1-16-01; Code 1985 Appx. B § 504.5; Ord. 3352, 12-20-83)

Sec. 15-48-6 Dams.

The subdivider shall obtain any necessary permits for the construction of any dam in accordance with the Safe Dams Act of the state of Tennessee. (Ord. 4839, 1-16-01; Code 1985 Appx. B § 504.6; Ord. 3352, 12-20-83)

Sec. 15-48-7 Drainage design criteria.

The slope of the major drainage facilities through the project, shall be designed to match, as closely as practical, the existing natural Drainage Basin slope found in the subject project. (Ord. 4839, 1-16-01; Code 1985 Appx. B § 504.7; Ord. 3352, 12-20-83)

Chapter 15-52

SEWER SYSTEMS

Sections:

15-52-1	**Extension.**
15-52-2	**Cost estimate.**
15-52-3	**On-site systems.**
15-52-4	**Easements.**
15-52-5	**Timing of construction.**
15-52-6	**Lift stations.**

Sec. 15-52-1 Extension.

When public sewers are within reasonable access to the subdivision, the subdivider shall provide sanitary sewer facilities to each lot therein. The subdivider shall provide sewers of the diameter necessary to serve the subdivision. The subdivider shall also provide for sewers for any future upstream development but shall only be required to pay for sewers with a capacity equal to or less than a twelve (12) inch diameter pipe serving upstream development. (Code 1985 Appx. B § 505.1; Ord. 3352, 12-20-83)

Sec. 15-52-2 Cost estimate.

Construction cost of the twelve (12) inch sewer shall be determined by the A.D.P.W. The estimated cost of construction, plus ten (10) percent for engineering and inspection, shall be used for determining a preliminary estimate to be charged to the subdivider for the purpose of entering into a standard improvement contract. (Code 1985 Appx. B § 505.2; Ord. 3352, 12-20-83)

Sec. 15-52-3 On-site systems.

When a public sanitary sewer is not accessible, provisions shall be made for the disposal of sanitary wastes in accordance with standards and requirements of the Memphis and Shelby County health department. (Code 1985 Appx. B § 505.3; Ord. 3352, 12-20-83)

Sec. 15-52-4 Easements.

The subdivider shall provide easements for all public sanitary sewers within the subdivision, sanitary sewer outfalls and appurtenant structures in accordance with the location and dimensional requirements of the A.D.P.W. (Code 1985 Appx. B § 505.4; Ord. 3352, 12-20-83)

Sec. 15-52-5 Timing of construction.

All sanitary sewer facilities to be located in a street or private drive shall be completed prior to constructing base pavement. (Code 1985 Appx. B § 505.5; Ord. 3352, 12-20-83)

Sec. 15-52-6 Lift stations.

Lift stations may be permitted at the subdivider's expense and in accordance with plans approved by the A.D.P.W. The subdivider shall enter into a contract with the A.D.P.W. covering operations and maintenance for a five-year period. (Code 1985 Appx. B § 505.6; Ord. 3352, 12-20-83)

Chapter 15-56

WATER SYSTEMS

Sections:

15-56-1 **Public system.**
15-56-2 **Private system.**
15-56-3 **Fire hydrants.**
15-56-4 **Construction.**

Sec. 15-56-1 Public system.

When a public water supply of sufficient capacity as determined by the appropriate utility is within reasonable access, the subdivider shall extend the appropriate water lines to provide service to each lot. (Code 1985 Appx. B § 507.1; Ord. 3352, 12-20-83)

Sec. 15-56-2 Private system.

When a public water supply of sufficient capacity as determined by the appropriate utility is not within reasonable access, proper provision shall be made for a private well supply in accordance with the standards and specifications of the Memphis and Shelby County health department. (Code 1985 Appx. B § 507.2; Ord. 3352, 12-20-83)

Sec. 15-56-3 Fire hydrants.

When public water is provided, fire hydrants shall be installed by the subdivider. The number and location of fire hydrants shall be determined by the Shelby County board of public utilities, or subject to the review and approval of the MLG&W division and city or county fire division. No lot shall be farther than five hundred (500) feet from a fire hydrant when public water is available. (Code 1985 Appx. B § 507.3; Ord. 3352, 12-20-83)

Sec. 15-56-4 Construction.

All water mains and service lines shall be constructed prior to constructing base pavement. (Code 1985 Appx. B § 507.4; Ord. 3352, 12-20-83)

Chapter 15-60

STREET DEDICATIONS

Sections:

15-60-1	**Applicability.**
15-60-2	**Preapplication.**
15-60-3	**Submission requirements.**
15-60-4	**Review and approval.**
15-60-5	**Improvements.**

Sec. 15-60-1 Applicability.

These procedures shall not apply to street widening dedications, dedication of streets where a design hearing has been held or to dedication of streets where the A.D.P.W. will provide the improvements. (Code 1985 Appx. B § 601.1; Ord. 3352, 12-20-83)

Sec. 15-60-2 Preapplication.

Prior to filing an application, the applicant may submit to the O.P.D. a sketch plan of the proposed street dedication showing its relationship to surrounding properties and natural features. The O.P.D. and A.D.P.W. may schedule a preapplication conference to review the proposed street dedication. Applicants are encouraged to utilize this procedure to avoid time delays and costs associated with the preparation of the street dedication. (Code 1985 Appx. B § 601.2; Ord. 3352, 12-20-83)

Sec. 15-60-3 Submission requirements.

The applicant shall submit the following materials to O.P.D. before processing of the street dedication:

A. Official application form: required copies completed and signed by the owner.

B. Required fees: a check or money order payable to the Memphis and Shelby County office of planning and development in an amount determined by the uniform fee schedule available at O.P.D.

C. Names and addresses: the names and addresses of current property owners within three hundred (300) feet of the proposed street dedication, typed on gummed labels.

D. Sketch plan: containing the following:

1. Scale of one inch equals one hundred (100) feet or larger scale if approved by the O.P.D.;

2. Adjoining subdivisions by name and section and the names of owners and acreage of all abutting unsubdivided tracts;

3. Name, location, right-of-way and median configuration of existing adjacent streets and proposed street to be dedicated;

4. All existing adjacent structures including primary and accessory buildings and their setback from the proposed dedicated street;

5. One hundred (100) year flood plain and floodway boundaries and elevation of each;

6. Major environmental features including large groups of mature trees;

7. Existing and proposed contour data showing contour intervals of two feet or less;

8. Acreage of drainage area entering and leaving the dedication and the proposed method to accommodate drainage; and

9. One transparent film, eight and one-half by eleven (11) inches.

E. Street Dedication Plat. The applicant shall submit an original mylar and required copies containing the following:

1. Scale of one inch equals one hundred (100) feet or a larger scale suitable to the size of the dedication if approved by O.P.D. The plat shall be drawn on a sheet twenty (20) by twenty-four (24) inches;

2. Prepared by and sealed by an engineer or surveyor licensed in the state of Tennessee;

3. Scale, north arrow, name of firm or individual responsible for preparation, date of preparation, acreage and a vicinity map;

4. Name of street to be dedicated and name of owner;

5. Name and lot numbers of adjoining subdivisions and sections; and, the names of owners and acreage of all abutting unsubdivided tracts;

6. Name, location and right-of-way of existing and proposed streets;

7. The bearings, angles of intersection, horizontal curvature data, tangent lengths, width and total length along the centerline and right-of-way lines;

8. All existing and proposed adjacent easements with their purpose individually designated;

9. Tie-in dimension from the centerline of the proposed street to the centerline of the nearest exiting public street;

10. Accurate location and description of monuments and markers;

11. A metes and bounds description;

12. Required certificates (see Appendix I).

F. Dimensions. All dimensions on the street dedication plat shall be in accordance with Section 15-12-7(E). (Code 1985 Appx. B § 601.3; Ord. 3352, 12-20-83)

Sec. 15-60-4 Review and approval.

A. Agency Comment. Upon submission of a completed application, O.P.D. shall distribute copies of the plan to local agencies for their review and comment. Distribution to state and federal agencies may also be made.

B. Subdivision Technical Review Committee. O.P.D. shall schedule the request for review by the S.T.R.C. which may make comments regarding revisions to the dedication or conditions of approval.

C. O.P.D. Review and Recommendation. The O.P.D. shall re view the proposed street dedication for compliance with the subdivision regulations, zoning ordinance, the major road plan, the Memphis 2000 plan and other plans and policies of the city of Memphis and Shelby County. The O.P.D. shall recommend to the L.U.C.B. approval, approval with conditions or rejection of the proposed street dedication.

D. Notification to Property Owners. O.P.D. shall give written notification to all property owners within three hundred (300) feet of the boundaries of the proposed street dedication. Notification shall be given not less than ten (10) days or more than thirty (30) days prior to the L.U.C.B. meeting at which the street dedication is scheduled for consideration.

E. L.U.C.B. Meeting. The L.U.C.B. shall consider the street dedication within thirty-five (35) days after the application has been filed. The L.U.C.B. shall recommend to the A.G.B. the approval, approval with conditions or rejection of the street dedication.

F. A.G.B. Action. If there are objections to the street dedication presented to the L.U.C.B., the A.G.B. shall notify the objectors of the A.G.B. meeting at which the street dedication is to be considered. Notification shall be given not less than thirty (30) days or more than ten (10) days prior to the meeting. The A.G.B. shall approve, approve with conditions or reject the street dedication. (Code 1985 Appx. B § 601.4; Ord. 3352, 12-20-83)

Sec. 15-60-5 Improvements.

A standard subdivision contract shall be required for the improvement of the dedicated street in accordance with Section 5-36-1 of these regulations. (Code 1985 Appx. B § 601.5; Ord. 3352, 12-20-83)

Chapter 15-64

STREET AND ALLEY CLOSINGS

Sections:

15-64-1	**Preapplication.**
15-64-2	**Submission requirements.**
15-64-3	**Procedures.**
15-64-4	**Other requirements.**

Sec. 15-64-1 Preapplication.

Prior to filing an application, the applicant may submit to the O.P.D. a sketch plan of the closing showing its relationship to surrounding properties, traffic patterns and existing public facilities. The O.P.D. may schedule a preapplication conference to review with the applicant the street or alley closing. Applicants are encouraged to utilize this procedure to avoid time delays and costs associated with the preparation of the closing. (Ord. 3853 § 1(VII), 4-18-89; Code 1985 Appx. B § 602.1; Ord. 3352, 12-20-83)

Sec. 15-64-2 Submission requirements.

The applicant shall submit the following materials to O.P.D. before processing of the closure:

A. Official application form: required copies completed and signed by all abutting property owners. The chief administrative officer of the city or county may initiate a street or alley closing. Property owners with frontage on the street or alley shall sign the application If any abutting property owners refuse to sign the application, the A.G.B. may delete that portion of the street or alley from the closure.

B. Withdrawal of consent: after an application has been filed with the O.P.D., the withdrawal of consent to the closure by an abutting property owner is prohibited.

C. Metes and bounds description: a metes and bounds description of the alley or street to be closed.

D. Plat: a plat of the street or alley closure drawn to scale and the names of all abutting property owners.

E. Transparency: one transparency of the plat, eight and one-half by eleven (11) inches.

F. Fee: a check or money order made payable to the Memphis and Shelby County office of planning and development, the amount determined by the uniform fee schedule available at O.P.D.

G. Names and addresses: the applicant shall provide two copies of the names and addresses of abutting property owners. The names and addresses shall be on gummed labels. (Ord. 3853 § 1(VII), 4-18-89; Code 1985 Appx. B § 602.2; Ord. 3352, 12-20-83)

Sec. 15-64-3 Procedures.

A. Agency Comment. Upon submission of a completed application, the O.P.D. shall distribute copies of the plat to appropriate agencies for their review and comment.

B. Subdivision Technical Review Committee. O.P.D. shall schedule the street or alley closure for review by the S.T.R.C. which may make comments concerning the closure and conditions of approval.

C. Notification of Property Owners. O.P.D. shall give written notification to all property owners within a three hundred (300) foot radius of the street or alley closing. Notification shall be given not less than ten (10) days nor more than thirty (30) days prior to the land use control board meeting at which the applications are considered.

In addition, a sign shall be posted by the A.G.B. at the applicant's expense at each end of the street or alley being closed providing notice of the proposed closing.

D. O.P.D. Recommendation. The O.P.D. shall recommend to the L.U.C.B. the approval, approval with conditions or rejection of the application.

E. L.U.C.B. Meeting. The L.U.C.B. shall consider the closing application not less than thirty-five (35) days nor more than seventy-five (75) days after it has been filed. The L.U.C.B. shall recommend approval, approval with conditions or rejection of the application. The L.U.C.B. may, prior to the close of the public meeting, hold the matter under advisement or defer a decision until the next regular meeting of the board.

F. Notification of L.U.C.B. Action. O.P.D. shall notify the applicant in writing of the L.U.C.B. recommendation.

G. Notification of A.G.B. Meeting. The A.G.B. shall give written notification to all property owners abutting the street or alley closing. Notification shall be given not less than ten (10) days nor more than thirty (30) days prior to the A.G.B. meeting at which the application is considered.

H. A.G.B. Action. The A.G.B. shall by resolution approve, approve with conditions or reject the application. The A.G.B. may defer action or refer the application back to the L.U.C.B. for further consideration.

I. Transfer of Title and Recording. The applicant(s) shall pay to the appropriate real estate department the cost for the transfer of title and the recording of appropriate deeds prior to the recording of any deeds. (Ord. 3853 § 1(VII), 4-18-89; Code 1985 Appx. B § 602.3; Ord. 3352, 12-20-83)

Sec. 15-64-4 Other requirements.

A. Property Acquired by Purchase. Where the street or alley was acquired by governmental purchase, the ap-

plicant(s) shall pay the fee value of the property less any standard reductions for size, limited use, existing easements or similar impediments. Property acquired by governmental purchase (city, county, state or related agency or utility) shall be inclusive regardless of how long the time period has been since acquired, how many times the abutting property has changed ownership and whether or not the purchased property has or has not been utilized as a street or alley in the interim.

B. Property Acquired by Dedication. If the street or alley was acquired by dedication or if it cannot be determined whether the street or alley was acquired by governmental purchase, it shall be assumed that the street or alley was acquired by dedication and no fee value payment is required.

C. Abutting Owners. For purposes of street and alley closures, "abutting owners" means those owners who will be recipients of all or a portion of the closed street or alley, and are the owners of record at the time the closure application is filed with the O.P.D. (Ord. 3853 § 1(VII), 4-18-89; Code 1985 Appx. B § 602.4; Ord. 3352, 12-20-83)

Chapter 15-68

STREET NAME CHANGES

Sections:

15-68-1 **Submission requirements.**
15-68-2 **Processing procedures.**

Sec. 15-68-1 Submission requirements.

The applicant shall submit the following materials to the O.P.D.

A. Official application form: required copies completed and signed by the applicant.

B. Required fee: a check or money order made payable to the Memphis and Shelby County office of planning and development, the amount determined by the uniform fee schedule available at O.P.D.

C. Name(s) and addresses: the applicant shall provide one copy of the names and addresses of current property owners abutting the proposed street name change segment. The names and addresses shall be typed on gummed labels.

D. Transparency: one transparency film eight and one-half by eleven (11) inches of the street name change segment including the names of abutting property owners.

E. Vicinity map: required copies of a small scale vicinity map which locates the street name change segment. (Code 1985 Appx. B § 603.1; Ord. 3352, 12-20-83)

Sec. 15-68-2 Processing procedures.

A. Agency Comment. Upon submission of a completed application, O.P.D. shall distribute copies of the street name change to local agencies for review and comment.

B. Subdivision Technical Review Committee. O.P.D. shall schedule the request for review by the S.T.R.C. which may make comments concerning the street name change.

C. O.P.D. Recommendation. The O.P.D. shall recommend to the L.U.C.B. the approval, approval with conditions or rejection of the application.

D. Notification of Property Owners. O.P.D. shall give written notification to abutting property owners of the street name change. Notification shall be given not less than ten (10) days nor more than thirty (30) days prior to the L.U.C.B. meeting at which the street name change is scheduled for consideration.

E. L.U.C.B. Meeting. The L.U.C.B. shall consider the request not less than thirty-five (35) days nor more than seventy-five (75) days after it has been filed. The L.U.C.B. shall recommend approval, approval with conditions or rejection of the application. The L.U.C.B. may, prior to the close of the public meeting, hold the matter under advisement or defer a decision until the next regular meeting of the board.

F. Notification of L.U.C.B. Action. O.P.D. shall notify the applicant in writing of the L.U.C.B. recommendation. The O.P.D. shall forward the application and recommendations to the A.G.B.

G. Notification of A.G.B. Meeting. The A.G.B. shall give written notification to abutting property owners of the street name change if there was any objection to the request at the L.U.C.B. Notification shall be given not less than ten (10) days nor more than thirty (30) days prior to the A.G.B. hearing.

H. A.G.B. Action. The A.G.B. shall by resolution approve, approve with modifications or reject the request. (Code 1985 Appx. B § 603.2; Ord. 3352, 12-20-83)

Chapter 15-72

SUBDIVISIONS REVOCATION

Sections:

15-72-1 **Subdivision requirements.**
15-72-2 **Processing and procedures.**
15-72-3 **Standard improvement contract.**

Sec. 15-72-1 Subdivision requirements.

A. Application Form. Required copies of the application form and a revocation instrument, both signed by all property owners. (If there is more than one property owner, each property must be able to meet the requirements of the subdivision regulations after revocation of the subdivision, see Section 15-4-5(G) and (H).)

B. Final Plat. The original final plat or copy thereof shall be submitted to the O.P.D. If there is more than one property owner a copy of the final plat shall show the individual boundaries of each property owner.

C. Improved Streets. If streets have been improved or partially improved, a companion street closure application shall also be filed. (Ord. 3853 § 1(III), 4-18-89; Code 1985 Appx. B § 604.1; Ord. 3352, 12-20-83)

Sec. 15-72-2 Processing and procedures.

A. Review and Recommendations. The O.P.D. shall process the application in accordance with the procedures outlined in Section 15-12-4 of these regulations including review by pertinent governmental agencies and the S.T.R.C., recommendations of the O.P.D., A.D.P.W. and the L.U.C.B. and final action by the A.G.B.

B. A.G.B. Action. The A.G.B. shall approve, approve with conditions or reject the subdivision revocation request.

C. Recordations. The O.P.D. shall record the revocation instrument in the Shelby County register's office after receipt of the certified resolution from the A.G.B.

D. Distribution of Revocation Instrument. Following recordation of the revocation instrument, the O.P.D. shall distribute a copy of the instrument to the building department, the A.D.P.W., the fire department and other appropriate agencies. (Ord. 3853 § 1(III), 4-18-89; Code 1985 Appx. B § 604.2; Ord. 3352, 12-20-83)

Sec. 15-72-3 Standard improvement contract.

If there is an existing standard improvement contract, the contract and bond if any shall be released if the revocation is approved. All fees collected as part of the contract shall be nonrefundable. (Ord. 3853 § 1(III), 4-18-89; Code 1985 Appx. B § 604.3; Ord. 3352, 12-20-83)

Appendix I

CERTIFICATE FORMS

Certificates:

- **A. Owner's Certificate.**
- **B. Mortgagee's Certificate.**
- **C. Notary's Certificate.**
- **D. Engineer's and/or Surveyors Certificate.**
- **E. Office of Planning and Development Certificate.**

A. Owner's Certificate.

I/We, _____, the undersigned owner(s) of the property shown, adopt this plat as my/our plan of development and dedicate the streets, rights-of-way, and grant the easements as shown and/or described to public use forever. I/we certify that I/we am/are the owner(s) of the said property in fee simple, duly authorized to act and that said property is not encumbered by any taxes (or mortgages) which have become due and payable.

_____
Signature

_____
Signature

Note:
If the property is encumbered by a mortgage, the mortgages must sign the plat according to the certificate shown in B. If the property is not mortgaged, utilize the alternative language shown in above parentheses.

B. Mortgagee's Certificate.

We, _____, the undersigned mortgagee of the property shown hereon, consent and agree to the plan of development as submitted by owner(s) of the property.

_____
Institution

_____
Signature

C. Notary's Certificate.

(For all owners signatures and mortgages where applicable)

State of Tennessee
County of Shelby
Before me, the undersigned, a Notary Public in and for the said State and County at Memphis, Duly commissioned and qualified, personally appeared _____, with whom I am personally acquainted, and who upon his/her oath acknowledged himself (herself) to be (vice-president, owner, etc.) of the (property, company, etc.), the within named bargainer and that he or she executed the foregoing instrument for the purpose therein contained In witness whereof, I have hereunto set my hand and affixed my notarial seal at my office in Memphis, this _____ day of _____, 19_____.

_____
Notary Public
My Commission Expires:

_____

Note:
Notary seal must be affixed to plat.

D. Engineer's and/or Surveyors Certificate.

Engineer's Certificate
It is certified that this plat is true and correct, is in conformance with the design requirements of the Zoning Ordinance, the Subdivision Regulations and the specific conditions imposed on this development and takes into account all applicable federal, state and local building laws and regulations.

By:

_____
(Seal)
Tennessee Certificate No._____

_____
(Date)

Surveyor's Certificate
I certify that this is a class _____ survey and that the ratio of the precision of the unadjusted survey is 1:_____ or greater; that this plat has been prepared by me or under my individual supervision and conforms with applicable state laws and local zoning ordinances, Subdivision Regu-

lations and the specific conditions imposed on this development relating to the practice of surveying.

By:

_____

_____

(Date)
Tennessee Certificate No. _____
(Seal)

E. Office of Planning and Development Certificate.

This plat was approved by the Memphis City Council on _____ and/or the Shelby County Board of Commissioners on _____.

By:

_____

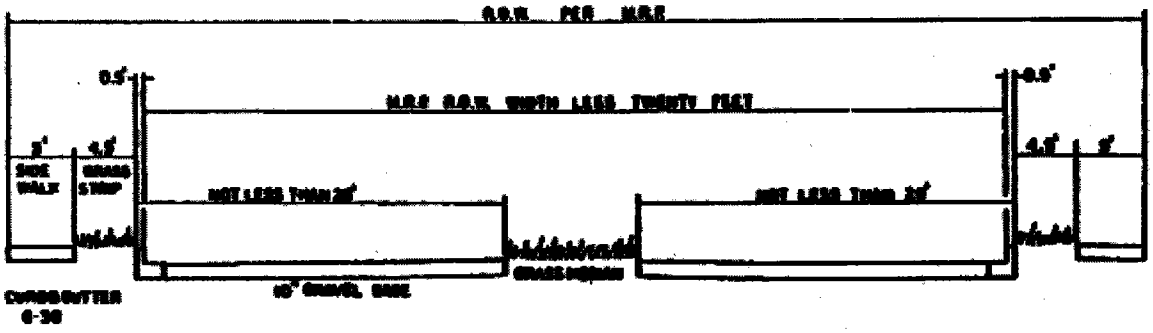
Director, Office of Planing & Development

_____

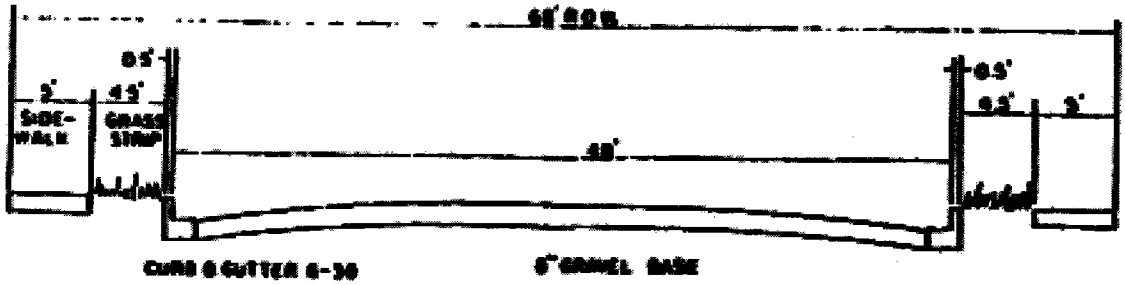
Date

Appendix II

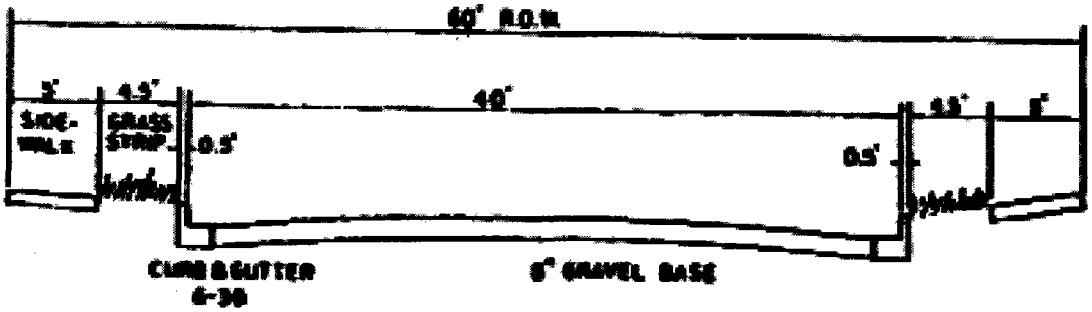
FIGURES



URBAN DESIGN
PRINCIPAL & MINOR ARTERIALS

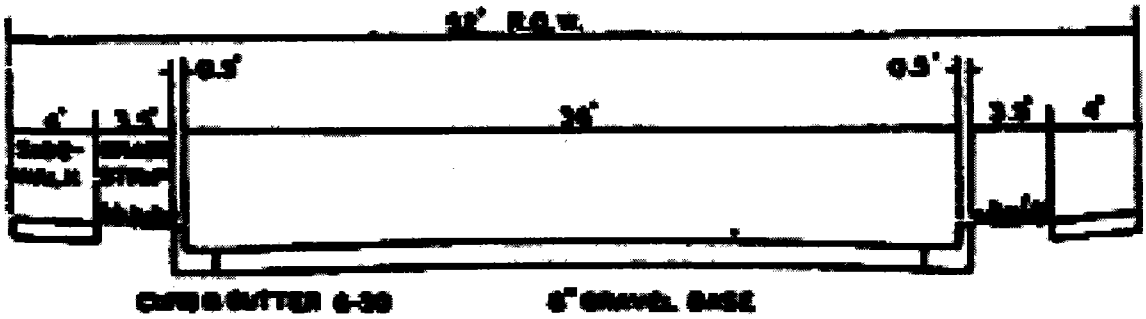


URBAN DESIGN
MAJOR COLLECTOR



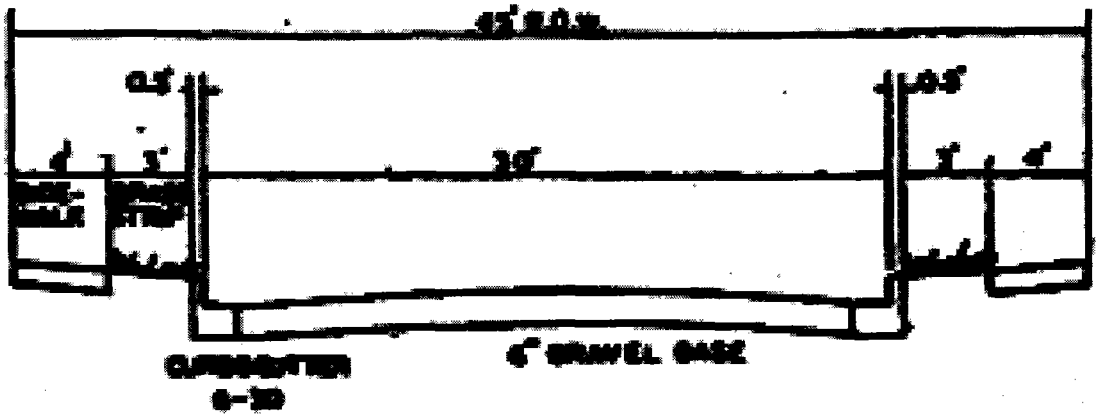
URBAN DESIGN

MINOR COLLECTOR

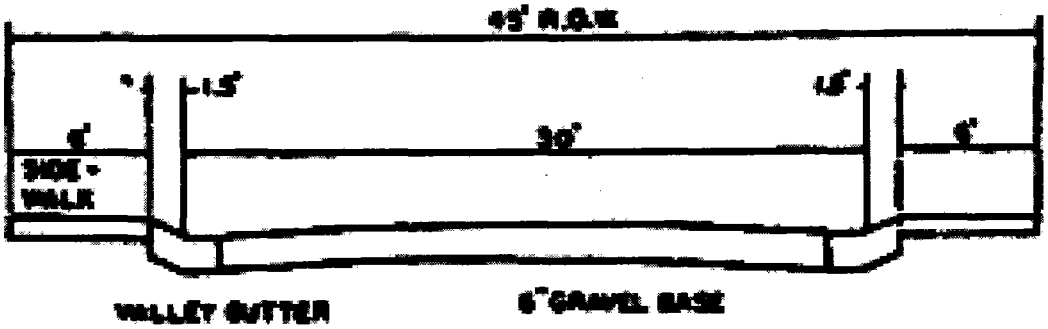


URBAN DESIGN

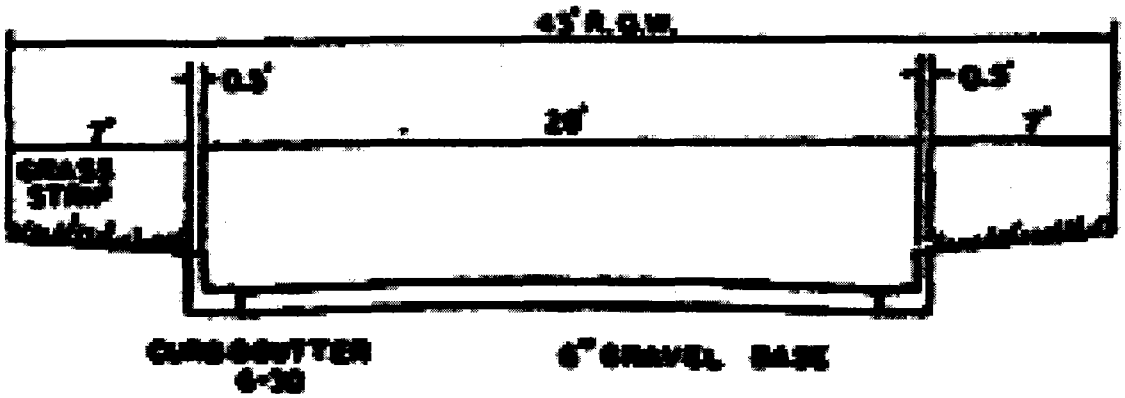
MAJOR LOCAL



URBAN DESIGN
MINOR LOCAL
"6-30"

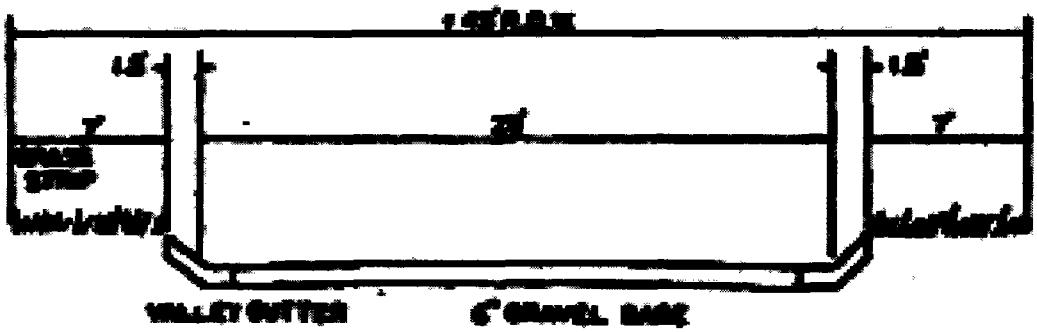


URBAN DESIGN
MINOR LOCAL
"VALLEY GUTTER"



URBAN DESIGN

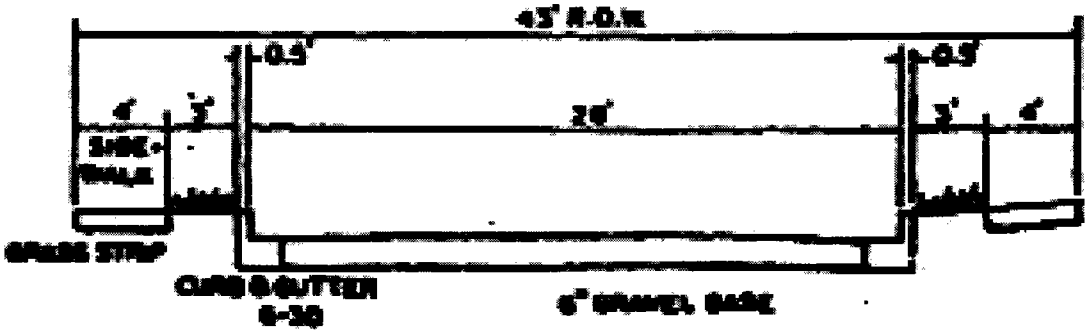
LOCAL LOOP-50 DWELLING UNITS OR LESS "6-30"



URBAN DESIGN

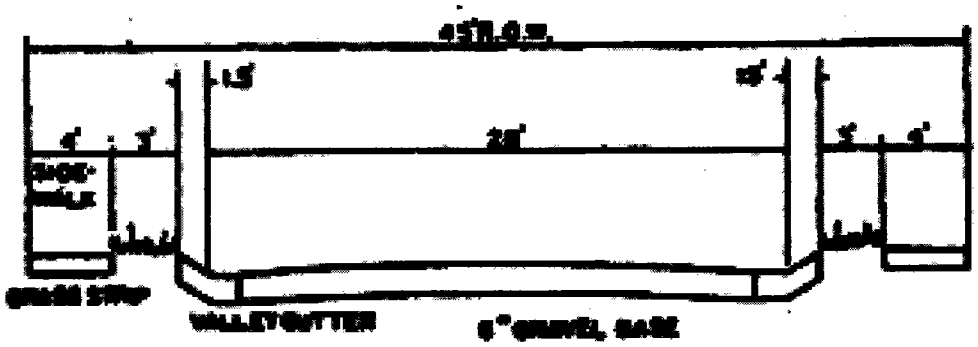
LOCAL LOOP-50 DWELLING UNITS OR LESS

" VALLEY GUTTER"



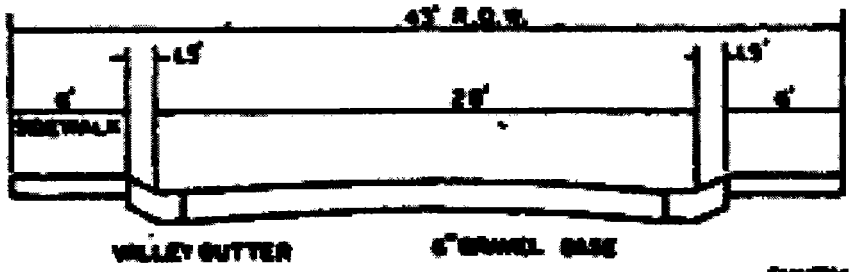
URBAN DESIGN

LOCAL LOOP-GREATER THAN 50 DWELLING UNITS " 6-30"



URBAN DESIGN

LOCAL LOOP-GREATER THAN 50 DWELLING UNITS "VALLEY GUTTER"

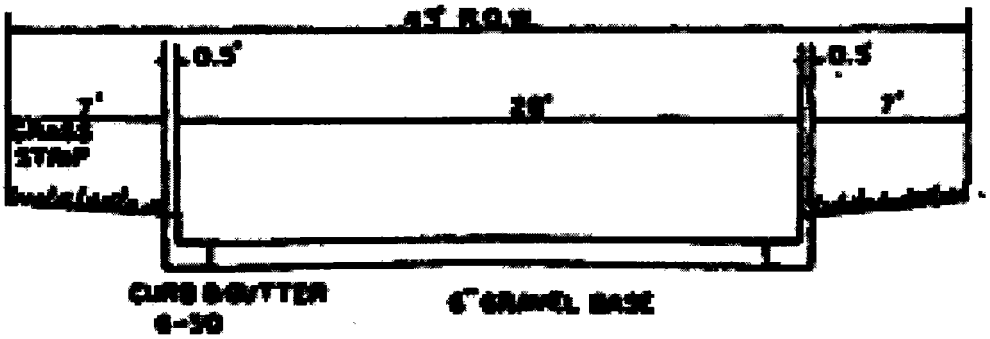


(WITH LOT FRONTAGES OF 35' OR LESS)

URBAN DESIGN

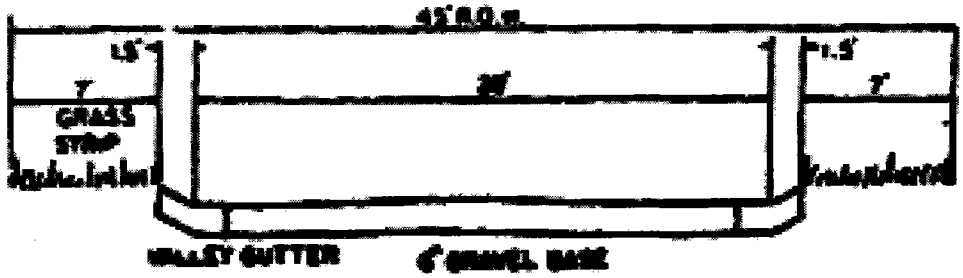
LOCAL LOOP-GREATER THAN 50 DWELLING UNITS

" VALLEY GUTTER"

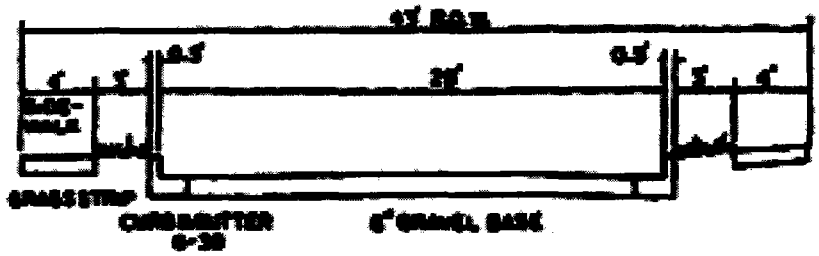


URBAN DESIGN

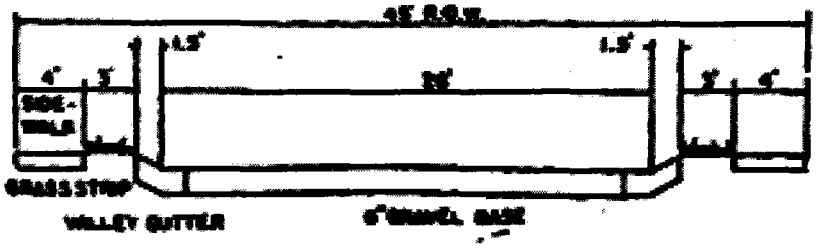
LOCAL CUL-DE-SAC-25 DWELLING UNITS OR LESS "6-30"



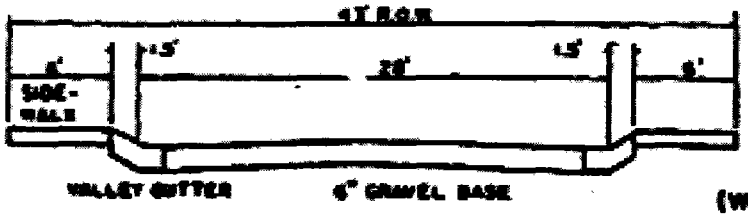
URBAN DESIGN
LOCAL CUL-DE-SAC-25 DWELLING UNITS OR LESS "VALLEY GUTTER"



URBAN DESIGN
LOCAL CUL-DE-SAC-GREATER THAN 25 DWELLING UNITS "6-30"



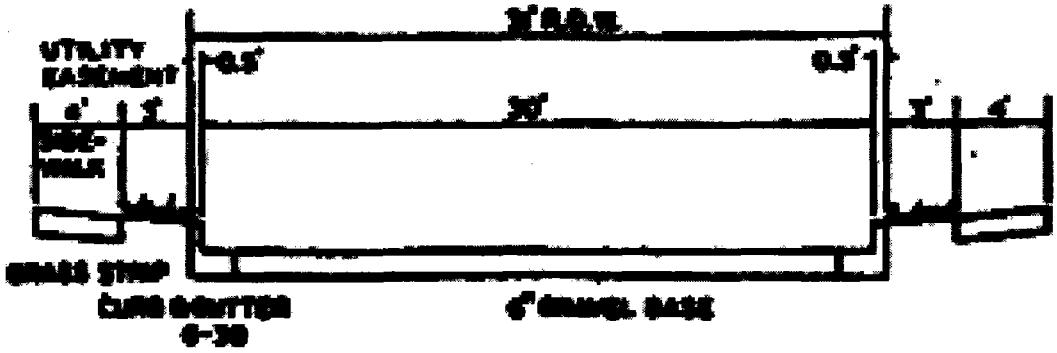
URBAN DESIGN
LOCAL CUL-DE-SAC GREATER THAN 25 DWELLING UNITS "VALLEY GUTTER"



(WITH LOT FRONTAGES OF 35' OR LESS)

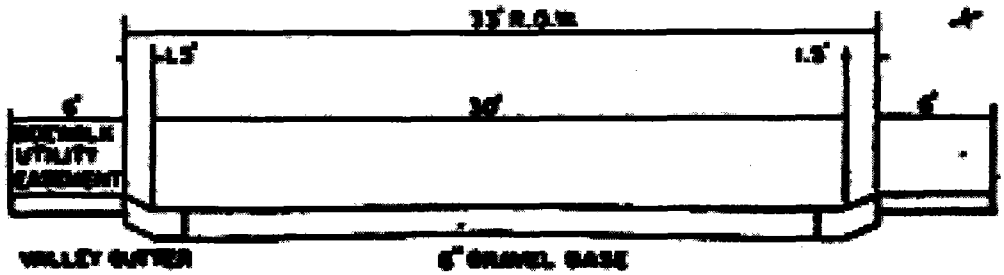
URBAN DESIGN

LOCAL CUL-DE-SAC-GREATER THAN 25 DWELLING UNITS "VALLEY GUTTER"

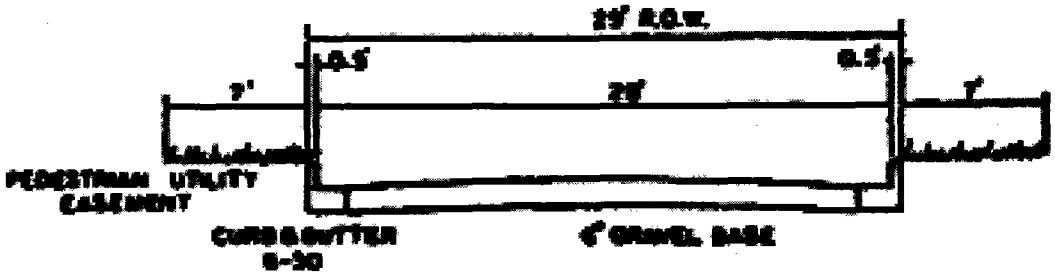


ALTERNATIVE URBAN DESIGN

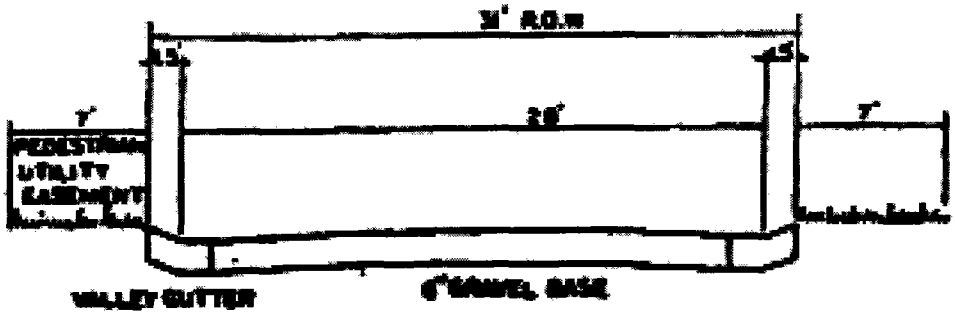
MINOR LOCAL "6-30 W/ EASEMENT"



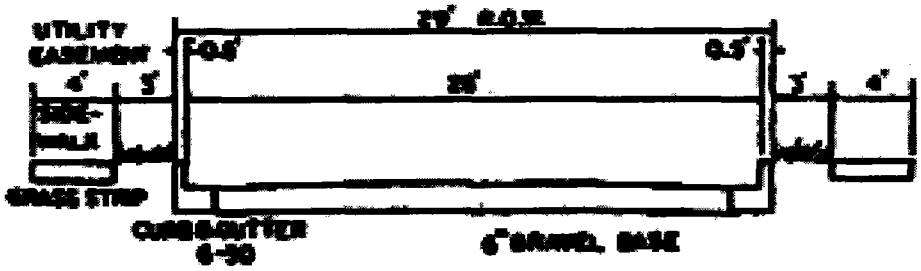
ALTERNATIVE URBAN DESIGN
MINOR LOCAL "VALLEY GUTTER W/EASEMENT"



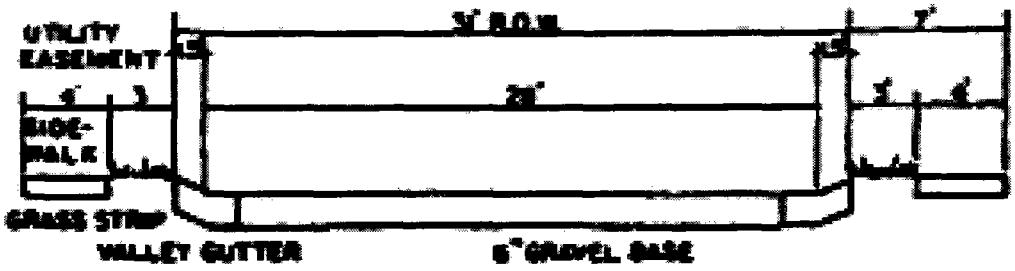
ALTERNATIVE URBAN DESIGN
LOCAL LOOP- 50 DWELLING UNITS OR LESS
"6-30 W/ EASEMENT



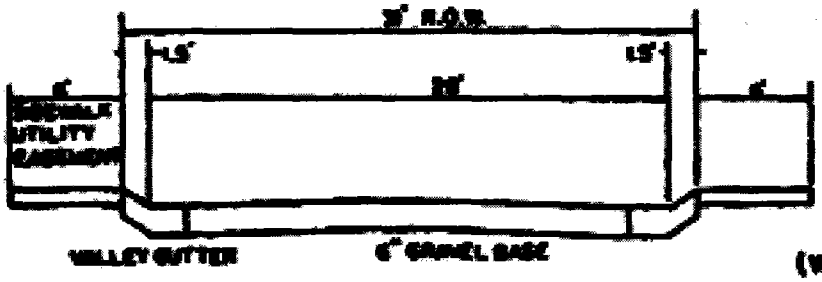
ALTERNATIVE URBAN DESIGN
LOCAL LOOP-50 DWELLING UNITS OR LESS
"VALLEY GUTTER W/EASEMENT"



ALTERNATIVE URBAN DESIGN
LOCAL LOOP-GREATER THAN 50 DWELLING
UNITS "6-30 W/EASEMENT"

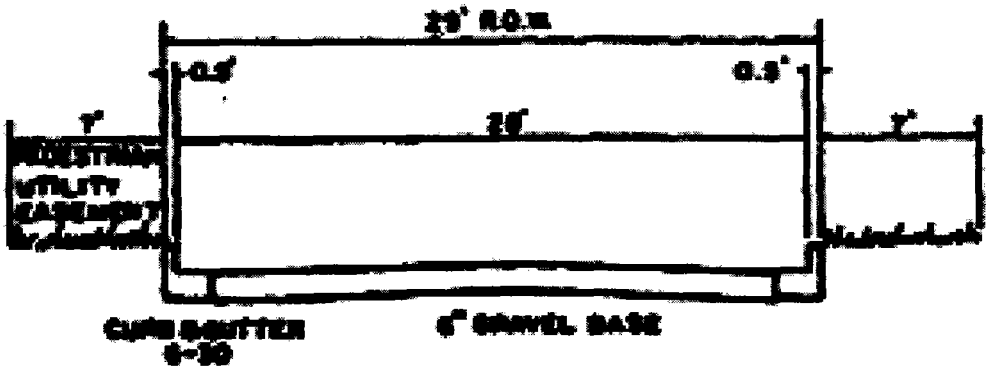


ALTERNATIVE URBAN DESIGN
LOCAL LOOP-GREAT THAN 50 DWELLING UNITS" VALLEY GUTTER W/EASEMENT"

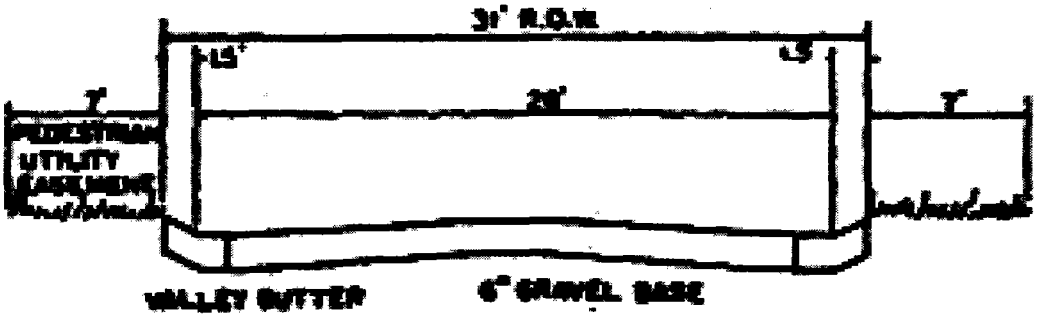


(WITH LOT FRONTAGES OF 35' OR LESS)

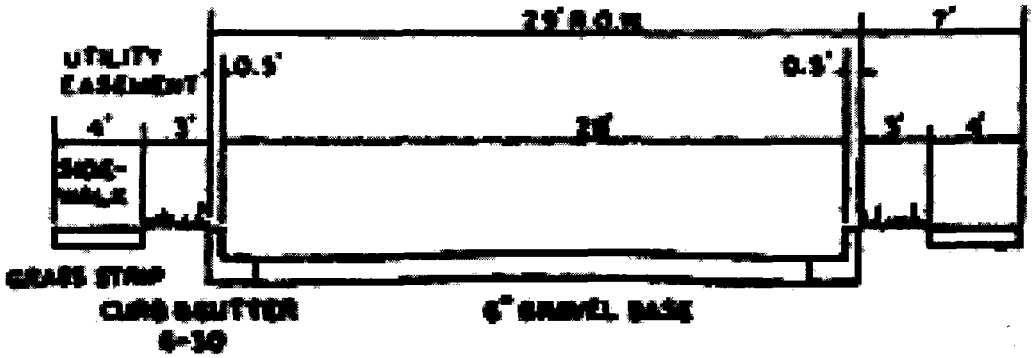
ALTERNATIVE URBAN DESIGN
LOCAL LOOP-GREATER THAN 50 DWELLING UNITS "VALLEY GUTTER W/EASEMENT"



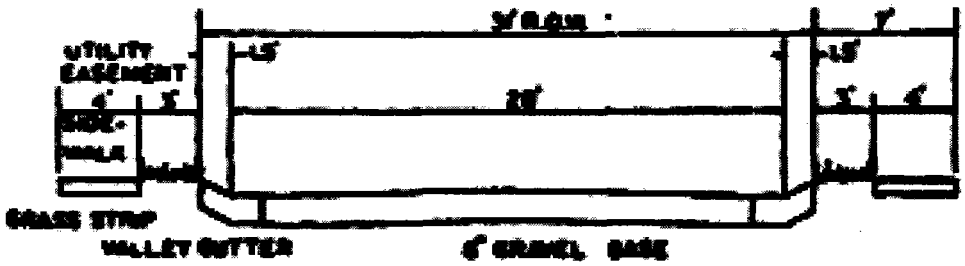
ALTERNATIVE URBAN DESIGN
LOCAL CUL-DE-SAC- 25 DWELLING UNITS
OR LESS "6-30 W/EASEMENT"



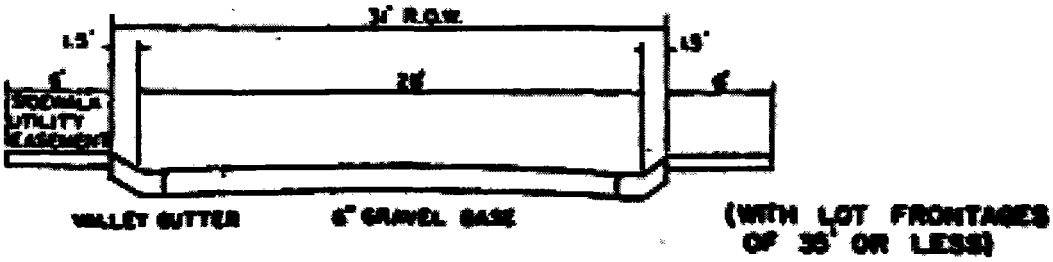
ALTERNATIVE URBAN DESIGN
LOCAL CUL-DE-SAC-25 DWELLING UNITS
OR LESS "VALLEY GUTTER W/EASEMENT"



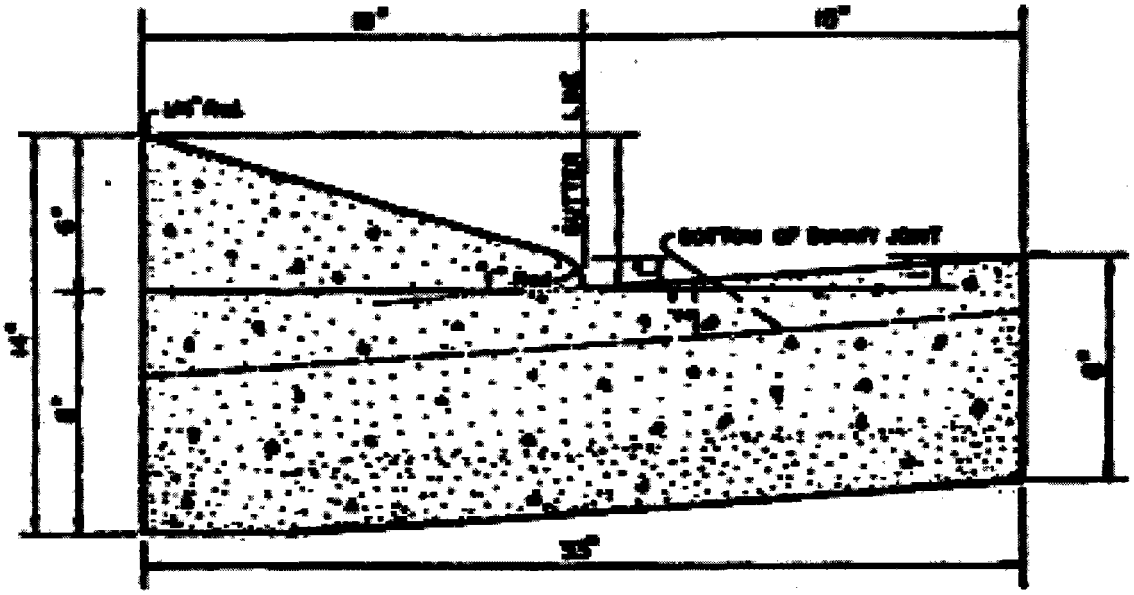
ALTERNATIVE URBAN DESIGN
LOCAL CUL-DE-SAC-GREATER THAN 25
DWELLING UNITS"6-30 W/ EASEMENT"



ALTERNATIVE URBAN DESIGN
LOCAL CUL-DE-SAC GREATER THAN 25
DWELLING UNITS"VALLEY GUTTER W/EASEMENT"



ALTERNATIVE URBAN DESIGN
LOCAL CUL-DE-SAC–GREATER THAN 25
DWELLING UNITS "VALLEY GUTTER W/EASEMENT"

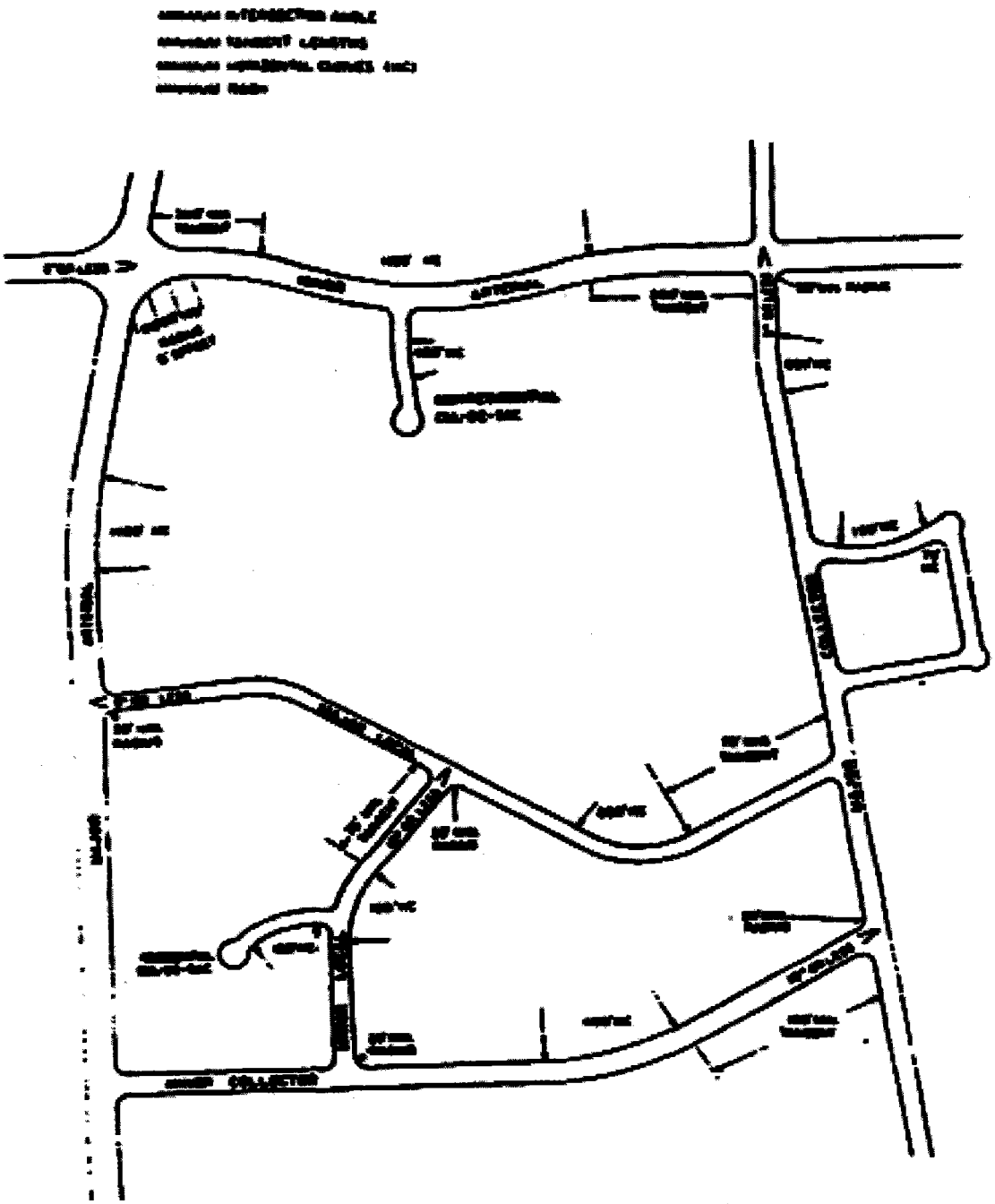


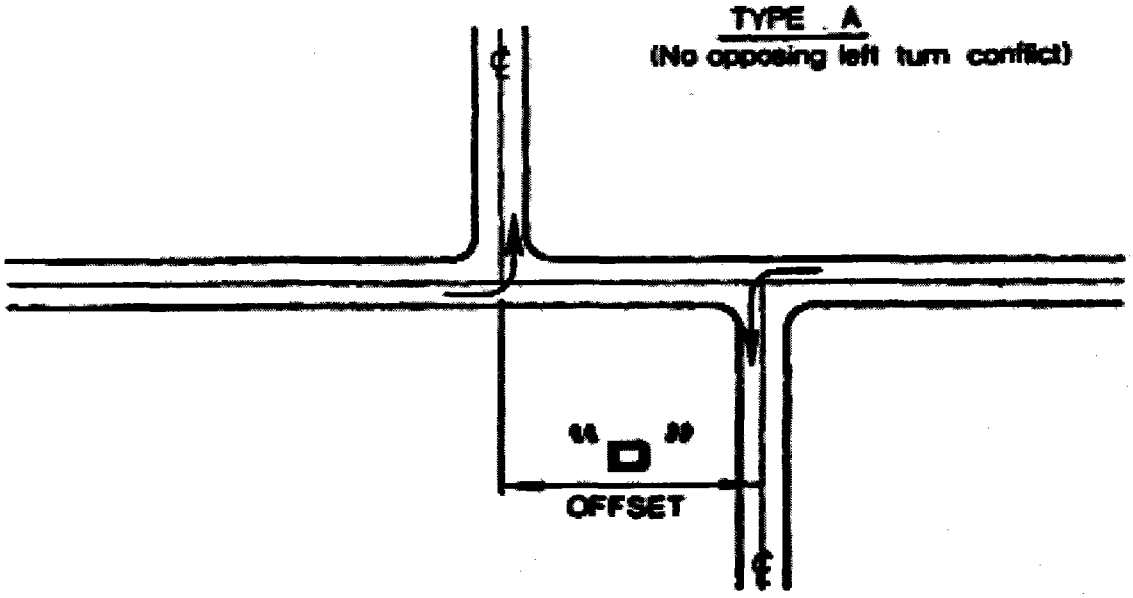
NOTE: Concrete to be 3000 PSI
(6 bag min.)

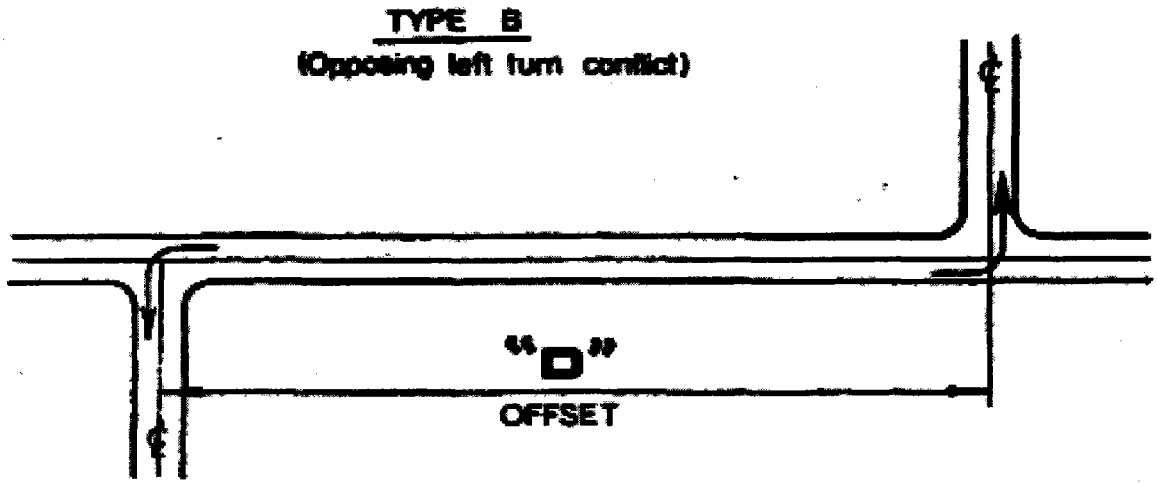
NOTES:

1. Pre-cast exp. joint material shall be used in all exp. joints.
2. Dummy joints shall be located at 20 ft. intervals, maximum.
3. Exp. joints shall be located at 40 ft., maximum.
4. Exp. joints shall be located at ends of walls.
5. Exp. joints shall be located a minimum of 5 ft. from inlet structure.

DESIGN STANDARD FOR VALLEY GUTTER




TYPE A
(No opposing left turn conflict)
"D"
OFFSET


TYPE B
(Opposing left turn conflict)
"D"
OFFSET

Title 16

ZONING

Chapters:

16-4	General Provisions
16-8	Interpretation and Definitions
16-12	Administration and Enforcement
16-16	Comprehensive Plan and Procedure
16-20	Certificates of Occupancy
16-24	Amendments
16-28	Site Plan Review
16-32	Procedure for Special Use Permits
16-36	Standards for Special Permit Use
16-40	Variations
16-44	Special Exceptions
16-48	Appeals From Administrative Decisions
16-52	Planned Development Regulations
16-56	Amenity Incentives in Multifamily and Central Business Districts
16-60	Zoning Districts Established
16-64	Zoning District Map
16-68	Regulations of General Applicability
16-72	Agricultural District
16-76	Residential Districts
16-80	Office Districts
16-84	Commercial Districts
16-88	Industrial Districts
16-92	South Central Business Improvement District
16-96	Special Purpose Districts
16-100	Overlay District Regulations
16-104	Accessory Structures and Uses
16-108	Off-Street Parking and Loading
16-112	Signs
16-116	Nonconformities
16-120	Landscape and Screening Regulations
16-124	Tree Removal

Chapter 16-4

GENERAL PROVISIONS

Sections:

16-4-1	**Short title.**
16-4-2	**General purpose and intent.**
16-4-3	**Applicability—General scope.**
16-4-4	**Applicability—Existing variances and special permits.**
16-4-5	**Applicability—Existing shopping center district, wholesale-distribution park district, planned unit development approvals and community unit development approvals.**
16-4-6	**Applicability—Building permits issued prior to effective date.**
16-4-7	**Applicability—Existing buildings, structures or uses.**
16-4-8	**Applicability—Pending applications.**

Sec. 16-4-1 Short title.

This title shall be known and may be cited as the zoning ordinance-regulations of the city of Memphis and Shelby County. (Ord. 3549 § 1(13), 5-13-86; Code 1985 Appx. A § 1 (part); Ord. 3064, 10-7-80)

Sec. 16-4-2 General purpose and intent.

The regulations contained in this title are designed and are enacted for the purpose of promoting the health, safety, and welfare of the residents of the city and Shelby County by lessening or preventing congestion in the public streets; securing safety from fire and other dangers; furthering the provision of adequate light and pure air; avoiding excessive concentrations of population and wasteful scattering of population; encouraging such distribution of population and such classification of land uses as will tend to facilitate and conserve adequate provisions for transportation, water supply, drainage, sanitation, educational opportunity, and recreation; protecting and promoting both urban and nonurban development; and preserving landmark buildings, objects, and sites.

To these ends, the regulations contained in this title:

A. Divide the city and the unincorporated area within Shelby County outside the Memphis corporate limits into districts of such number, shape and area and of such different classes according to the use of land and building, height, and bulk of buildings, intensity of use of lot areas, area of open spaces and other classifications, as may be deemed suited to regulate development;

B. Classify, regulate and restrict the location of residential, commercial, business, industrial, and institutional uses;

C. Limit the height, bulk and location of buildings;

D. Fix standards to which buildings or structures in districts must conform;

E. Establish lot areas, setback and yard requirements, land use intensity ratios, use limitations and parking and loading and storage requirements applicable to buildings and uses;

F. Prohibit uses, buildings or structures incompatible with the character of established districts;

G. Prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed by this title;

H. Provide for variations from the regulations of this title;

I. Provide for special permit uses including planned developments and other special approvals;

J. Provide for site plan review;

K. Establish procedures necessary to implement and enforce the provisions of this title. (Ord. 3549 § 1(13), 5-13-86; Code 1985 Appx. A § 1 (part); Ord. 3064, 10-7-80)

Sec. 16-4-3 Applicability—General scope.

A. Territorial Application. This title shall apply to all buildings and structures, land and uses within the city and Shelby County, excluding any incorporated territory outside the Memphis corporate limits.

B. General Application. After the effective date of this title, all buildings and structures erected, remodeled, altered and relocated and any use of land, buildings or structures established shall comply with the applicable provisions of this title. Existing buildings, structures and uses of land not complying with the provisions of this title may continue subject to the provisions of the nonconformities section of this title.

C. General Prohibition. No building or structure; no use of any building, structure or land; and no lot of record or zoning lot, now or hereafter existing, shall hereafter be established, altered, moved, divided or maintained in any manner except as authorized by the provision of this title.

D. Private Agreements. This title is not intended to abrogate, annul or otherwise interfere with any easement, covenant or private agreement; provided, however, that where the regulations of this title are more restrictive or impose higher standards or requirements than such ease-

ments, covenants or other private agreements, the regulations of this title shall govern.

E. Other Laws and Regulations. The provisions of this title shall be considered the minimum requirements for the promotion of the public health, safety, comfort, morals, and general welfare. Where the provisions of this title impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this title shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this title, the provisions of such statute, other ordinance or regulation shall be controlling. (Ord. 3549 § 1(13), 5-13-86; Code 1985 Appx. A § 1 (part); Ord. 3064, 10-7-80)

Sec. 16-4-4 Applicability—Existing variances and special permits.

Variances granted and special permits issued prior to the date of this title shall remain valid. Buildings, structures or uses allowed by variances or special permits which cannot be issued under this title may continue subject to the provisions of the nonconformities section of this title. (Ord. 3549 § 1(13), 5-13-86; Code 1985 Appx. A § 1 (part); Ord. 3064, 10-7-80)

Sec. 16-4-5 Applicability—Existing shopping center district, wholesale-distribution park district, planned unit development approvals and community unit development approvals.

From and after the effective date of this title, the provisions of this title shall not apply to general plans for SC-1 shopping center districts, M-L planned wholesale distribution park districts, planned unit developments and community unit developments that were approved by the legislative body prior to the effective date of this title. The conditions imposed by the legislative body with such prior general plan approval shall govern the development of any premises included in such general plans. (Ord. 3549 § 1(13), 5-13-86; Code 1985 Appx. A § 1 (part); Ord. 3064, 10-7-80)

Sec. 16-4-6 Applicability—Building permits issued prior to effective date.

This title shall not invalidate any unexpired building permit issued prior to the date of the article or extended by the building official; provided, however, that if any building, structure or use constructed or established pursuant to such building permit does not comply with the provisions of this title, such building, structure or use shall be subject to the provisions of the nonconformities section of this title. (Ord. 3549 § 1(13), 5-13-86; Code 1985 Appx. A § 1 (part); Ord. 3064, 10-7-80)

Sec. 16-4-7 Applicability—Existing buildings, structures or uses.

All buildings, structures or uses which are lawful on the effective date of this title shall not be rendered unlawful by any provision of this title. (Ord. 3549 § 1(13), 5-13-86; Code 1985 Appx. A § 1 (part); Ord. 3064, 10-7-80)

Sec. 16-4-8 Applicability—Pending applications.

From and after the effective date of this title, the provisions of this title shall not apply to all pending applications upon which no final decision has been made; provided, however, that where a public hearing has been held by the land use control board or board of adjustment, such pending application shall be processed in accordance with and decided pursuant to the law existing on the date of the application. (Ord. 3549 § 1(13), 5-13-86; Code 1985 Appx. A § 1 (part); Ord. 3064, 10-7-80)

Chapter 16-8

INTERPRETATION AND DEFINITIONS

Sections:

16-8-1 **Word usage.**
16-8-2 **Definitions.**

Sec. 16-8-1 Word usage.

In the interpretation of this title, the provisions and rules of this chapter shall be observed and applied, except when the context clearly requires otherwise:

A. Words used in the present tense shall include the future tense.

B. Words in the singular number include the plural number, and words in the plural number include the singular number.

C. The masculine gender shall include the feminine and the feminine gender shall include the masculine.

D. The word "shall" is mandatory.

E. The word "may" is permissive.

F. The word "person" includes individuals, firms, corporations, associations, and any other similar entities.

G. The word "city" means the city of Memphis, Tennessee.

H. The word "county" means Shelby County, Tennessee.

I. In case of any difference of meaning or implication between the text of this title and any caption, illustration or table, the text of this title shall control.

J. Words not specifically defined herein shall be interpreted in accord with their usual dictionary meaning and customary usage. (Ord. 4974 § 1, 10-15-02; Ord. 4917 § I, 1-22-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4873AM §§ 1, 2, 11-20-01; Ord. 4873 §§ 1, 2, 7-24-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4779 § 1, 6-20-00; Ord. 4582 § 1, 5-19-98; Ord. 4529 § 1, 11-4-97; Ord. 4516 § 1, 8-19-97; Ord. 4367 § 2, 12-5-95; Ord. 4348 § 2, 8-1-95; Ord. 4327 § 2, 5-16-95; Ord. 4115 § 1, 8-25-92; Ord. 3645 § 1(1), 4-14-87; Ord. 3623 § 1, 3-17-87; Code 1985 Appx. A § 2 (part); Ord. 3347 § 1(1), 12-6-83; Ord. 3346 § 1(1), 12-6-83; Ord. 3192 § 1(I), 3-2-82; Ord. 3064, 10-7-80)

Sec. 16-8-2 Definitions.

As used in this title:

"Accessory structure or use" is a structure or use which:

1. Is subordinate to and serves a principal building or a principal use;

2. Is subordinate in area, extent and purpose to the principal structure or principal use served;

3. Contributes to the comfort, convenience or necessity of the occupants, business or industry in the principal structure or principal use served; and

4. Is located on the same zoning lot as the principal structure or principal use served.

"Administration" means the mayor of the city or county and the administrative aides of the mayor.

"Adult entertainment" means and includes any and all of the following:

1. "Adult book/video store" means an establishment having as a substantial or significant portion of its stock in trade, books, magazines, videos, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as these terms are later defined in this section, or an establishment with a segment or section devoted to the sale or display of such material.

2. "Adult motion picture theater" means an enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as these terms are later defined in this section, for observation by patrons therein.

3. "Adult mini-motion-picture theater" means an enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as these terms are later defined in this section, for observation by patrons therein.

4. "Live performance" means an establishment where "specified sexual activities" or "specified anatomical areas," as these terms are later defined in this section, are performed live or displayed for actual observation by patrons therein.

5. "Adult novelty store" means an establishment having at least five percent of its retail sales area devoted to adult goods which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as these terms are later defined in this section. For purposes of C-N districts, no adult novelty sales are allowed.

"Agricultural products" means grain and vegetable produce, fruits, plants and flowers. For the purpose of this title, animal products, soil, mulch and other earthen material shall not be considered to be agricultural products.

"Alley" means a public right-of-way which affords only a secondary means of access to the property abutting thereon.

"Amenity" means specific physical features of a development which are not required by the provisions of this title.

"Amenity incentive" means an increase in the floor area or density otherwise permitted in a zoning district for the provision of specified amenities.

"Apartment" means a room or suite of rooms designed or used as a single dwelling unit, located in a building in which there are two or more such rooms or suites.

"Automotive dismantlers and recyclers" means any person, firm, association, corporation or trust resident or nonresident who is engaged in the business and/or providing facilities for the purpose of recovering parts from automobiles and trucks which have been wrecked or otherwise rendered inoperable as transportation vehicles with such parts recovered being for resale and further reducing used automobiles and trucks to a condition capable of salvage for their metal scrap content by scrap processors.

"Automotive service station" means any building, structure or land used for the dispensing, sale or offering for sale at retail of automotive fuel oils and accessories in connection therewith and for the servicing of motor vehicles. When such dispensing, sale or offering for sale is incidental to the conduct of a commercial garage, the premises shall be classified as a commercial garage.

"Beverage container collection center" means a building or portion of a building used for the incidental storage of beverage containers.

"Beverage container recycling center" means a building or portion of a building used for the crushing of beverage containers commonly used by the general public and the incidental storage of such containers.

"Boardinghouse or home for the elderly" means a building where meals and lodging are provided for compensation for five or more persons, who are not transients, by prearrangement for definite periods, provided that no convalescent or chronic care is given. This definition does not include supportive living facilities or personal care homes licensed by any duly authorized governmental agency and thereby allowed by right within all residential zones in accordance with the definition of "family" hereunder.

"Building" means any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property.

"Building code" means the building codes of the city and Shelby County as amended.

"Building front or frontage" means the exterior wall of a building facing the front lot line of a lot.

"Building height" means the vertical distance measured from grade to the highest point of the roof for flat roofs, to the deck line for mansard roofs or to the mean height between eaves and ridge for gable, hip, and gambrel roofs. (See Figure 1, set out in Appendix A at the end of this title.)

"Building line" means the line established by this title beyond which a building shall not extend.

"Building official" means the chief administrative head of the city or county building department.

Building, Principal. "Principal building" means a building in which is conducted the main or principal use of the lot on which the building is situated.

"Bulk" means the minimum or maximum lot area, yard area, height, dwelling unit density or land use intensity ratios permitted or required in any zoning district.

"Business vehicle" means any vehicles owned, leased or used by a business and its employees exclusively in the conduct of the business.

"Bus terminal or service facility" means any building where intercity or intracity bus trips begin or terminate or the building or land where buses used in such trips are parked, serviced or repaired.

"Central business district (CBD)" means the area in the city, within the boundaries of the C-4 central business zoning district prior to the effective date of this title.

"Certificate of occupancy" means the authorization of the building official to occupy premises affirming that the use and conditions of the premises comply with this title or are permitted by a special permit or planned development approved by the legislative body.

Certificate of Occupancy, Temporary. "Temporary certificate of occupancy" means an authorization by the building official to occupy the premises even though the structure or improvements are not complete but have been judged to be safe and habitable.

"Church" means a place devoted to religious worship, education, and social gatherings such as bingo games, but excluding private schools.

"Club" means a building or premises, owned or operated by a corporation, association, person or persons, for a social, educational or recreational purpose, to which membership is required for participation and not operated primarily for profit nor to render a service which is customarily carried on as a business.

"Commercial mobile communications services (CMCS)" means common carriers authorized to provide mobile and fixed wireless telecommunications to the public, including without limitation, cellular, paging, air to

ground, personal communication services, local multipoint distribution services, MMDS, specialized mobile radio services, and other telecommunications providers. These services shall include towers, equipment and other accessory uses needed to provide for the CMCS.

"Contractor" means a person who contracts to erect structures or buildings, construct streets, lay pipe, move earth or otherwise do land development. A contractor includes a person who contracts to perform all or part of another's contract as defined above.

"Contractor's storage" means the use of land or buildings for the storage or parking of materials, equipment, vehicles or supplies used by a contractor off the premises on which such storage is located.

"Country club" means a private club for members, their families and guests, for the purpose of social and recreational activities.

"Day care center" means a place providing or designed to provide care for less than twenty-four (24) hours a day for thirteen (13) or more children no more than seventeen (17) years old and which is licensed by the Tennessee Department of Human Services.

"Density" means the number of dwelling units per acre of gross land area.

"Department or discount store" means a retail establishment with thirty-five thousand (35,000) or more square feet of floor area which sells a general line of merchandise including apparel and some home furnishings, including but not limited to furniture or major home appliances.

"District" means a portion of the city or county within which specified regulations and requirements thereof apply pursuant to the provisions of this title.

"Dwelling unit" means any building or portion thereof providing complete independent permanent facilities for living, sleeping, cooking, eating, and sanitation designed for or used exclusively as living quarters by one family but not including a tent, seasonal quarters, travel trailer, a room in a hotel, motel or boardinghouse.

Dwelling, Multiple-Family. "Multiple-family dwelling" means a dwelling designed for or occupied by more than two families.

Dwelling, Single-Family Attached. "Single-family attached dwelling" means a dwelling designed for and occupied by not more than one family having a wall in common with one other dwelling unit.

Dwelling, Single-Family Detached. "Single-family detached dwelling" means a dwelling designed for and occupied by not more than one family and surrounded by open space or yards and having no roof, wall or floor in common with any other dwelling unit.

Dwelling, Townhouse. "Townhouse dwelling" means a row of three or more adjoining dwelling units, each of which is separated from the others by one or more unpierced common walls extending from ground to roof.

Dwelling, Two-Family. "Two-family dwelling" means a building designed for and occupied by not more than two families in separate dwelling units.

"Eave" means the overhanging lower edge of a roof.

Element, Common. "Common element" means an amenity or facility, whose maintenance is the responsibility of a homeowners' association or comparable group of owners in a nonresidential development, which is regularly available for use by the occupants of more than one dwelling or structure, including, but not limited to, undedicated streets or drives, recreational and parking facilities, open space and sanitary and storm sewers or other drainage facilities.

"Enlargement" means an addition to the floor area of an existing building, an increase in the size of any other existing structure or an increase in the portion of a tract of land occupied by an existing use.

"Family," in addition to customary domestic servants, means either:

1. An individual or two or more persons related by blood, marriage or adoption, maintaining a common household in a dwelling unit;

2. A group of not more than four persons who are not related by blood, marriage or adoption, living together as a common household in a dwelling unit; or

3. A group of eight or fewer unrelated mentally retarded, mentally handicapped or physically handicapped persons, (as certified by any duly authorized entity including governmental agencies or licensed medical practitioners), and may include three additional persons acting as houseparents or guardians, who need not be related to each other or to any of the mentally retarded, mentally handicapped or physically handicapped persons in the group, living together in a residence licensed, where required by law, by a duly authorized governmental agency, or in other instances, approved by the director of the Memphis and Shelby County office of planning and development who shall provide any such applicant with written notice of his or her determination. This definition of "family" does not apply to residences wherein mentally retarded, mentally handicapped or physically handicapped persons reside when such residences are operated on a commercial basis.

"Family day care home" means a place providing, or designed to provide, care for less than twenty-four (24) hours a day for more than four, but less than eight, children who are unrelated, by blood or adoption, to the per-

son providing such care, which may be licensed by the Tennessee Department of Human Services.

"Fletcher Creek Basin" is the area that includes two sub-basins: Fletcher and Young, which are defined by the official drainage basin map maintained by the Memphis engineering department.

"Floor area" means the sum of the horizontal areas of the several floors of all buildings on a lot measured from the exterior face of exterior walls. The following shall be excluded from calculation of the floor area:

1. Open exterior balconies or other covered open spaces;
2. Uncovered terraces, patios, porches, atriums or steps;
3. Garages, carports or other areas, enclosed or unenclosed, used for the parking or circulation of motor vehicles;
4. Areas for housing major mechanical equipment which serves the building as a whole or major portion thereof, but not including utility areas within individual dwelling units;
5. Areas of common special purpose used by a substantial portion of the occupants of the premises, including laundries, recreation areas, sitting areas, libraries, storage areas, common halls, lobbies, stairways and elevator shafts, attics and areas devoted exclusively to management and/or maintenance of the premises, but not including incidental commercial activities.

"Floor area ratio (FAR)" means the total square foot amount of floor area on a lot for each square foot of gross land area. (See Figure 3, set out in Appendix A at the end of this title.)

"Fraternity and sorority houses" means a dwelling maintained exclusively for members of an organization that is affiliated with an academic or professional college, university or other recognized institution of higher learning.

"Frontage" means all the property fronting on one side of a street, measured along such street, between lot lines, an intersecting or intercepting street and another intersecting or intercepting street, a right-of-way in excess of thirty (30) feet, an end of a dead-end street, a river, a lake or a governmental boundary.

Garage, Commercial. "Commercial garage" means a building, or portion thereof, other than a private garage, used primarily for the parking and storage of vehicles.

Garage, Private Residential. "Private residential garage" means a garage which is accessory to a residential building and is used primarily for the parking and storage of vehicles owned or operated by the residents of dwelling units located in such building, and not as a separate commercial enterprise available to the public at large.

"Gasoline sales" means any building, structure or land used for the retail sale and dispensing of automotive fuels into motor vehicles.

"Grade" means:

1. For buildings and structures more than five feet from any street line, the average level of the finished surface adjacent to the building or structure;
2. For buildings or structures any portion of which is located within five feet of a street line or lines, the curb level or the average of the curb levels, or their equivalent established ground surface, adjacent to such street line or lines.

"Gross land area" means the area of a lot within the property lines, plus not more than one-half the width of abutting public street and alley rights-of-way.

"Group day care home" means a place providing, or designed to provide, care for more than eight, but less than thirteen (13) children, for less than twenty-four (24) hours a day which is licensed by the Tennessee Department of Human Services.

"Group shelter" means a residence, operated by a public or private agency, which may provide a program of services in addition to room and board to persons on a voluntary basis under continuous protective supervision. This definition does not include supportive living facilities or personal care homes for the elderly licensed by any duly authorized governmental agency, or in other instances, approved by the director of the Memphis and Shelby County office of planning and development (who shall provide any such applicant with written notice of his or her determination), and thereby allowed by right within all residential zones in accordance with the definition of "family" hereunder.

"Highway" means any roadway identified on the major road plan in the Memphis Urban Area Transportation Study as amended.

"Home occupation" means a business, profession, occupation or trade conducted for gain entirely within a residential building or within a structure accessory to a residential building.

"Homeowners' association" means a group of owners of property in a development, which group is responsible for the enforcement of rules and regulations governing the common elements of such development.

"Hospital" means an institution providing health services and medical or surgical care, primarily for temporary in-patients, to persons suffering from illness, disease, injury, deformity or other abnormal physical or mental condition, and including as an integral part of the institution

related facilities such as laboratories, outpatient facilities or training facilities. "Hospital" does not include institutions for the permanent care of or occupation by the poor, infirm, incurable or insane.

"Hotel" means a building in which lodging or boarding and lodging are provided and offered to the public for compensation, and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boardinghouse, a lodging house or an apartment.

"Institution" means a building occupied or operated by a nonprofit society, corporation, individual foundation or governmental agency for the purpose of providing charitable, social, educational or similar services of nonprofit character to the public.

"Landmark building" means a building which with the approval of the building owner has been designated by the legislative body to be of significant aesthetic, architectural or historical importance or value.

"Landmark district" means a geographically definable area which has been designated by the legislative body as an area with a concentration of landmark buildings, objects or sites.

"Landmark object" means an object which with the approval of the owner has been designated by the legislative body to be of significant aesthetic, functional or historical importance or value.

"Landmark site" means a location which with the approval of the property owner is designated by the legislative body as the site of a building, object or past event of significant aesthetic, architectural or historical importance or value.

"Landscaping" means the arrangement of natural vegetation on a lot.

"Legislative body" means the city council of the city of Memphis, Tennessee, and/or board of commissioners of Shelby County, Tennessee.

"Livability space" means the portion of open space not devoted to motor vehicle parking or circulation or public streets or alley rights-of-way, and which is landscaped, or improved as outdoor living or recreation space for occupants of the premises and which is used as beneficial open space provided that such space is directly accessible to the occupants of the premises and is available for their leisure time use.

"Livability space ratio (LSR)" means the total square foot amount of livability space for each square foot of floor area on the lot. (See Figure 5, set out in Appendix A at the end of this title.)

"Loading space" means an unobstructed, hard-surfaced area no part of which is located in any street or public right-of-way and the principal use of which is for the standing, loading or unloading of trucks and trailers.

"Lodge" means a building or premises used for meetings and activities of a fraternal order or society.

"Lot" means a tract of land with at least sixteen (16) feet of street frontage, occupied by, or designated to be developed for, a building and its accessory buildings, or a principal use, together with such open spaces and yards as are designed and arranged, or required under this title, to be used with such buildings or use.

"Lot area" means the total horizontal area included within lot lines.

"Lot area per dwelling unit" means that amount of the lot area required, by the applicable provisions of this title, for each dwelling unit located on a lot.

Lot, Corner. "Corner lot" means a lot which adjoins the point of intersection or meeting of two or more streets.

"Lot coverage" means the percentage of lot area occupied by the ground area of principal and accessory buildings on such lot.

Lot, Depth of. "Depth of lot" means the mean horizontal distance between the front and rear lot lines.

Lot, Double Frontage. "Double frontage lot" means a lot having frontage on two nonintersecting streets. (Editor's note: If a double frontage lot has no vehicular access to a street frontage, as established by a subdivision plat recorded by the Shelby County register, then that yard adjacent to the street affording no access shall be considered a rear yard.)

Lot, Flag-Shaped. "Flag-shaped lot" means a lot with a minimum street frontage of sixteen (16) feet on which the buildable area is separated by a considerable distance from the street line, so that the distance along the front building line at least equals the required lot width of the zoning district.

Lot, Interior. "Interior lot" means a lot other than a corner lot.

Lot Line, Front. "Front lot line" means in the case of an interior lot abutting upon only one street, the line separating such lot from such street; in the case of a double frontage lot or a corner lot, each line separating such lot from the street shall be considered a front lot line.

Lot Line, Rear. "Rear lot line" means that lot line which is parallel to and most distant from the front lot line of the lot; provided, however, that in the case of an irregular or triangular lot, a line ten (10) feet in length, entirely within the lot, parallel to, and at the maximum possible distance from, the front lot line shall be considered to be the rear lot line.

Lot Line, Side. "Side lot line" means any lot line other than a front or rear lot line.

"Lot lines" means the lines bounding a lot.

Lot, Minimum Area of. "Minimum area of lot" means the smallest lot on which a particular use or structure may be located in a particular district.

"Lot of record" means a parcel of land that is a lot in a subdivision recorded on the records of the Shelby County register's office, or that is described by a metes and bounds description which has been so recorded prior to March 6, 1956, or lots exempt from the subdivision regulations.

Lot, Width of. "Width of lot" means the distance on a horizontal plane between the side lot lines measured at right angles to the lot depth at the minimum front yard line, except for flag-shaped lots.

Lot, Zoning. "Zoning lot" means a parcel of land that is designated by its owner or developer as a tract all of which is to be used, developed or built upon as a unit under single ownership. As long as it satisfies the above requirements, such lot may consist of:

1. A single lot of record;
2. A portion of a lot of record; or
3. A combination of complete lots and portions of lots of record, or portions of lots of record.

"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 nonelevation design requirements of this title.

"Manufactured home"* means a dwelling unit, other than a mobile home, fabricated on an off-site manufacturing facility for installation or assembly on the building site which dwelling unit is at least eight feet in width and at least thirty-two (32) feet in length which bears a seal certifying that it was built to the standards adopted pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq., which is placed upon a permanent foundation which meets the installation and foundation requirements of the Southern Standard Building Code. (* = adopted by the city of Memphis only.)

"Manufacturing" means the processing and converting of raw, unfinished or finished materials or products, or any of these, into an article or substance of different character, or for use for a different character, or for use for a different purpose.

Map, Zoning. "Zoning map" means a map atlas delineating the boundaries of the zoning districts provided for in this title, as amended from time to time.

"Mini-storage warehouse" means a building consisting of individual, small, self-contained units that are leased as individual leases or owned on an individual basis for the dead storage of business and household goods or contractors supplies.

"Mobile coffee/cappuccino bar" * means a mobile unit equipped to sell coffee drinks and coffee drink derivatives within the city pursuant to Section 9-52-230. (* = adopted by the city of Memphis only.)

"Mobile home" means a movable or transportable dwelling unit, other than a modular home or manufactured home, of at least eight feet in width and at least thirty-two (32) feet in length, constructed to be transported on its own chassis and including one or more components that can be retracted for transporting the unit. (* = adopted by the city of Memphis only.)

"Motel" means a building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which at least a portion of the rooms are directly accessible from a public or private right-of-way, from a parking lot or space or from the exterior of the building. As such, it is open to the public in contradistinction to a boardinghouse or apartment.

Motel/Hotel (Hourly Rate).

1. "Motel" means a building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which at least a portion of the rooms are directly accessible from a public or private right-of-way, from a parking lot or space or from the exterior of the building. As such, it is open to the general public in contradistinction to a boarding house or apartment. Such lodging is offered to the public more than twice within any ten-(10) hour period.

2. "Hotel" means a building in which lodging or boarding and lodging are provided and offered to the public for compensation, and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all contradistinction to a boarding house, a lodging house, or an apartment. Such lodging is offered to the public more than twice within any ten-(10) hour period.

"Motor vehicle sales" means the display, sales, storage, servicing and repairing of new and used motor vehicles, but not including tractor-trailer motor vehicles.

"Motor vehicle service" means a building or portion thereof to be used for equipping, servicing and repair of motor driven vehicles, with or without the sale of motor

fuels and oils, but not including tractor trailer motor vehicles.

"Motor vehicle storage" means the use of any premises for outdoor parking of wrecked or abandoned vehicles.

"Museum" means a nonprofit, noncommercial establishment operated as a repository or a collection of nature, scientific or literary curiosities or objects of interest or works of art, not including the regular sale or distribution of the objects collected.

"Nonconforming building or structure" means any building or structure, other than a sign, lawfully existing on the effective date of this title, or any amendment to it rendering such building or structure nonconforming, which does not comply with all of the regulations of this title, or any amendment hereto, governing parking or space and bulk requirements for the zoning district in which such building or structure is located; or is located on a lot which does not, or is so located on a lot as not to, comply with the yard requirements for the zoning district in which such building or structure is located; provided, however, any building containing more than one dwelling unit in addition to the number permitted by the district regulations in the district where it is located shall be deemed to be a nonconforming use rather than a nonconforming building.

"Nonconforming lot of record" means a lot of record which does not comply with the lot requirements for any permitted use in the district in which it is located.

"Nonconforming sign" means any sign lawfully existing on the effective date of this title, or any amendment to it rendering such sign nonconforming, which does not comply with all of the standards and regulations of this title or any amendment hereto.

"Nonconforming use" means any use lawfully being made of any land, building or structure, other than a sign, on the effective date of this title, or any amendment to it rendering such use nonconforming, which does not comply with all of the regulations of this title, or any amendment hereto, governing use for the zoning district in which such land, building or structure is located.

"Nonresidential district" means any district whose designation does not begin with the letter "R" or "AG."

"Nonresidential use or purpose" means any building or portion of a building which is not used as a dwelling unit.

"Nursing home" means an establishment which provides full-time convalescent or chronic care, or both, for five or more individuals who are not related by blood or marriage to the operator or who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves and required skilled medical staff. This definition does not include supportive living facilities or personal care homes for the elderly licensed by any duly authorized governmental agency, or in other instances, approved by the director of the Memphis and Shelby County office of planning and development (who shall provide any such applicant with written notice of his or her determination), and thereby allowed by right within all residential zones in accordance with the definition of "family" hereunder.

"Open space" means the area of all uncovered space within the gross land area attributed to a lot, plus the area of all eligible covered open space within the lot. (Editor's note: Covered open space is usable open space closed to the sky, but having two clear unobstructed open or partially open sides. Partially open is to be construed as fifty (50) percent open or more.)

Open Space, Common. "Common open space" means open space held in private ownership, recorded in the office of the Shelby County register, and regularly available for use by the occupants of more than one dwelling.

"Open space ratio (OSR)" means the total square feet of open space for each square foot of floor area on the lot. (See Figure 4, set out in Appendix A at the end of this title.)

Open Space, Uncovered. "Uncovered open space" means exterior space open to the sky including usable roof area.

"Owner" includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten (10) years, and the like. Whenever a statement of ownership is required by this title, full disclosure of all legal and equitable interests in the property is required.

"Parking lot" means any land area used or intended to be used for the parking of one or more vehicles.

"Parking space" means a space for the parking of a motor-driven vehicle within a parking lot and having a permanent means of access to a street right-of-way without requiring passage through another parking space. Access to one parking space through one other parking space is permitted in residential development, provided that the two parking spaces serve a single-family detached, two-family or townhouse dwelling.

"Personal care home for the elderly" means any premises operated for persons aged fifty-five (55) or older, in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four (24) consecutive hours for eight or fewer independently mobile adults who are not related to the operator and who require assistance or supervision in such matters as dressing, bathing, diet, or medication prescribed for self-administration, but do not require hospitalization or care in a skilled nurs-

ing home or in intermediate care facilities. This definition does not apply to residences wherein mentally retarded, mentally handicapped or physically handicapped persons reside when such residences are operated on a commercial basis.

"Plot plan" means a graphic depiction, drawn to an appropriate scale, indicating the dimensions of the lot or parcel which is the subject of an application for a zoning district amendment or special use permit including a legal description of such lot or parcel and the location of the lot or parcel in relation to adjacent street right-of-way.

"Premises" means a lot, plot or parcel of land, together with the buildings and structures thereon.

"Private club or lodge" means a building and related facilities owned or operated by a corporation, association or group of persons for social, educational or recreational purposes of members regularly paying dues, but not primarily for profit nor to render a service which is customarily carried on as a business and which is not a country club.

"Private sales" means the sale, on premises used for residential purposes, of property which is owned, utilized, and maintained by an individual or member of a residence, and acquired in the normal course of living in or maintaining a residence, excluding merchandise which was purchased for resale or obtained on consignment and excluding sales of five or less items.

"Processing" means the procedure adopted by a person or party for the conversion of unprepared scrap materials into prepared grades of metallic suitable for remelting, rerolling, reforming, extruding, and utilization in metallics manufacture, both ferrous and nonferrous.

"Residential building" means a building the principal use of which is a residential use.

"Residential district" means any district whose designation begins with the letter "R" or "AG."

"Residential home for the aged" means a building where at least two ambulatory persons, of at least fifty-five (55) years of age, reside, and are provided with food and custodial care for compensation, but not including nursing homes or similar institutions devoted primarily to the care of the chronically ill or the incurable. This definition does not include supportive living facilities or personal care homes for the elderly licensed by any duly authorized governmental agency, or in other instances, approved by the director of the Memphis and Shelby County office of planning and development (who shall provide any such applicant with written notice of his or her determination), and thereby allowed by right within all residential zones in accordance with the definition of "family" hereunder.

"Residential use or purpose" means any building or portion of a building used as a dwelling unit.

"Responsible party" means any person or organization who has the legal obligation to maintain common open space as defined in this title.

"Restaurant" means an establishment where food is available to the general public primarily for consumption within a structure on the premises and/or which is by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared, ready-to-eat food intended to be consumed off the premises, and where the consumption of food in motor vehicles on the premises is neither permitted nor encouraged and the sale of alcoholic beverages are not provided.

Restaurant, Drive-In. "Drive-in restaurant" means an establishment where food is served in disposable containers and which by design of facilities or by the type of service and packaging permits or encourages the purchase of prepared, ready-to-eat foods for consumption on or off the premises and which does permit consumption on the premises in motor vehicles.

Retail Sales, Outdoor. "Outdoor retail sales" means the sale of goods outdoors or from a motor vehicle.

"Retail shop" means an establishment engaged primarily in the sale of goods for personal use or consumption rather than for resale to the ultimate customer.

"Rooming or lodging house" means a building where lodging is provided for compensation for five or more persons, who are not transients, by prearrangement for definite periods, provided that no convalescent or chronic care is provided. This definition does not include supportive living facilities or personal care homes for the elderly licensed by any duly authorized governmental agency or in other instances, approved by the director of the Memphis and Shelby County office of planning and development (who shall provide any such applicant with written notice of his or her determination), and thereby allowed by right within all residential zones in accordance with the definition of "family" hereunder.

"Sanitary landfill" means the use of property for the treatment and disposal of trash, refuse, garbage and other solid and liquid waste by means of burial in an excavated area and covering with earthen material. This classification shall not include use of property for the disposal of hazardous wastes as that term is defined, by the Rules of the Tennessee Department of Health and Environment, Division of Solid Waste Management, Chapter 1200-1-11-02-(1)-(c).

School, Private. "Private school" means a school which is privately owned or operated with a curriculum comparable to that of a public school.

"Scrap metal processors" means any persons or parties having facilities for processing and storing iron, steel or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remelting purposes.

"Scrap processing yard" means any place having the necessary machinery, equipment and other facilities to process, refine, manufacture or prepare and store scrap iron, scrap steel or nonferrous materials for resale or for remelting purposes.

"Screening" means the use of vegetation, fencing or berms to limit the view of one premises from another.

"Secondary material dealers" means any person who shall engage in the business of buying, storing, and selling secondary materials consisting of old or scrap copper, brass, rope, rags, batteries, paper, rubber, iron, steel and other old scrap, ferrous or nonferrous.

"Specified anatomical areas" means:

1. Less than completely and opaquely covered:

a. Human genitals, pubic region,

b. Buttock, and

c. Female breast below a point immediately above the top of the areola; and

2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

"Specified sexual activities" means:

1. Human genitals in a state of sexual stimulation or arousal;

2. Acts of human masturbation, sexual intercourse or sodomy;

3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast;

4. Acts of bestiality.

"Street" means a public or private way, square or lane, permanently open to common and general use, which affords the principal means of access to abutting property.

"Street line" means a lot line separating a street from other land.

"Structural alteration" means any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

"Structure" means anything built or constructed, but not including paving or surfacing of the ground.

Structure, Subsurface Single-Family Detached. "Subsurface single-family detached structure" means a residential building that is constructed with living area at least partially beneath a continuous exterior grade.

"Subdivision regulations" means the subdivision regulations of Memphis and Shelby County.

"Supportive living facility" means any residence licensed, where required by law, by a duly authorized governmental agency, or in other instances approved by the director of the Memphis and Shelby County office of planning and development, in which eight or fewer unrelated mentally retarded, mentally handicapped or physically handicapped persons, (as certified by any duly authorized entity including governmental agencies or licensed medical practitioners) reside, and may include three additional persons acting as houseparents or guardians, who need not be related to each other or to any of the mentally retarded, mentally handicapped or physically handicapped persons residing the home. This definition does not apply to residences wherein mentally retarded, mentally handicapped or physically handicapped persons reside when such residences are operated on a commercial basis. Also, this definition does not include a nursing home which requires skilled medical staff to provide full-time convalescent or chronic care, or both.

"Transitional home" means a residence used for the purposes of rehabilitating persons from correctional facilities, mental institutions, and alcoholic and drug treatment centers and operated by a public or private agency duly authorized and licensed by the state, which agency houses individuals being cared for by the agency and deemed by the agency to be capable of living and functioning in a community and which provides continuous professional guidance. This definition does not include supportive living facilities or personal care homes for the elderly licensed by any duly authorized governmental agency or in other instances, approved by the director of the Memphis and Shelby County office of planning and development (who shall provide any such applicant with written notice of his or her determination), and thereby allowed by right within all residential zones in accordance with the definition of "family" hereunder.

"Truck or motor freight terminal service facility" means an establishment engaged in transporting goods or commodities for another business enterprise, including the parking and repair of the motor vehicles used in providing such service.

Variation, Bulk. "Bulk variation" means a variation which relaxes the standards or regulations of this title with respect to bulk.

Variation, Other. "Other variation" means a variation which is not a use or bulk variation which relaxes the standards or regulations of this title with respect to sign regulations and parking and loading regulations and requirements. Other variations shall not include any modifications of any of the procedures set forth in this title.

Variation, Use. "Use variation" means a variation which permits property to be used for a purpose not otherwise permitted as of right or by special permit in the district in which the use is located.

"Vision triangle" means a distance of twenty (20) feet from the right-of-way lines of two intersecting streets.

"Wholesale display" means a display of commodities of a wholesale establishment.

"Wholesale establishment" means a business engaged in the sale of commodities in quantity, usually for resale or business use, chiefly to retailers, other businesses, industries and institutions.

"Yard" means a required open space on a lot between a lot line and a building or structure which is unoccupied and unobstructed from grade to the sky, except for the following permitted obstructions:

1. Accessory uses, subject to the provisions of Chapter 16-104;
2. Statuary, arbors, trellises and barbecue stoves;
3. Awnings and canopies;
4. Bay windows, porches and balconies projecting not more than forty-two (42) inches from an exterior wall;
5. Chimneys, hues, fireboxes, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters and the like projecting not more than twenty-four (24) inches from an exterior wall;
6. Fire escapes or outside stairways projecting from an exterior wall not more than four feet;
7. Flagpoles;
8. Nonmechanical laundry drying equipment, except in a front yard;
9. Off-street parking and loading, but only as expressly authorized in Chapter 16-108;
10. Terraces;
11. Recreational equipment, except in front yards.

Yard, Front. "Front yard" means a yard extending across the entire front of the lot measured between the front lot line of the lot and a line drawn parallel to the front lot line at the required building line on the lot, or any projections thereof other than those permitted in defining "yard." (See Figure 2, set out in Appendix A at the end of this title.)

Yard, Rear. "Rear yard" means a yard opposite from the front yard and parallel to the rear lot line, extending across the entire rear of a lot and measured between the rear lot line and the required building line, or any projection thereof other than those expressly permitted in defining "yard." (See Figure 2, set out in Appendix A at the end of this title.)

"Yard requirements" means the regulations of this title establishing minimum front, side, and rear yard requirements and setback requirements for various uses, structures, and districts. (See Figure 2, set out in Appendix A at the end of this title.)

Yard, Side. "Side yard" means a yard extending along a side lot line from the front yard to the rear yard and measured between the side lot line and the required building line or any projection thereof other than those expressly permitted in defining "yard." (See Figure 2, set out in Appendix A at the end of this title.) (Ord. 5026AM Attach. (part), 2004; Ord. 5009 § 1, 2004; Ord. 4974 § 1, 10-15-02; Ord. 4917 § I, 1-22-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4873AM §§ 1, 2, 11-20-01; Ord. 4873 §§ 1, 2, 7-24-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4779 § 1, 6-20-00; Ord. 4582 § 1, 5-19-98; Ord. 4529 § 1, 11-4-97; Ord. 4516 § 1, 8-19-97; Ord. 4367 § 2, 12-5-95; Ord. 4348 § 2, 8-1-95; Ord. 4327 § 2, 5-16-95; Ord. 4115 § 1, 8-25-92; Ord. 3645 § 1(1), 4-14-87; Ord. 3623 § 1, 3-17-87; Code 1985 Appx. A § 2 (part); Ord. 3347 § 1(1), 12-6-83; Ord. 3346 § 1(1), 12-6-83; Ord. 3192 § 1(I), 3-2-82; Ord. 3064, 10-7-80)

Chapter 16-12

ADMINISTRATION AND ENFORCEMENT

Sections:

16-12-1	**Administrative bodies, departments, and personnel—Summary of authority.**
16-12-2	**Interpretations.**
16-12-3	**Violation and penalty.**

Sec. 16-12-1 Administrative bodies, departments, and personnel—Summary of authority.

The principal functions of each of the agencies responsible for the administration of this title are as follows:

A. The land use control board holds public hearings, if required, and makes recommendations to the legislative body on applications for amendments to the zoning ordinance and for planned unit development, special permit and site plan approval as provided in this title. The board reviews and makes recommendations on any and all other matters referred to it from time to time by the administrations and legislative body.

B. The board of adjustment holds public hearings, if required, and is authorized, in accordance with the provisions of this title and Joint Ordinance-Resolution No. 722, to grant variations from the regulatory provisions of this title in cases of hardship, to hear and decide appeals from the administrative decisions of officials and to grant specified special exceptions.

C. The office of planning and development is divided into a comprehensive planning section and a land use control section. The office prepares and makes recommendations on comprehensive plans to the legislative body and reviews and makes recommendations to the land use control board and to the legislative bodies on applications for amendments to the text or official map of the zoning ordinance, and for subdivision, planned unit development, special permit and site plan approval. The office may conduct studies it deems appropriate in performing these functions.

D. The building department is authorized to make decisions on specified site plans, on applications for building permits, and certificates of occupancy, and to issue such permits or certificates. The department enforces the provisions of this title and makes such inspections as are necessary and appropriate to perform that function.

If a proposed use of property is not specifically indicated on Chart I of the regulations set out at the end of this title, the building official shall determine the most similar use as found on Chart I. (Ord. 3549 § 1(5), 5-13-86; Code 1985 Appx. A § 3; Ord. 3064, 10-7-80)

Sec. 16-12-2 Interpretations.

A. Authority. After consultation with the director of planning and development and the city or county attorney, the building official may render an interpretation on any regulatory provision of this title in connection with reviews of building permit applications for zoning compliance or written requests for opinions directed to him or her.

B. Procedure. If the building official determines that a regulatory provision of this title is so unclear or ambiguous that an interpretation of the provision is necessary to process a building permit application for zoning compliance in accordance with the provisions of Chapter 16-20, the building official may interpret such provision. After interpreting such provision, the building official shall determine whether the proposed development is consistent with his or her interpretation and shall continue to process such building permit application for zoning compliance in accordance with the provisions of Chapter 16-20. (Code 1985 Appx. A § 12; Ord. 3064, 10-7-80)

Sec. 16-12-3 Violation and penalty.

Any person, firm, or corporation violating any of the provisions of this title shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than fifty dollars ($50.00). Each day's continuance of a violation shall be considered a separate offense. In addition to the party violating this title, any other person who may have knowingly assisted in the commission of any such violation shall be guilty of a separate offense. (Code 1985 Appx. A § 31; Ord. 3064, 10-7-80)

Chapter 16-16

COMPREHENSIVE PLAN AND PROCEDURE

Sections:

16-16-1	**Authority.**
16-16-2	**Purpose and definition.**
16-16-3	**Effect.**
16-16-4	**Procedure for development, adoption and amendment.**

Sec. 16-16-1 Authority.

The office of planning and development has the authority to prepare and recommend a comprehensive plan. (Code 1985 Appx. A § 4(A); Ord. 3064, 10-7-80)

Sec. 16-16-2 Purpose and definition.

"Comprehensive plan" means and includes statements of policies and goals with respect to the future development of all or any part of the city and county and shall contain one or more of the following elements: land use, transportation, public facilities, housing, economic development, and budget elements, and any data and studies relating thereto. Plans for defined geographical areas of the city and county such as planning districts, neighborhoods, and any of the elements of the comprehensive plan, such as the Memphis Urban Area Transportation Study, shall be considered a part of the comprehensive plan. (Code 1985 Appx. A § 4(B); Ord. 3064, 10-7-80)

Sec. 16-16-3 Effect.

A comprehensive plan shall be considered an advisory document to be used by the legislative body, administrative agencies, departments, and personnel responsible for the administration of this title. (Code 1985 Appx. A § 4(C); Ord. 3064, 10-7-80)

Sec. 16-16-4 Procedure for development, adoption and amendment.

The comprehensive plan shall be developed, adopted, and amended as follows:

A. Development of Plan. The office of planning and development shall develop all or any portion of the comprehensive plan and, in so doing, may conduct such studies as it deems appropriate or that are requested by the administrations. Citizen advisory groups appointed by the mayor at the request of the office may assist the office in the development of all or any portion of the comprehensive plan.

B. Adoption of Plan.

1. The office of planning and development may hold public hearings on all or any portion of a proposed comprehensive plan. The office of planning and development shall forward it to the legislative body, which shall hold a public hearing thereon.

2. At the completion of the public hearing, the legislative body shall, by majority vote, adopt, modify or reject the proposed comprehensive plan or any part of it. In the event the legislative body shall reject all or any part of the proposed comprehensive plan, it shall return the part that is rejected to the office of planning and development for modification or amendment.

C. Amendment. The comprehensive plan or any portion of it may be amended in the same way it is adopted. (Code 1985 Appx. A § 4(D); Ord. 3064, 10-7-80)

Chapter 16-20

CERTIFICATES OF OCCUPANCY

Sections:

16-20-1	**Authority.**
16-20-2	**Purpose.**
16-20-3	**Certificate of occupancy required.**
16-20-4	**Procedure.**

Sec. 16-20-1 Authority.

The building official shall have the authority to issue certificates of occupancy in accordance with the provisions of this chapter, the subdivision regulations and the building code. (Code 1985 Appx. A § 5(A) ; Ord. 3347 § 4, 12-6-83; Ord. 3346 § 3, 12-6-83; Ord. 3064, 10-7-80)

Sec. 16-20-2 Purpose.

Certificates of occupancy are required to insure that completed structures and the development of property of which such structures are a part, comply with the provisions of this title, any site plans or special approvals for such structures and developments, the subdivision regulations and building code. (Code 1985 Appx. A § 5(B); Ord. 3347 § 4, 12-6-83; Ord. 3346 § 3, 12-6-83; Ord. 3064, 10-7-80)

Sec. 16-20-3 Certificate of occupancy required.

It is unlawful for an owner or any other person to use or permit the use of any building or premises or part thereof, hereafter created, changed, converted, or enlarged, wholly or partly, until a certificate of occupancy shall have been issued by the building official. Such certificate shall show that such building or premises or part thereof, and the proposed use thereof, are in conformity with the provisions of this title. Single-family, two-family and townhouse dwellings shall require only a final inspection and the certificate of occupancy is optional. (Code 1985 Appx. A § 5(C); Ord. 3347 § 4, 12-6-83; Ord. 3346 § 3, 12-6-83; Ord. 3064, 10-7-80)

Sec. 16-20-4 Procedure.

A. Application. An application for a certificate of occupancy shall be filed with the building official. The fee, if any, for the certificate of occupancy will be included in the building permit fee.

1. Name of applicant;

2. Nature and extent of the applicant's ownership interest in the property for which a certificate is requested;

3. Address of the property for which a certificate is requested;

4. A legal description of the property, the zoning classification for the property and a statement that the use of the property is allowed or permitted in the zoning classification for the property;

5. If a site plan or other special approval for the structure or the development of which such structure is a part was required, a copy of any document granting such approval and any plans approved in connection therewith. The information required in this subsection for a certificate of occupancy related to new construction may be provided to the building official when application is made for a building permit.

B. Action on Application. The building official shall inspect the property which is the subject of an application within seven calendar days after a completed application is filed and shall issue a certificate of occupancy if the premises of the property comply in all respects with the provisions of this article, any site plans or special approvals for the property, the building code and subdivision regulations. A certificate of occupancy will be issued when final inspection is completed for single-and two-family dwellings without a separate application or fee. If the premises do not so comply, the building official shall deny the application in a written notice mailed to the applicant within five days after the inspection of the property, specifying the provisions of this article, the building code, the subdivision regulations and the conditions of any site plans or special approvals with which the structure or the development of which it is a part does not comply.

C. Temporary Certificates of Occupancy. The building official may issue a temporary certificate of occupancy if a structure is not yet completed but is determined to be safe and habitable by the building official and the premises otherwise comply with the provisions of this title, the building code, the subdivision regulations and with any site plans or special approvals for the structure or development of which it is a part. (Code 1985 Appx. A § 5(D); Ord. 3347 § 4, 12-6-83; Ord. 3346 § 3, 12-6-83; Ord. 3064, 10-7-80)

Chapter 16-24

AMENDMENTS

Sections:

16-24-1	**Authority.**
16-24-2	**Type and purpose.**
16-24-3	**Guidelines for decision.**
16-24-4	**Initiation.**
16-24-5	**Application procedure.**
16-24-6	**Public hearing and notification procedure.**
16-24-7	**Required vote.**
16-24-8	**Reapplication when denied.**
16-24-9	**Comprehensive rezonings.**

Sec. 16-24-1 Authority.

The legislative body shall have the authority to enact amendments to the text or map of the zoning ordinance in accordance with the provisions of this chapter. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 3549 § 1(8), 5-13-86; Code 1985 Appx. A § 6(A); Ord. 3274 § 1, 3-8-83; Ord. 3242 § 1, 10-12-82; Ord. 3064, 10-7-80)

Sec. 16-24-2 Type and purpose.

The purpose of an amendment is to reclassify land or to change the text of this title. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 3549 § 1(8), 5-13-86; Code 1985 Appx. A § 6(B); Ord. 3274 § 1, 3-8-83; Ord. 3242 § 1, 10-12-82; Ord. 3064, 10-7-80)

Sec. 16-24-3 Guidelines for decision.

In determining whether to grant a requested amendment, the legislative body may consider, among other things, the provisions of the comprehensive plan. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 3549 § 1(8), 5-13-86; Code 1985 Appx. A § 6(C); Ord. 3274 § 1, 3-8-83; Ord. 3242 § 1, 10-12-82; Ord. 3064, 10-7-80)

Sec. 16-24-4 Initiation.

An amendment may be initiated by the legislative body, the office of planning and development, or the owner of, or other person having a contractual interest in, the property to be affected by the proposed amendment. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 3549 § 1(8), 5-13-86; Code 1985 Appx. A § 6(D); Ord. 3274 § 1, 3-8-83; Ord. 3242 § 1, 10-12-82; Ord. 3064, 10-7-80)

Sec. 16-24-5 Application procedure.

A. The legislative body may propose amendments by forwarding its written proposal, which shall set forth the purpose and reason for such proposed amendment, to the office of planning and development for processing in accordance with the procedure set forth in this chapter.

B. The office of planning and development may make written proposals for amendments, which shall set forth the purpose and reason for such proposed amendment, and which shall be processed in accordance with the procedure set forth in this chapter.

C. The owner or other person having a contractual interest in the property to be affected by a proposed amendment shall file an application with the office of planning and development, which application shall be accompanied by a fee established from time to time by the legislative body, and shall contain the following information:

1. Name, address and telephone number of applicant;

2. If different from the applicant, the name, address and telephone number of the owner of the property for which a zoning district amendment is requested;

3. If an amendment to the zoning map is requested, the zoning classification requested for each parcel of property which is the subject of the application;

4. A plot plan and legal description of each parcel of property proposed to be reclassified;

5. A vicinity map shall be submitted to the office of planning and development showing the location of the subject property and parcels of property in the surrounding area. Unless otherwise modified by the office of planning and development, the vicinity map shall show all parcels of property labeled with the property owners names using the following guidelines:

a. Within the city—a five hundred (500) foot radius of the subject property.

A five hundred (500) foot radius of the subject property if located in the unincorporated area of Shelby County within five miles of the city limits with notice being required to no less than twenty-five (25) property owners.

b. In the unincorporated areas of Shelby County beyond five miles of the Memphis city limits—a one thousand five hundred (1,500) foot radius of the subject property unless this area includes less than twenty-five (25) property owners in which case the radius shall be extended to reach a minimum of twenty-five (25) property owners provided, however, that the maximum additional radius is one thousand (1,000) feet. Properties owned by the applicant shall not be included in the distance measurement for public notice. Such vicinity map shall show any and all streets, roads, or alleys and shall indicate the owner's name and dimensions of each parcel of property shown thereon;

6. A list of the names and addresses of the owners of each parcel of property shown on the vicinity map;

7. Present zoning classification and use of each parcel of property for which a zoning amendment is requested;

8. If an amendment to the text of the zoning ordinance is requested, the language of the proposed text amendment and a statement of the reason for the requested amendment. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 3549 § 1(8), 5-13-86; Code 1985 Appx. A § 6(E); Ord. 3274 § 1, 3-8-83; Ord. 3242 § 1, 10-12-82; Ord. 3064, 10-7-80)

Sec. 16-24-6 Public hearing and notification procedure.

A. Not less than thirty-five (35) nor more than seventy-five (75) days after an application has been filed, or the legislative body or office of planning and development has recommended an amendment to the zoning ordinance, the land use control board shall hold a public hearing thereon. Written notice of such public hearing shall be published or shall be mailed to the persons at the addresses set forth on the list provided by the applicant under Section 16-24-5(C)(6).

B. The subject property of the proposed zoning amendment shall be posted with a sign(s) in accordance with the following specifications:

1. Sign Size and Type. Each sign shall be two feet by three feet in size made to standards and specifications provided by the office of planning and development. A sample sign with letter style and sizes is attached as an addendum to the ordinance codified in this title. All signs will include language stating that defacing or removal of the sign by anyone other than the owner or his or her agent is an illegal act and the person who defaces or removes the sign without permission of the owner will be penalized. Signs required by these regulations are not subject to any Memphis and Shelby County sign permit fees.

2. Location. Signs shall be posted at the nearest rights-of-way with the largest traffic volumes as determined by the office of planning and development. Each sign shall be placed no closer than five feet from the right-of-way visible from each public street on which the subject property has frontage and placed outside the sight distance triangle. Additional signs may be required to be posted at each major roadway entrance to the development or as otherwise determined to be needed by the office of planning and development.

3. Responsibility for Installation and Removal.

a. The applicant shall be solely responsible for the construction, installation and removal of the sign(s) and associated costs.

b. The sign(s) shall be erected at least ten (10) days prior to any public hearings. Applicants may temporarily remove the sign(s) after each public hearing, provided they reinstall the sign(s) at least ten (10) days prior to the next public hearing. The applicant shall sign an affidavit stating that the sign(s) were installed and the date and posting of the property.

c. The sign shall be removed within ten (10) working days following final action by the city council or the Shelby County commission.

C. The land use control board shall make its recommendation on such request for an amendment after deliberation and prior to the close of the public hearing on such request. The land use control board may, prior to the close of the public hearing, take the matter under advisement or defer decision until the next regular meeting of the board.

D. The office of planning and development shall forward the recommendations of the land use control board and the office's recommendations, if different from the board's, to the legislative body within ten (10) days from the date of the close of the public hearing before the land use control board.

E. The legislative body shall hold a public hearing on such proposed amendment after the receipt of the recommendations of the land use control board, and if applicable, of the office of planning and development, and for property in the city, after the third reading of such proposed amendment. When an amendment involves property located in an unincorporated area of Shelby County within five miles of the Memphis corporate limits, the public hearing may be held before both legislative bodies meeting in joint session. Notice of any public hearing shall be published in some daily newspaper of general circulation stating the date, time and place of the hearing not more than thirty (30) days nor less than ten (10) days prior to such public hearing and shall be mailed to all owners of property using the following guidelines:

1. Within the city—a five hundred (500) foot radius of the subject property.

A five hundred (500) foot radius of the subject property if located in the unincorporated area of Shelby County within five miles of the Memphis city limits with notice being required to no less than twenty-five (25) property owners.

2. In the unincorporated areas of Shelby County beyond five miles of the Memphis city limits—a one thousand five hundred (1,500) foot radius of the subject property unless this area includes less than twenty-five (25) property owners in which case the radius shall be extended to reach a minimum of twenty-five (25) property owners provided however, that the maximum additional radius is

one thousand (1,000) feet. Properties owned by the applicant shall not be included in the distance measurement for public notice.

When the property which is the site of the proposed amendment is located in the city or in an unincorporated area of Shelby County within five miles of the Memphis corporate limits, notice of any public hearing will be published three times. The last publication shall not be more than thirty (30) days nor less than ten (10) days prior to the hearing. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 3549 § 1(8), 5-13-86; Code 1985 Appx. A § 6(F); Ord. 3274 § 1, 3-8-83; Ord. 3242 § 1, 10-12-82; Ord. 3064, 10-7-80)

Sec. 16-24-7 Required vote.

A. The city council may approve or reject a proposed amendment by a majority vote except a two-thirds vote shall be required if the record owners of at least twenty (20) percent of the frontage of the property which is the subject of the application or which is immediately to the rear thereof or which is directly across a public road therefrom, submit a duly signed and acknowledged petition in opposition to the proposed amendment no later than ten (10) days after the last date notice of the public hearing before the legislative body on the proposed amendment is published.

B. The board of commissioners of Shelby County may approve or reject a proposed amendment by a majority vote except that a four-fifths vote shall be required to approve an amendment for property in an unincorporated area of Shelby County within five miles of the Memphis corporate limits, if the record owners of at least twenty (20) percent of the frontage of the property which is the subject of the application or which is immediately to the rear thereof or which is directly across a public road therefrom, submit a duly signed and acknowledged petition in opposition to the proposed amendment no later than ten (10) days after the last date notice of the public hearing before the legislative body on the proposed amendment is published. A two-thirds vote of the board of commissioners is required to approve an amendment for property located in an unincorporated area of Shelby County beyond five miles of the Memphis corporate limits when the land use control board has recommended disapproval of the amendment. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 3549 § 1(8), 5-13-86; Code 1985 Appx. A § 6(G); Ord. 3274 § 1, 3-8-83; Ord. 3242 § 1, 10-12-82; Ord. 3064, 10-7-80)

Sec. 16-24-8 Reapplication when denied.

If an application for an amendment to the zoning ordinance is denied by the legislative body or is withdrawn by the applicant after a first reading of the proposed ordinance or resolution by the legislative body, a reapplication pertaining to the same property and requesting the same amendment, may not be filed within eighteen (18) months of the date final action was taken on the previous application or the date it was withdrawn unless such reapplication is initiated by the office of planning and development or authorized by the legislative body. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 3549 § 1(8), 5-13-86; Code 1985 Appx. A § 6(H); Ord. 3274 § 1, 3-8-83; Ord. 3242 § 1, 10-12-82; Ord. 3064, 10-7-80)

Sec. 16-24-9 Comprehensive rezonings.

A. Purpose. The purpose of a comprehensive rezoning is to rezone areas in conformance with the principles of comprehensive land use planning and staged development as reflected by established public plans and policies, and planned public facilities. Through comprehensive rezoning, consideration will be given to the character of the areas, suitability of particular uses, protecting natural areas, conserving the value of buildings and communities, and encouraging the most appropriate use of land throughout the city and county. These procedures shall further the protection of the health, safety, and general welfare of the citizens of the city and county.

B. Designated Areas. Comprehensive rezonings shall be limited to those areas designated as planning districts or areas, or other areas for which a plan has been approved or adopted by the legislative body after a public hearing. In addition, these procedures may be used to comprehensively zone properties in accordance with Federal Emergency Management Agency Floodway and Floodplain maps.

C. Procedures.

1. The legislative body or the office of planning and development, or the owner of or other person having a contractual interest in the property to be affected by the proposed amendment may initiate a comprehensive rezoning application.

2. The office of planning and development shall process the application in accordance with the procedures set forth in this section.

3. A map shall be prepared in accordance with the procedures set forth in this section.

4. The land use control board shall hold a public hearing on the application after notice of the public hearing is published in some daily newspaper of general circulation stating the date, time, and place of the hearing not more than thirty (30) days nor less than ten (10) days prior to such public hearing.

5. Except for comprehensive floodway and floodplain rezonings, notification shall be mailed to all owners

of property subject to rezoning, prior to the land use control board public hearing.

6. The land use control board shall make its recommendation on such request for an amendment after deliberation and prior to the close of the public hearing on such request. The land use control board may, prior to the close of the public hearing, take the matter under advisement or defer decision until the next regular meeting of the board.

7. The office of planning and development shall forward the recommendations of the land use control board and the office's recommendations, if different from the board's, to the legislative body within thirty (30) days from the date of the close of the public hearing before the land use control board.

8. The legislative body shall hold a public hearing on the application after receipt of the recommendations of the land use control board, and if applicable the office of planning and development, and for property in the city after the third reading of such proposed amendment. When an amendment involves property located in an unincorporated area of Shelby County within five miles of the Memphis corporate limits, the public hearing may be held before both legislative bodies meeting in joint session. Notice of any public hearing may be published in some daily newspaper of general circulation stating the date, time and place of the hearing not more than thirty (30) days nor less than ten (10) days prior to such public hearing. When the property which is the site of the proposed amendment is located in the city or in an unincorporated area of Shelby County within five miles of the Memphis corporate limits, notice of any public hearing will be published three times. The last publication shall not be more than thirty (30) days or less than ten (10) days prior to the hearing.

9. The required votes of Section 16-24-7(A) and (B) shall apply. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 3549 § 1(8), 5-13-86; Code 1985 Appx. A § 6(I); Ord. 3274 § 1, 3-8-83; Ord. 3242 § 1, 10-12-82; Ord. 3064, 10-7-80)

Chapter 16-28

SITE PLAN REVIEW

Sections:

16-28-1	**Authority.**
16-28-2	**Purpose.**
16-28-3	**Initiation.**
16-28-4	**Site plans required.**
16-28-5	**Application.**
16-28-6	**Criteria for site plan review.**
16-28-7	**Procedure for administrative site plan review.**
16-28-8	**Appeal of administrative site review.**
16-28-9	**Effect of site plan approval.**
16-28-10	**Period of validity.**
16-28-11	**Amendments.**

Sec. 16-28-1 Authority.

The legislative body shall have the authority to grant site plan approval concurrent with its action on special permit uses and planned developments in accordance with the provisions of this title. The building official shall have the authority to grant administrative site plan approval for specified uses set forth in Chart 1, set out at the end of this title, and for final plans for phased development, i.e., several final plans, in accordance with the provisions of this title. (Code 1985 Appx. A § 7(A); Ord. 3064, 10-7-80)

Sec. 16-28-2 Purpose.

Site plan review assures that careful attention is given to site design to insure compliance with the codes, ordinances and resolutions related to land development and building construction. (Code 1985 Appx. A § 7(B); Ord. 3064, 10-7-80)

Sec. 16-28-3 Initiation.

An application for site plan approval may be initiated by the owner or other person having a contractual interest in the property for which site plan approval is requested or by the authorized agent of such owner or other person. (Code 1985 Appx. A § 7(C); Ord. 3064, 10-7-80)

Sec. 16-28-4 Site plans required.

A. Legislative site plan review and approval shall be required for the following:

1. Special permit uses in accordance with the provisions of Chapters 16-32 and 16-36;

2. Planned developments in accordance with the provisions of Chapter 16-52;

3. An amendment to classify property in the C-P district which shall be accompanied by a general site plan for concurrent consideration by the legislative body.

B. Administrative site plan review and approval shall be required for the following:

1. Multiple-family dwellings;

2. Any other use indicated on Chart 1, set out at the end of this title, as requiring administrative site plan review and approval including any development of four or more acres located in a nonresidential district and any final plan pertaining to a proposed phased development in the C-P district. (Code 1985 Appx. A § 7(D); Ord. 3064, 10-7-80)

Sec. 16-28-5 Application.

A. The requirements and procedures for applications for site plan approval for special permit uses and planned developments are set forth in Chapters 16-32, 16-36 and 16-52, respectively;

B. Applications for required administrative site plan approvals shall be filed with the building official, shall be accompanied by a nonrefundable fee established from time to time by the legislative body and shall contain the following:

1. The name, address and telephone number of the applicant;

2. If different from the applicant, the name, address and telephone number of the owner or other persons having a contractual interest in the property for which site plan approval is requested;

3. The street address and legal description of the property;

4. The zoning classification for the property and, if an application for an amendment to the zoning ordinance has been filed, the proposed zoning classification for the property;

5. The proposed use of the property;

6. The site plan shall be drawn at a scale to allow adequate review. Site plans for development of less than one hundred fifty (150) acres shall be at a scale of not less than one hundred (100) feet to the inch. For developments between one hundred fifty (150) and one thousand (1,000) acres site plans shall be drawn at a scale of not less than two hundred (200) feet to the inch. For developments exceeding one thousand (1,000) acres the scale shall be determined by the building official but not larger than three hundred (300) feet to the inch. Site plans shall include the following:

a. A survey, showing property boundary lines and dimensions; the gross land area of the site; available utili-

ties; and easements, roadways, rail lines and public rights-of-way crossing and adjacent to the subject property,

b. Where required by other applicable sections of this title or other codes, ordinances and resolutions, the location, size and arrangement of proposed buildings and existing buildings which will remain, if any, including height in stories and feet, floor area ratio, total floor area, total square feet of ground area coverage, number and size of dwelling units broken down by the number of bedrooms in each dwelling unit, livability space and open space where applicable, and a description of any amenities to be provided for which an amenity incentive is requested, in accordance with the provisions of Chapter 16-56,

c. The proposed use of buildings,

d. Yard dimensions,

e. Where required by other applicable sections of this title or other codes, ordinances and resolutions, location, dimensions and number of all vehicular and pedestrian circulation elements, including streets and roadways, driveways, entrances, curbs, curb cuts, parking stalls, loading spaces and access aisles, sidewalks, walkways and pathways, including slope and gradient of streets and driveways, total lot coverage of all circulation elements, divided as between vehicular and pedestrian ways,

f. Any proposed major regrading of the site and the general location of any significant topographical or physical features of the site, including at least watercourses,

g. The location of all existing and proposed space and subsurface drainage facilities,

h. Where required by other applicable sections of this title, other codes, ordinances and resolutions, the location, size and arrangement of all outdoor signs and lighting,

i. Where required by other applicable sections of this title, the location and height of fences or screen plantings and the type or kind of building materials or plantings to be used for fencing or screening,

j. Where required by other applicable sections of this title, the location, designation and total area of all usable open space,

k. If the site plan is to be recorded, all certificates, seals and signatures required for the recordation of documents; and if easements, dedications or other property rights are granted thereon, then, in addition thereto the signature(s) of the mortgagee(s), if any.

C. Application for site plan approval shall be filed as follows:

1. For applications requiring legislative site plan review and approval including special permits, planned developments and amendments to classify property in the C-P district, at the time an application is filed with the office of planning and development;

2. For property requiring administrative site plan review and approval, at any time after the legislative body has approved a general site plan or at least when an application for a building permit is filed;

3. For multiple-family dwelling or any other use indicated on Chart 1, set out at the end of this title, as requiring administrative site plan review and approval, prior to or concurrent with the filing of an application for a building permit. (Code 1985 Appx. A § 7(E); Ord. 3064, 10-7-80)

Sec. 16-28-6 Criteria for site plan review.

The building official shall approve administrative site plans if the building official finds them in compliance with this code and the ordinances or resolutions of the city or county. Approval by the building official of any administrative site plan, or amendment thereto, shall not waive or modify any provisions of this title. The building official shall obtain a written report from the city or county fire department, division of public works, health department or other division or department responsible for the administration of this title to ensure such compliance. (Code 1985 Appx. A § 7(F); Ord. 3064, 10-7-80)

Sec. 16-28-7 Procedure for administrative site plan review.

The building official shall approve, approve subject to conditions, or disapprove administrative site plans within fourteen (14) days of their receipt. The building official shall mail written notice of his or her decision to the applicant, within two business days of the date of his or her decision, along with a written report stating the reasons for his or her decision. (Code 1985 Appx. A § 7(G); Ord. 3064, 10-7-80)

Sec. 16-28-8 Appeal of administrative site review.

An applicant may appeal the building official's decision, or the conditions imposed by the building official with his or her approval of an administrative site plan, to the board of adjustment by filing a written notice of appeal with the building official within ninety (90) days after receipt of the building official's decision. The procedures for appeal of administrative decisions are set forth in Chapter 16-48. (Editor's note: Final plans for planned development which are disapproved by the office of planning and development may be appealed to the land use control board as set forth in Section 16-52-10(C) and (D)). Outline plans for planned developments, site plans for special use permits and general site plans which accompany applications

to classify property in the C-P district, which are disapproved by the land use control board, or any conditions imposed by the board in its recommendations pertaining to any such plans, may be appealed to the legislative body as set forth in Sections 16-52-9(B), 16-32-5(C) and 16-48-3(C). respectively. (Code 1985 Appx. A § 7(H); Ord. 3064, 10-7-80)

Sec. 16-28-9 Effect of site plan approval.

Approval of an administrative site plan shall permit the applicant to apply for any other permits and approvals including, but not limited to, those permits and approvals required by this title, the subdivision regulations and the building code. (Code 1985 Appx. A § 7(I); Ord. 3064, 10-7-80)

Sec. 16-28-10 Period of validity.

Administrative site plans are valid for eighteen (18) months or until a building permit is issued, whichever is earliest. (Code 1985 Appx. A § 7(J); Ord. 3064, 10-7-80)

Sec. 16-28-11 Amendments.

(Editor's note: The criteria for determining substantial deviation from an approved outline plan for planned developments when a final plan is reviewed are set forth in Section 16-52-10(C)(1)).

A. Substantial Deviations. If a proposed amendment to an administrative site plan deviates substantially from the approved site plan, such approved administrative site plan shall be amended in accordance with the procedure and standards which governed its approval. Such substantial deviations include the following:

1. A five percent or greater increase in floor area or number of units;

2. A ten (10) percent or greater decrease in parking spaces, open space or livability space;

3. The reduction or deletion of an amenity incentive;

4. The relocation of any structure, dedicated street, easement or landscape screen in any direction from the location shown on the site plan for the distances specified below based on the size of the development:

a. Twenty-five (25) feet or more for site plans of two acres or less,

b. Fifty (50) feet or more for site plans of more than two acres but less than eight acres,

c. One hundred (100) feet or more for site plans of eight acres but less than twenty (20) acres, and

d. One hundred fifty (150) feet for site plans of twenty (20) acres or more;

5. Deviation from any condition imposed by the legislative body in approving the general site plan for property located in the C-P district.

B. Minor Deviations. If a proposed amendment to an administrative site plan represents only a minor deviation from the approved site plan, the applicant shall file a written application for such amendment with the building official who shall act upon such application within ten (10) days of its receipt. Such minor deviations include, but are not limited to, the following:

1. A less than five percent increase, or any decrease, in the floor area or number of units, provided that the maximum floor area ratio or gross dwelling unit density per acre, as regulated in Chart 2, set out at the end of this title, for the zoning district in which the subject property for which an administrative site plan has been submitted, is not exceeded;

2. A less than ten (10) percent decrease in parking spaces, open space or livability space;

3. The relocation of any structure, dedicated street, easement or landscape screen in any direction from the location shown on the site plan for the distances specified below based on the size of the development:

a. Less than twenty-five (25) feet for site plans of two or less acres,

b. Less than fifty (50) feet for site plans of more than two but less than eight acres,

c. Less than one hundred (100) feet for site plans of eight acres but less than twenty (20) acres, and

d. Less than one hundred fifty (150) feet for site plans of twenty (20) acres or more;

4. The correction of drafting errors on the approved site plan;

5. The addition of an amenity incentive.

(Code 1985 Appx. A § 7(K); Ord. 3064, 10-7-80)

Chapter 16-32

PROCEDURE FOR SPECIAL USE PERMITS

Sections:

16-32-1	**Authority.**
16-32-2	**Purpose.**
16-32-3	**Initiation.**
16-32-4	**Application procedure.**
16-32-5	**Public hearing and notification procedure.**
16-32-6	**Required vote.**
16-32-7	**Conditions on special uses.**
16-32-8	**Effect of issuance of special use permit.**
16-32-9	**Assurance of compliance with conditions.**
16-32-10	**Amendments to special permits.**
16-32-11	**Reapplication if denied.**

Sec. 16-32-1 Authority.

The legislative body shall have the authority to grant special use permits for specified uses set forth on Chart 1, set out at the end of this title, in accordance with the provisions of this title. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 3668 § 1, 6-23-87; Code 1985 Appx. A § 8(A); Ord. 3274 § 1, 3-8-83; Ord. 3064, 10-7-80)

Sec. 16-32-2 Purpose.

Special use permits are required for specified uses which must satisfy standards in addition to those generally applicable in a zoning district to eliminate or minimize the potentially harmful characteristics or impact of such special uses on the character of the zoning district in which they will be located. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 3668 § 1, 6-23-87; Code 1985 Appx. A § 8(B); Ord. 3274 § 1, 3-8-83; Ord. 3064, 10-7-80)

Sec. 16-32-3 Initiation.

The owner or other person who has contractual interest in the property which is the site of the proposed special use, the legislative body or the office of planning and development may initiate a request for a special use permit. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 3668 § 1, 6-23-87; Code 1985 Appx. A § 8(C); Ord. 3274 § 1, 3-8-83; Ord. 3064, 10-7-80)

Sec. 16-32-4 Application procedure.

The owner or other person having a contractual interest in the property which is the site of the proposed special use shall file an application for a special use permit with the office of planning and development, which application shall be accompanied by a fee established from time to time by the legislative body and shall contain the following information:

A. Excluding planned developments as described in Chapter 16-52, special use permits shall be implemented (use and occupancy permit) within two years of final approval or such permits shall be void. The land use control board, however, upon application, may grant extensions in increments not exceeding two years upon a finding that the character of the neighborhood has not substantially changed since approval of the original special use that would require a public hearing as in the case of the original granting of the special use;

B. Excluding planned developments as described in Chapter 16-52, if a special use permit has not been in use for any two consecutive year period, the permit shall be void. The applicant, at the time of a request for a use and occupancy permit, shall be responsible for providing proof to the building official of such continued use;

C. Name, address and telephone number of the applicant;

D. Nature and extent of the applicant's ownership interest in the property which is the site of the proposed special use;

E. A plot plan with dimensions indicated and a legal description of the site of the proposed special use;

F. A vicinity map shall be submitted to the office of planning and development showing the location of the subject property and parcels of property in the surrounding area. Unless otherwise modified by the office of planning and development, the vicinity map shall show all parcels of property labeled with the property owners names using the following guidelines:

1. Within the city—a five hundred (500) foot radius of the subject property.

A five hundred (500) foot radius of the subject property if located in the unincorporated area of Shelby County within five miles of the city limits with notice being required to no less than twenty-five (25) property owners.

2. In the unincorporated areas of Shelby County beyond five miles of the Memphis city limits—a one thousand five hundred (1,500) foot radius of the subject property unless this area includes less than twenty-five (25) property owners in which case the radius shall be extended to reach a minimum of twenty-five (25) property owners provided, however, that the maximum additional radius is one thousand (1,000) feet. Properties owned by the applicant shall not be included in the distance measurement for public notice.

Such vicinity map shall show any and all streets, roads, or alleys and shall indicate the owner's name and dimensions of each parcel of property shown thereon.

a. Applications for family day care homes shall be accompanied by a vicinity map showing the property which is the site of the proposed special use and all parcels of property within a one hundred (100) foot radius.

b. Applications for group day care homes shall be accompanied by a vicinity map showing the property which is the site of the proposed special use, all abutting parcels of property and all parcels of property located within five hundred (500) feet on both sides of the same street;

G. A list of the names and addresses of the owners of property shown on the vicinity map;

H. Zoning classification of the property which is the site of the proposed special use;

I. The proposed special use to be located on such property;

J. Site plans will be drawn at a scale to allow adequate review. Site plans for developments of less than one hundred fifty (150) acres will be at a scale of not less than one hundred (100) feet to the inch. For development between one hundred fifty (150) and one thousand (1,000) acres site plans will be at least two hundred (200) feet to the inch. For developments in excess of one thousand (1,000) acres the scale shall be determined by the office of planning and development, but not less than three hundred (300) feet to the inch. Site plans shall include the following:

1. Property boundary lines and dimensions; available utilities; and easements, roadways, rail lines and public rights-of-way crossing and adjacent to the subject property,

2. The proposed height, dimensions and arrangement of buildings on a site,

3. The type and location of landscaping proposed for the site,

4. The location of points of ingress to and egress from the site,

5. The location of driveways, parking lots, and loading areas on the site,

6. Any proposed substantial regrading of the site and any significant topographic or physical features of the site including at least water courses. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 3668 § 1, 6-23-87; Code 1985 Appx. A § 8(D); Ord. 3274 § 1, 3-8-83; Ord. 3064, 10-7-80)

Sec. 16-32-5 Public hearing and notification procedure.

A. Not less than thirty-five (35) nor more than seventy-five (75) days after an application for a special use permit is filed, the land use control board shall hold a public hearing thereon. Written notice of such public hearing shall be published or shall be mailed to the persons at the addresses set forth on the list provided by the applicant under Section 16-32-4(G). The land use control board shall recommend to the legislative body approval, disapproval, or approval of the proposed special use subject to conditions after deliberation. The land use control board may, prior to the close of the public hearing, take the matter under advisement or defer decision until the next regular meeting of the board. The land use control board shall act upon the following special permit use applications and recommend to the legislative bodies within a maximum of seventy-five (75) days after the application is filed, without exception:

1. Clearing and grading.

B. The subject property of the proposed special use permit shall be posted with a sign(s) in accordance with the following specifications:

1. Sign Size and Type: Each sign shall be two feet by three feet in size made to the standards and specifications provided by the office of planning and development. A sample sign with letter style and sizes is attached as an addendum to the ordinance codified in this title. All signs will include language stating that defacing or removal of the sign by anyone other than the owner or his or her agent is an illegal act and the person who defaces or removes the sign without permission of the owner will be penalized. Signs required by these regulations are not subject to any Memphis and Shelby County sign permit fees.

2. Location. Signs shall be posted at the nearest rights-of-way with the largest traffic volumes as determined by the office of planning and development. Each sign shall be placed no closer than five feet from the right-of-way visible from each public street on which the subject property has frontage and placed outside the sight distance triangle. Additional signs may be required to be posted at each major roadway entrance to the development or as otherwise determined to be needed by the office of planning and development.

3. Responsibility for Installation and Removal.

a. The applicant shall be solely responsible for the construction, installation and removal of the sign(s) and associated costs.

b. The sign(s) shall be erected at least ten (10) days prior to any public hearings. Applicants may temporarily remove the sign(s) after each public hearing, provided

they reinstall the sign(s) at least ten (10) days prior to the next public hearing. The applicant shall sign an affidavit stating that the sign(s) were installed and the date and posting of the property.

c. The sign(s) shall be removed immediately following final action by the city council or the Shelby County commission.

C. Any applicant or owner of property may appeal to the legislative body from any recommendation of the land use control board or from any conditions the board imposes or fails to impose in its recommendations, by filing a written notice of appeal with the office of planning and development within sixty (60) days after the date of the close of the public hearing on the requested special use permit.

D. An applicant shall submit a site plan incorporating any and all conditions imposed by the land use control board, or if the applicant files a notice of appeal, a site plan incorporating any and all conditions not appealed, to the office of planning and development within ninety (90) days after the date of the close of the public hearing on the requested special use permit or the application shall be deemed withdrawn.

E. The office of planning and development shall forward the recommendations of the land use control board and any notices of appeal to the legislative body within ten (10) days of the date of the close of the public hearing or within ten (10) days of the date the applicant submits a plan incorporating required conditions, whichever date occurs later.

F. If an appeal is filed, or if opposition to the proposed special use permit was voiced at the public hearing before the land use control board by any owner of property within the required notification area, the legislative body shall hold a public hearing on the application for the proposed special use permit after receipt of recommendations from the land use control board and such notice of appeal. Such public hearing may be held before both legislative bodies meeting in joint session when the application of a special use permit involves property located in an unincorporated area of Shelby County within five miles of the Memphis corporate limits. Written notice of such hearing shall be published in some daily newspaper of general circulation stating the date, time and place of the hearing, and shall be mailed to owners of property using the following guidelines:

1. Within the city—a five hundred (500) foot radius of the subject property.

A five hundred (500) foot radius of the subject property if located in the unincorporated area of Shelby County within five miles of the city limits with notice being required to no less than twenty-five (25) property owners.

2. In the unincorporated areas of Shelby County beyond five miles of the Memphis city limits—a one thousand five hundred (1,500) foot radius of the subject property unless this area includes less than twenty-five (25) property owners in which case the radius shall be extended to reach a minimum of twenty-five (25) property owners provided, however, that the maximum additional radius is one thousand (1,000) feet. Properties owned by the applicant shall not be included in the distance measurement for public notice.

The legislative body shall render a decision on such appeal and shall approve, disapprove, or approve the proposed special use subject to conditions, and if approved, shall authorize the special use permit, which permit shall set forth the conditions imposed, if any.

G. If no appeal is filed, or if no opposition to the proposed special use permit was voiced at the public hearing before the land use control board by an owner of property within the required notification area, the legislative body may, without a public hearing and after receipt of the land use control board's recommendations, approve, disapprove, or approve the proposed special use permit, which permit shall set forth the conditions imposed, if any. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 3668 § 1, 6-23-87; Code 1985 Appx. A § 8(E); Ord. 3274 § 1, 3-8-83; Ord. 3064, 10-7-80)

Sec. 16-32-6 Required vote.

The legislative body shall approve, approve with conditions or reject a requested special use permit by a majority vote, except a two-thirds vote of the Shelby County board of commissioners shall be required to approve a special use permit for property located within an unincorporated area of Shelby County beyond five miles of the Memphis corporate limits when the land use control board recommends disapproval of the requested special use permit. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 3668 § 1, 6-23-87; Code 1985 Appx. A § 8(F); Ord. 3274 § 1, 3-8-83; Ord. 3064, 10-7-80)

Sec. 16-32-7 Conditions on special uses.

In accordance with the provisions of Section 16-32-5(A), the land use control board may recommend, and the legislative body may require, the special use to comply with any conditions required to meet the general and particular standards specified in Sections 16-36-3 and 16-36 040 for such special use, which conditions shall be set forth in the special use permit, when issued. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 3668 § 1, 6-23-87; Code 1985

Appx. A § 8(G); Ord. 3274 § 1, 3-8-83; Ord. 3064, 10-7-80)

Sec. 16-32-8 Effect of issuance of special use permit.

The issuance of a special permit shall not allow the development of the site for the special use, but shall merely authorize the filing of applications for required permits and approvals, including but not limited to, building permits and certificates of occupancy. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 3668 § 1, 6-23-87; Code 1985 Appx. A § 8(H); Ord. 3274 § 1, 3-8-83; Ord. 3064, 10-7-80)

Sec. 16-32-9 Assurance of compliance with conditions.

The building official shall not issue a certificate of occupancy for a special use if any of the conditions, imposed by the legislative body in approving the special use permit, have not been met. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 3668 § 1, 6-23-87; Code 1985 Appx. A § 8(I); Ord. 3274 § 1, 3-8-83; Ord. 3064, 10-7-80)

Sec. 16-32-10 Amendments to special permits.

A special use permit may be amended pursuant to the same procedure and in accordance with the same standards which governed its grant. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 3668 § 1, 6-23-87; Code 1985 Appx. A § 8(J); Ord. 3274 § 1, 3-8-83; Ord. 3064, 10-7-80)

Sec. 16-32-11 Reapplication if denied.

If an application for a special use permit is denied by the legislative body, a reapplication pertaining to the same property and requesting the same special use permit may not be filed within eighteen (18) months of the date final action was taken on the previous application unless such reapplication is initiated by the office of planning and development or authorized by the legislative body. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 3668 § 1, 6-23-87; Code 1985 Appx. A § 8(K); Ord. 3274 § 1, 3-8-83; Ord. 3064, 10-7-80)

Chapter 16-36

STANDARDS FOR SPECIAL PERMIT USE

Sections:

16-36-1	**Authority.**
16-36-2	**Conditions on special uses.**
16-36-3	**Standards of general applicability.**
16-36-4	**Authorized special uses and additional standards.**

Sec. 16-36-1 Authority.

The legislative body is authorized to grant special use permits for the uses specified on Chart 1, set out at the end of this title, in accordance with the procedure for the issuance of such permits set forth in Chapter 16-32. (Ord. 4974 § 1, 10-15-02; Ord. 4873AM §§ 1, 2, 11-20-01; Ord. 4873 §§ 1, 2, 7-24-01; Ord. 4582 § 1, 5-19-98; Ord. 4367 § 2, 12-5-95; Ord. 4357 § 2, 10-17-95; Ord. 4327 § 2, 5-16-95; Ord. 4115 § 1, 8-25-92; Ord. 3976 § 1, 6-29-90; Ord. 3742 § 1, 4-12-88; Ord. 3668 § 1, 6-23-87; Ord. 3623 § 1, 3-17-87; Ord. 3549 § 1(9), 5-13-86; Code 1985 Appx. A § 9(A); Ord. 3064, 10-7-80)

Sec. 16-36-2 Conditions on special uses.

The land use control board may recommend and the legislative body may impose such conditions upon the premises benefited by a permit for a special permit use as may be necessary to prevent or minimize any adverse effects of such special use upon and to insure the compatibility of the special use with other property in the vicinity of such special use. Such conditions shall be set forth in the resolution authorizing such special permit use and in the special permit. A violation of such conditions shall be a violation of this title. The legislative body is authorized to revoke a permit for a special permit use when the conditions imposed upon the premises benefited by a permit for a special permit use have been violated or have not been met. (Ord. 4974 § 1, 10-15-02; Ord. 4873AM §§ 1, 2, 11-20-01; Ord. 4873 §§ 1, 2, 7-24-01; Ord. 4582 § 1, 5-19-98; Ord. 4367 § 2, 12-5-95; Ord. 4357 § 2, 10-17-95; Ord. 4327 § 2, 5-16-95; Ord. 4115 § 1, 8-25-92; Ord. 3976 § 1, 6-29-90; Ord. 3742 § 1, 4-12-88; Ord. 3668 § 1, 6-23-87; Ord. 3623 § 1, 3-17-87; Ord. 3549 § 1(9), 5-13-86; Code 1985 Appx. A § 9(B); Ord. 3064, 10-7-80)

Sec. 16-36-3 Standards of general applicability.

An applicant for a special permit shall present evidence at the public hearing on such special permit, which evidence must establish:

A. That the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare;

B. That the proposed building or use will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations;

C. That the proposed building or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water, and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services;

D. That the proposed building or use will not result in the destruction, loss or damage of any feature determined by the legislative body to be of significant natural, scenic or historic importance;

E. That the proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use. (Ord. 4974 § 1, 10-15-02; Ord. 4873AM §§ 1, 2, 11-20-01; Ord. 4873 §§ 1, 2, 7-24-01; Ord. 4582 § 1, 5-19-98; Ord. 4367 § 2, 12-5-95; Ord. 4357 § 2, 10-17-95; Ord. 4327 § 2, 5-16-95; Ord. 4115 § 1, 8-25-92; Ord. 3976 § 1, 6-29-90; Ord. 3742 § 1, 4-12-88; Ord. 3668 § 1, 6-23-87; Ord. 3623 § 1, 3-17-87; Ord. 3549 § 1(9), 5-13-86; Code 1985 Appx. A § 9(C); Ord. 3064, 10-7-80)

Sec. 16-36-4 Authorized special uses and additional standards.

A. The special permit uses specified on Chart 1, set out at the end of this title, shall be allowed in the districts indicated on said Chart 1 subject to the issuance of special permits therefor.

1. Excluding planned developments as described in Chapter 16-52, special use permits shall be implemented (use and occupancy permit)within two years of final approval or such permits shall be void. The land use control board, however, upon application, may grant extensions in increments not exceeding two years upon a finding that the character of the neighborhood has not substantially changed since approval of the original special use that would require a public hearing as in the case of the original granting of the special use.

2. Excluding planned developments as described in Chapter 16-52, if a special use permit has not been in use for any two-consecutive-year period, the permit shall be

void. The applicant, at the time of a request for a use and occupancy permit, shall be responsible for providing proof to the building official of such continued use.

B. The following special permit uses shall be allowed in the districts indicated on Chart 1, set out at the end of this title, subject to the issuance of special permits therefor and subject to the following minimum standards which shall apply in addition to the general standards applicable to special permit uses set forth in Section 16-36-3:

1. The legislative body finds that hourly rate motels and hotels have a deleterious effect on both the commercial and residential segments of a neighborhood, causing blight and the downgrading of property values. Special use permits for motel/hotel (hourly rate) are subject to the following additional standards to regulate serious objectionable characteristics. Hotels and motels not classified as hourly rate are required to meet only standards set out in subsection (B)(1)(b), (c) and (d) of this section.

a. Such use will not be located within one thousand five hundred (1,500) feet of any school, park, church, library, coliseum, convention center, residential use or residential zoning district as measured between property lines or applicable zoning district boundaries.

b. Any change in ownership will require the approval of a new special use permit application.

c. Such use should have direct access to a major road as shown on the adopted major road plan.

d. Perimeter fencing and screening will be required in accordance with the landscape ordinance.

e. Any such use will not be located within one thousand five hundred (1,500) feet of any other hourly rate motel/hotel or any sexually oriented business;

2. Cemeteries and mausoleums subject to the following additional standards:

a. Cemeteries shall be located on sites of at least ten (10) acres.

b. A mausoleum which is not located in a cemetery shall be located on a site of at least two acres.

c. All structures located in a cemetery of six feet in height or over including, but not limited to, mausoleums, monuments and buildings, and all mausoleums not located in a cemetery and regardless of height shall be set back at least one hundred (100) feet from each lot line and street right-of-way.

d. All graves or burial lots shall be set back at least thirty (30) feet from each lot line and street right-of-way.

e. Screening located along the lot lines of the site of the cemetery or mausoleum shall be provided to block such cemetery or mausoleum from view from any other property.

f. A cemetery site shall not obstruct the development of any major or collector streets proposed in the Memphis Urban Area Transportation Study.

(Editor's note: Chapter 405 of the Private Acts of 1925 further regulates the location, establishment and operation of cemeteries.)

3. a. Day care center, subject to the following additional standards:

i. The minimum lot size shall be twenty thousand (20,000) square feet in R-S, R-D and R-TH zoning districts.

ii. The distance from the closest existing day care center to a proposed day care center shall not be less than one-quarter mile when measured along the most direct roadway route between the two sites, if both sites are in either R-S, R-D or R-TH zoning districts.

iii. A day care center which is located in the R-S, R-D or R-TH zoning districts shall maintain the residential character and scale of the area in which it is located.

iv. The property should be located: (a) on a major road; or (b) on a collector street within two hundred (200) feet of an intersecting major road; or (c) if property is on a collector street more than two hundred (200) feet from an intersecting major road or is on a minor street, adequate queuing spaces for vehicular drop offs and pick ups shall be provided on site.

v. Screening of the play and parking areas from adjacent properties may be required.

vi. The maximum number of children to be accommodated on site shall be specified. Children who are related to the child care provider(s) by blood or marriage and are kept at the facility shall be counted for purposes of determining enrollment and facility compliance with these standards. There shall be provided a minimum of thirty (30) square feet of usable indoor play area per child, exclusive of restrooms, hallways, kitchen or office space, a minimum of thirty (30) square feet of floor area per child within the nap room and a minimum of fifty (50) square feet of usable outdoor play area per child, to be computed based upon the total number of children enrolled. State and local health, education, and/or fire regulations may reduce but shall not increase the number of students permitted to be enrolled (Joint Ordinance - Resolution No. 3742)

vii. "Enrollment" means the total number of children enrolled at any one time.

viii. Required off-street parking shall be located on site. (Joint Ordinance - Resolution No. 3742),

b. Group day care home, subject to the following additional standards:

i. The property shall be located: (a) on a collector street; (b) on a major road; (c) on a minor street or private

drive that serves only nonresidential uses or zoning districts; or (d) on a minor street within one hundred (100) feet of an intersecting major street.

ii. Screening of the play and parking areas from adjacent properties may be required.

iii. The maximum number of children to be accommodated on site shall be specified. Children who are related to the child care provider(s) by blood or marriage and are kept at the facility shall be counted for purposes of determining enrollment and facility compliance with these standards. There shall be provided a minimum of thirty (30) square feet of usable indoor play area per child, exclusive of restrooms, hallways, kitchen of office space; a minimum of thirty (30) square feet of floor area per child within the nap room and a minimum of fifty (50) square feet of usable outdoor play area per child, to be computed based upon the total number of children enrolled. State and local health, education, and/or fire regulations may reduce but shall not increase the number of students permitted to be enrolled. (Joint Ordinance - Resolution No. 3742);

4. Family day care homes, subject to the following additional standards:

a. An on-site off-street area shall be provided for vehicles to load and unload passengers.

b. Facilities for vehicular access to and from the site of the family day care home shall be arranged to permit vehicles to exit from the site without backing onto any street or sidewalk.

c. An application for a special permit for a family day care home shall be accompanied by a statement from the state of Tennessee Department of Human Resources that such family day care home can comply with all requirements of the state of Tennessee with respect to such use.

d. Screening may be required along the lot lines of the site of the family day care home to block such family day care home from the view of property classified in a residential zoning district and from the residential portion of an approved planned unit development.

e. Required off-street parking shall be located on-site;

5. Fraternity and sorority houses, subject to the additional standard that screening may be required along the lot lines of the site of the fraternity or sorority house to block such use from the view of property classified in a residential zoning district and from the residential portion of an approved planned unit development;

6. The following uses subject to the following additional standards:

a. Explosives manufacture or storage,

b. Animal rendering,

c. Landfill,

d. Processing or storage of radioactive material,

e. Stockyards or slaughter of animals and poultry,

f. Pulp mill,

g. Sand, gravel, and other extraction and processing.

The application for a special permit for any of the uses specified in subsection (B)(5) of this section shall be accompanied by a sworn affidavit by the applicant that all permits and approvals required by any local, state or federal environmental laws or regulations including, but not limited to, water and air pollution laws and regulations have been or will be secured, and that such use shall be operated in accordance with any such local, state or federal environmental laws or regulations;

7. Designation or deletion of a landmark building, district, object, or site, subject to the provisions of Chapter 14-24.

The use of a landmark building or site shall be approved by the legislative body to ensure that such use will preserve and not be injurious to the landmark;

8. Planned unit developments, subject to the provisions of Chapter 16-52;

9. Airports and heliports subject to the following additional standard that the application for a special permit shall be accompanied by the written recommendations of the Federal Aviation Administration;

10. Radio and television transmission towers subject to the following additional standards:

a. Radio and television towers shall not be located in the approach or landing zones of an airport or heliport.

b. The application for a special permit shall be accompanied by the written recommendations of appropriate state and federal agencies.

c. Except when located in the CBD zoning district, radio and television towers over one hundred (100) feet in height shall be set back, in addition to the yards required by the regulations of the district in which such towers are located, one foot for every three feet in height over one hundred (100) feet;

11. Fields for recreation and athletics which provide seating for more than two hundred fifty (250) spectators or which are equipped with outdoor lighting visible from adjacent residential areas, subject to the following additional standards:

a. Screening may be required along the lot lines of the field to block such field from the view of property zoned or used for residential purposes and the residential portion of an approved planned unit development.

b. Lighting, if any, including but not limited to lighted scoreboards for such fields shall be so arranged to prevent direct glare onto any public or private property or

streets. The location, height, and design of any light standards shall be submitted for the review and approval of the legislative body;

12. Sanitary landfill, subject to the following additional standards:

a. In addition to the information required in Chapter 16-32, the following shall be submitted:

i. Show by contours of not less than two-foot intervals (exception extremely steep slopes):

(A) The existing surface of the site and the surrounding properties within fifty (50) feet from its boundaries,

(B) The ultimate depth elevations of the area to be excavated or filled,

(C) The ultimate finished surface of the site after all excavation and filling operations are completed,

ii. Cross sections at critical points to illustrate the methods to be employed in the process of excavation and fill,

iii. Locations where excavation and filling operations will commence and the procedural sequence of operations,

iv. Methods to be employed for surface drainage during and after completion of operations,

v. The volumes of materials to be excavated and filled on the site where operations are to take place and expected duration of landfill operations,

vi. Improvements such as new roads and pavements to be installed on and off the site to enable the operation to be carried out,

vii. A statement setting forth the type, location, and conditions of such sanitary landfill operations including a hydro-geologic evaluation shall be submitted for review. The legislative body shall require a written assessment of specific environmental issues regarding the proposed sanitary landfill operation.

b. The following general standards shall apply:

i. Sanitary landfill excavation or filling should not be located within the approach zones of any airport.

ii. Sanitary landfill excavation or filling shall not be located within a minimum of five hundred (500) feet of any building used for residential purposes unless the owner of such property agrees in writing, in which case such operations may be closer to such property, provided that in no case shall an excavation be made within one hundred (100) feet of the lot line of any other property. Such notarized written agreement shall be submitted with the application for a special permit. It is further provided that such distance restrictions shall also not apply to residential buildings for which construction was begun after the submission to the Tennessee Department of Health and Environment of a written request by the applicant for preliminary hydrogeologic evaluation of the sanitary landfill site.

iii. No fill shall be located within the one hundred (100) year floodplain and no excavation, except as expressly authorized by the appropriate legislative bodies, shall be located within the one hundred (100) year floodplain.

iv. No excavation or filling shall be made within one hundred (100) feet of any boundary of the site or within one hundred (100) feet of any street right-of-way.

v. The finished grade of side slopes of excavation and fills shall not exceed one foot vertical to two feet horizontal and shall be blended into undisturbed existing surfaces.

vi. A landscape screen including a chain link, woven wire or similar secure fence shall be installed and maintained around the perimeter of the site. Gates of the same construction as the fence shall be provided, shall remain locked at all times when active operations are not taking place, and shall be properly maintained until all operations are completed.

vii. Provisions shall be made for the proper drainage of stormwater falling on or crossing the site at all times during and after completion of the operations. The operations shall not obstruct the normal flow of any public drain, or abrogate the riparian rights of any other party to a stream or drain.

viii. The depth of excavation and the materials to be used for fill shall not have any adverse effect on the supply, quality, or purity of ground water or wells.

ix. A layer of clean earth at least two feet thick shall be deposited and thoroughly compacted over all final fill to bring the surface to the finished surface grade as shown on the topographic plan filed with the application. The final fill and finished grade shall be stabilized, seeded, sodded or appropriately planted after completion and closure of each stage of landfill operations.

x. The installation of roads, parking areas, buildings, structures, and operational facilities and equipment shall be located on the site so that adjoining properties will not be adversely affected.

xi. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or candescence to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No loose paper or debris shall be allowed on the site except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by use of calcium chloride or some other approved method. No fires shall be permitted. Any smoldering flame

or spontaneous combustion shall be immediately extinguished.

xii. Except for protective fences, no building or structure, other than a scale and entry gate-house erected in connection with the operation, shall be located in any required yard or closer than one hundred (100) feet from any property line.

xiii. The site for the sanitary landfill shall be a minimum of one hundred (100) acres of land that would be approved by all regulatory agencies.

xiv. The application shall be accompanied by an affidavit by the applicant that the proposed landfill operation will comply with all local, state, and federal laws or regulations applicable to such landfilling operations and that all required permits and approval have been or will be secured. Furthermore, in any case in which these rules are in conflict with state or federal law or regulation, the more stringent rule, law or regulation shall take precedence.

xv. The landfill site shall not obstruct the development of any major or collector streets proposed in the Memphis Urban Area Transportation Study.

xvi. The landfill site shall have direct access to a major or collector street. Access to the site should be located so as to require a minimum of travel on a public way.

xvii. All materials delivered to the site shall be deposited and thoroughly compacted in accordance with the rules and regulations of the Tennessee Department of Health and Environment, Division of Solid Waste Disposal. Materials not permitted in sanitary landfills by state regulations shall not be permitted as fill material. Each day's deposit, after compaction, shall be covered with a layer of earth at least six inches in thickness after compaction. The face of the fill as well as the horizontal space shall be covered with a layer of earth to prevent any movement of fill by wind or water erosion.

xviii. Separation of materials or storage for the salvage thereof on the site shall be conducted within an enclosed building. All unacceptable fill materials shall be removed from the premises immediately after delivery.

xix. Water lines shall be installed, connected to a public water supply, or to some other source which, by use of pumps, will provide water in sufficient quantity to combat fires or settle dust.

xx. The days and hours of landfill operations are subject to the approval of the legislative body.

xxi. Any other conditions or standards as the legislative bodies may deem reasonable and appropriate to prevent or minimize any adverse effect of such landfill operation.

c. Guarantee. Prior to the commencement of sanitary landfill operations, the applicant for the special use permit shall submit to the building official a primary reclamation performance bond in the amount of three thousand five hundred dollars ($3,500.00) per acre for each acre to be excavated, less the amount of bond held by the state, increasing one hundred dollars ($100.00) per acre per year from the date of adoption of this title, for sanitary landfill operations to insure that the land shall be restored, regraded, and resloped as provided in this section when such operations cease. The bond shall not be released until the work it secures is completed or a substitute serial bond is received by the appropriate government official which shall secure all remaining work under the original bond, and all bonds submitted pursuant to this chapter and shall so state. Such primary reclamation performance bond may be on a serialized basis in five-year increments. Such primary reclamation performance bond shall be released after primary reclamation activities are complete and the condition, grade, and drainage of the land are approved in writing by the building official, and city or county engineer; provided, however, that a proportionate release of not to exceed sixty (60) percent of the primary reclamation bond may be authorized by the building official, and city or county engineer, for phased or partial reclamation.

A final reclamation performance bond in an amount not less than forty (40) percent of the primary reclamation performance bond on deposit at the time of closure shall be submitted to the building official and retained for a period of five years after release of the primary reclamation bond to ensure restoration of reclaimed areas effected by settling and subsidence of filled land. Such final reclamation performance bond shall be released at the end of the five-year period and after final reclamation activities are completed and the condition, grade, and drainage of the land are approved in writing by the building official, and the city or county engineer.

13. Sand, gravel, and other extraction and processing subject to the following additional standards:

a. Overburden shall be retained on a suitable portion of the site of the sand or gravel or other extraction operations and shall be used for backfill.

b. Adequate supports shall be provided to prevent caving and backsliding into an excavated area.

c. No excavation shall be made within seventy-five (75) feet of the perimeter of the site of the sand, gravel or other extraction operation; within one hundred (100) feet of any street right-of-way or within two hundred fifty (250) feet of any building used for residential purposes; provided, however, that if the owner of the property adjoining, abutting or adjacent to the property which is the site of the sand, gravel or other extraction and processing operations agrees, in writing, such excavation may be

closer to such property owner's lot line than provided in this subsection (B)(13)(c) provided that in no case shall an excavation be made within thirty (30) feet of the lot line of any other property. Such notarized written agreement shall be submitted with the application for a special permit.

d. All excavations shall be filled and the land restored, regraded and resloped as nearly as practicable to its original condition and grade within ninety (90) days after the date sand, gravel or other extraction operations cease; provided, however, that any excavation made closer than two hundred fifty (250) feet to a lot line of the property which is the site of the sand, gravel or other extraction operations shall be filled, and the land restored, regraded, and resloped within nine months from the date the excavation within two hundred fifty (250) feet of such lot line is completed unless the owner of property abutting or adjoining such lot line agrees, in writing, to an extension of time within which such reclamation activities shall be completed. Such written agreement shall be notarized and shall be submitted with the application for a special permit or to the building official at any time prior to the expiration of the nine-month period within which excavations within two hundred fifty (250) feet of the lot line of property which is the site of the sand, gravel or other extraction operations must be filled, restored, regraded, and resloped. Such agreement shall set forth the date when such reclamation activities shall be completed, which date shall, in no event, be later than ninety (90) days after the date sand, gravel or other extraction operations on the property cease. Failure to complete reclamation activities by the date set forth in such agreement shall be deemed a violation of this title. If at any time such agreement is modified, rescinded or becomes null and void, the owner of the property which is the site of the sand, gravel or other extraction operation shall within ten (10) days thereafter notify the building official thereof in writing stating whether such agreement is revoked, null and void or modified, and if modified, the provisions of such agreement which has been modified along with a copy of the modified agreement. If the agreement is revoked or becomes null and void, excavations within two hundred fifty (250) feet of the property line of the property shall cease immediately, and the area which was the subject of such agreement shall be filled, restored, regraded or resloped within ninety (90) days after the date of such revocation or within ninety (90) days after the date such agreement became null and void. If the date upon which reclamation activities shall be completed is revised in a modified agreement, reclamation activities shall be completed by such date.

e. Land shall be restored, regraded, and resloped as nearly as practicable to its original condition and grade; provided, however, that after such reclamation activities, no slope on such land shall be steeper than three feet horizontal to one foot vertical and no greater quantities of drainage water shall flow onto adjoining properties or shall flow at a faster rate onto adjoining properties than such drainage water flowed prior to the commencement of sand, gravel or other extraction or processing activities on the land reclaimed.

f. Prior to the commencement of sand, gravel or other extraction operations, the applicant for the special permit shall submit to the building official a performance bond in the amount of three thousand five hundred dollars ($3,500.00) per acre, increasing one hundred dollars ($100.00) per acre per year from the date of adoption of this title, for each acre proposed to be used for sand, gravel or other extraction operations to insure that the land shall be restored, regraded, and resloped as provided in this subsection (B)(13) of this section when such mining or extraction operations cease. Such performance bond shall be released after reclamation activities are complete and the condition, grade, and drainage of the land are approved in writing by the building official and city or county engineer; provided, however, that a proportionate release of such bond may be authorized by the building official and city or county engineer for phased or partial reclamation.

g. Equipment used in sand, gravel or other extraction or processing operations shall be operated in such a manner that noise and vibration are prevented, to the extent possible, from emanating beyond the boundaries of the site of the mining, extraction or processing operations.

h. A statement setting forth the type, location, and conditions of such processing operations shall be submitted for the review and approval of the legislative body. The legislative body may require a written assessment of the environmental impact of the proposed sand, gravel or extractive operation and processing.

i. The location and surfacing of driveways providing access to and egress from the site are subject to the review and approval of the legislative body;

14. Home occupations, subject to the following additional standards:

a. No person who is not a member of the immediate family occupying such dwelling unit shall be employed in connection with the occupation.

b. One attached business sign, not exceeding three square feet, shall be permitted on each zoning lot.

c. No wholesale or retail establishment shall be permitted unless it is conducted entirely by mail or telephone and does not involve the receipt, sale, shipment, delivery or storage of merchandise on or from the premises; provided, however, that articles produced by members of the

immediate family residing on the premises may be sold from and stored upon the premises.

d. There shall be no alteration of the principal residential building which changes the character thereof as a dwelling.

e. No more than twenty-five (25) percent of the area of one story of a single-family dwelling, nor more than twenty-five (25) percent of the area of any other dwelling unit, shall be devoted to the home occupation.

f. No mechanical or electrical equipment may he or she used except such types as are customary for purely domestic, household or hobby purposes.

g. There shall be no storage outside a principal building or accessory structure of equipment or materials used in the home occupation.

h. The home occupation shall be conducted entirely within the principal residential building or in a private garage accessory thereto.

i. There shall be no group instruction in connection with the home occupation;

15. Bingo games, subject to the following additional standards:

a. An application for a special use permit to hold bingo games shall contain the name of the sponsor of the games.

b. The frequency, hours and days such bingo games will be held shall be submitted for the review and approval of the legislative body.

c. The maximum number of players that can be accommodated at any such bingo game to be held.

d. The person to whom a special permit for bingo games is issued shall maintain an itemized record of income, expenditures and disbursements, including the date and the name of any person to whom disbursements of profits are made, in connection with such games. Such record shall be contained in a bound book which shall be located on the premises where the bingo games are held and which shall be available at reasonable hours for inspection by the city or county building official or his or her representative.

e. The operation of such bingo games shall comply with all of the statutory requirements of the state of Tennessee.

f. Special permits to hold bingo games shall be effective from the date of issuance to the following July 1st, and thereafter, shall be effective for one year. Special permits to hold bingo games shall be renewed annually and shall be renewed pursuant to and in accordance with the procedures and standards which governed their grant;

16. A single office use in a residential structure originally built for residential occupancy in the R-M districts subject to the following additional standards:

a. There shall be no exterior alteration of the principal residential building which changes the character thereof as a dwelling.

b. One attached business sign, not exceeding three square feet in area, shall be permitted on each zoning lot.

c. No additional accessory structures shall be permitted and no existing accessory structure shall be enlarged.

d. Required off-street parking shall be prohibited in the required front yard;

17. Residential homes for the aged, subject to the following additional standards:

a. A side yard of at least five feet in width shale be provided on each side of the main building in which the residential home for the aged is located.

b. Off-street parking shall be provided on the same lot as the residential home on a ratio of one parking space for each four residents who are authorized to occupy the home by the Tennessee Department of Public Health and the board for licensing health care facilities. Required parking shall not be located in the required front yard;

18. Subsurface single-family detached dwellings subject to the following additional standards:

a. The dwelling unit densities and minimum lot areas and lot widths of the zoning district in which the site is located shall be maintained.

b. At least half the habitable rooms, excluding bathrooms and utility rooms, shall receive direct sunlight for at least one hour on any clear day in any season.

c. Structures shall be spaced in such a manner that daylight is admitted to all habitable rooms, excluding bathrooms and utility rooms, in adequate amounts for the performance of general household tasks without artificial lights during the hours of full daylight on any clear day in any season.

d. Required yards are as follows:

i. Front: the required front yard in the district where the site is located.

ii. Side: five feet.

iii. Rear: twenty (20) feet in width and thirty (30) feet in depth.

e. Height shall be limited to one story.

f. The off-street parking required for single-family detached dwellings in Chapter 16-108 shall be provided;

19. Multiple office uses to be established in an existing building in the O-L district subject to the following additional standards:

a. There shall be no exterior alteration of the principal building.

b. No additional accessory structures shall be permitted and no existing accessory structure shall be enlarged;

20. Restaurant with sale of alcoholic beverages subject to the following additional standards:

a. Such use shall not be located within three hundred (300) feet from any residential use or Residential (R) district as measured along the public street right-of-way.

b. The applicant shall obtain a valid liquor license as a condition of any special permit.

c. Any change in business ownership shall require a new application for a special permit. A special permit shall be valid only under the name of the business owner named in the conditions of approval.

d. Any conversion of an existing business shall require full conformance with Chapter 16-12, Landscape Requirements.

e. Access, parking and circulation shall be subject to the approval of the city or county engineer as applicable;

21. Retail sales outdoor. The specific purpose of this subsection is to safeguard the urban environment by permitting such uses in a manner consistent with safe and efficient circulation of pedestrians and vehicles and by protecting the integrity and character of the surrounding neighborhood, properties and uses. Such uses may, when properly integrated with surrounding uses, become a valued component of the urban environment.

a. No person shall place or operate or allow the placement or operation of any stationary retail sales, or vending facility which serves the general public outdoors or any privately owned parcel or lot except in compliance with a special use permit issued pursuant to this title. An exception may be approved by the building official to allow outdoor retail sales of agricultural products subject to criteria set forth in footnote 17.A to Chart 1, set out at the end of this title.

b. An outdoor retail sales or vending facility shall be deemed to be stationary if it remains or operates on any single parcel or lot for more than a total of one-half hour in any twenty-four (24) hour period. A special use permit is required for each individual vending facility.

c. Vending facilities as regulated under this chapter shall not be permitted to locate on vacant parcels or lots (except as specifically allowed in accordance with footnote 17.A to Chart 1, set out at the end of this title). Each vending facility shall be located on the same site as, and shall share support facilities, including parking, sanitary and trash disposal facilities, with an on-premises host. As a condition of approval of a special use permit for a vending facility, the operator of such facility shall provide an agreement signed by the owner of the parcel or lot, or the owner or operator of such facility, or the owner or operator of the on-premises use, if different from the property owner, to provide the support facilities required by this chapter.

d. The following standards shall be applied in granting a special use permit for an outdoor retail vending facility:

i. Distance From Public Right-of-Way. No outdoor retail vending facility shall be located less than thirty (30) feet from any street right-of-way.

ii. Distance From Interstate Ramps. No outdoor retail or vending facility shall be located less than one hundred (100) feet from any expressway, freeway or interstate highway on or off ramp.

iii. Distance From Intersection. No outdoor retail or vending facilities shall locate less than thirty (30) feet from any public street intersection.

iv. Distance From Residences. No outdoor retail or vending facilities shall locate less than one hundred fifty (150) feet from property used or zoned for residential purposes, or the residential portion of a planned unit development.

v. Parking:

(A) Vending facilities shall not be located in or obstruct parking spaces, required by this title for the operation of any other concurrent use.

(B) Vending facility shall provide a minimum of three parking spaces or the greater of the number of spaces required for parking at a ratio of one space for every three hundred (300) square feet of space occupied by outdoor retail display and vending areas.

vi. Advertising devices advertising used in conjunction with any outdoor retail vending facility shall be limited to one attached sign affixed to the exterior of the vending facility and shall be limited to a maximum of thirty-five (35) square feet and ten (10) feet in height. No advertising device shall be permitted to emit or broadcast any sound, noise or outcry;

22. CMCS facilities, subject to the following additional standards:

a. Within residential zoning districts, CMCS facilities, support structures and associated attachments shall be encouraged to locate on publicly owned and/or leased properties, public/private utility owned properties, or institutional uses.

b. The location, size and design of such facilities shall be such that minimal negative impact results from the facility. Any application for a new CMCS tower shall not be approved nor shall any building permit for a new CMCS tower be issued unless the applicant certifies that the CMCS equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or

other structure due to one or more of the following reasons:

i. The planned equipment would exceed the structural capacity of existing and approved structures, considering existing and planned use of those structures, and those structures cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost,

ii. The planned equipment would result in technical or physical interference with or from other existing or planned equipment and the interference cannot be prevented at a reasonable cost,

iii. There are no appropriate existing or pending structures to accommodate the planned equipment, taking into account, among other factors, the applicant's system requirements,

iv. Other reasons that make it impractical to place equipment planned by the applicant on existing and approved structures.

c. Applications for CMCS facilities to be located on publicly owned and/or leased properties, including without limitations, public parks, the following criteria shall apply:

i. Approval of a CMCS facility in a public park shall require a two-thirds majority vote by the appropriate governmental body(ies).

ii. The CMCS facility will not unduly interfere with the functions or aesthetics of the city park or property.

iii. A CMCS facility shall not be located on any public park less than ten (10) acres in size.

iv. Minimum distance between any CMCS facility and any playground shall be equal to one and one-half times the height of the tower.

v. The use of an existing tower or existing support structure is not technically, structurally, economically and/or financially feasible.

vi. The proposed facility has adequate capacity to handle a minimum of three additional users.

vii. All towers shall be a stealth application or consistent with the natural or built environment of the site. Landscaping and screening may be required in addition to the minimum requirements of this title.

viii. Obstruction lighting and/or marking shall not be permitted in public parks or on public school properties. On other public properties, proposed lighting may be approved by the city council and/or county commission as an element of the special use permit site plan and conditions.

ix. Any CMCS facility which has ceased operations for a period of one hundred eighty (180) continuous days shall be dismantled and removed from the site at the owner's expense. Prior to the issuance of a building permit for such CMCS facility, adequate financial security not to exceed twenty thousand dollars ($20,000.00) shall be posted with the building official to assure the dismantling, removing and restoring of the public property/park upon which the CMCS facility will be located.

x. The planned equipment will not interfere with emergency communications including without limitation those of the Memphis fire and police departments, the Shelby County fire department and/or the Shelby County sheriff's department as substantiated through a RF (radio frequency) study. If interference occurs, proper remediation steps shall be taken.

d. Any proposed tower shall be structurally designed to accommodate at least three additional CMCS sectorized antennae array of at least one hundred (100) feet in height, at least five additional CMCS sectorized antennas of at least one hundred fifty (150) feet in height or at least six additional CMCS sectorized antennas of at least one hundred seventy (170) feet in height. Colocated CMCS antennas shall be placed on a structure in such a manner as to avoid interference with or impairment of operations of existing antennae or other uses.

e. Nothing in these rules and regulations shall obligate the owner of an existing tower to colocate additional antennas on such tower or be construed to interfere with or limit the rights of parties to set rent or establish other terms and conditions of the shared use of a CMCS tower or facility.

f. The minimum setback requirement for support structures including associated attachments shall correspond to the zoning district in which they are located, except that a minimum buffer equal to the height of the tower shall be maintained between any support structure (excepting sites incorporating stealth design) and any single-family residentially zoned or used property line.

g. Accessory facilities shall be permitted but may not include offices, long-term vehicle storage, other outdoor storage, or broadcast studios, except for emergency purposes or other uses that are not needed to send or receive transmissions.

h. Existing on-site vegetation shall be preserved to the maximum extent practicable and shall be supplemented as required by the office of planning and development as necessary. Where the site abuts residentially developed land, residential zoning districts, the residential portion of an approved planned development, or public land or streets, the site perimeter shall be landscaped with at least one row of deciduous trees, not less than two inches in diameter, measured three feet above the grade, spaced not more than twenty (20) feet apart within twenty-five (25) feet of the site boundary, as well as at least one row of evergreen trees and shrubs, at least five feet high when planted and spaced not more than five feet apart to form a

solid shrub screen and within forty (40) feet of the site boundary. Alternatives such as walls or fences may be permitted based on security or other reasons.

i. Security fencing shall be required around the base and guy anchors of any towers.

j. Towers shall not be artificially lighted unless:

i. Required by the Federal Aviation Administration or other governmental authority,

ii. Circumstances make lighting appropriate for safety or other reasons unique to a specific application that are set forth in that application, but in no case shall any lighting shine into adjacent residential structures.

k. The application for a special use permit approval shall include the following:

i. A site plan drawn showing the property boundaries, tower, guy wire anchors (if any), existing structures, proposed transmission buildings and/or other accessory uses, access, parking, fences, a landscaping plan and existing abutting land uses around the site,

ii. A study from a professional engineer which specifies the tower height and design, including a cross-section of the structure, demonstrates the tower's compliance with applicable structural standards, including a certification that the tower will withstand at a minimum sustained winds in accordance with the appropriate building code, and a description of the tower's capacity, including the number and type of antennas which it can accommodate,

iii. Written statements that the proposed tower will comply with regulations administered by the Federal Aviation Administration, Federal Communications Commission, and all applicable governmental bodies, or that the tower is exempt from those regulations,

iv. A letter of intent committing the tower owner and his or her successors to allow shared use of the tower, if capacity exists, based on existing and planned use, and if a future applicant agrees in writing to pay any reasonable charge of shared use, the potential use is technically compatible and the future applicant is in good standing,

v. If an application for a special use permit for a communications tower is denied by the legislative body(ies), written notice shall be provided to the applicant,

vi. The minimum setback requirements of Chart 2, set out at the end of this title, shall apply to the equipment, structures, and other buildings which are auxiliary to functions of the CMCS tower except as specified in subsection (B)(22)(f) of this section. Exceptions to the minimum setback requirements may be permitted. The tower height shall not be used to calculate the minimum setback requirements. The height restrictions of Chart 2, set out at the end of this title, do not apply to tower height and the height permitted for each new application shall be set on the basis of its own merits.

l. Any CMCS tower and equipment shall be removed no later than one hundred eighty (180) days after ceasing operations;

23.* Manufactured homes in the R-E, R-S15 and R-S10 districts, subject to the following additional standards:

a. The setback and orientation of the home shall conform with that of other homes in the subdivision or neighborhood.

b. The home shall provide a driveway similar in length and location adjacent to the home as other existing homes in the subdivision or neighborhood. A carport or parking garage shall be provided if the predominance of other homes in the subdivision have these features.

c. Existing trees on the lots shall be preserved as much as possible and new landscaping shall be added to provide a similar landscaped appearance as existing residential properties in the subdivision or neighborhood.

d. All roof structures will have a minimum nominal three-to-twelve pitch and must provide an eave projection of no less than six inches, which may include a gutter. The roof must be finished with a type of shingle commonly used in site-built residential construction.

e. Exterior wall materials and finishes must be comparable in composition, appearance and durability to those prevalently used in the subdivision or neighborhood. Vinyl and aluminum lap siding, wood, stucco, brick and similar masonry materials may be used. Reflectivity shall not exceed that of gloss white paint;

(* = Adopted by the city of Memphis only.)

24. a. Dredging or earth extraction within the floodway; and clearing of timber or grading within the floodway but limited to the following described distances from the top of the river or stream bank:

i. Within two hundred fifty (250) feet of the top of the bank on streams having a drainage area greater than one hundred thousand (100,000) acres,

ii. Within two hundred (200) feet of the top of bank on streams having a drainage area less than one hundred thousand (100,000) acres but greater than twenty thousand (20,000) acres,

iii. Within one hundred (100) feet of the top of bank on streams having a drainage area less than twenty thousand (20,000) acres but greater than five thousand (5,000) acres,

iv. Within fifty (50) feet of the top of bank on streams having a drainage area less than five thousand (5,000) acres.

b. The following additional standards and submission requirements shall apply:

i. The proposed land treatment shall not adversely affect adjacent or downstream properties, and shall not adversely affect public facilities or utilities.

ii. To asses the impact on surrounding properties, and public facilities and utilities, the following supplemental information shall be submitted:

(A) Location of all public facilities and utilities on-site and within one hundred (100) feet of the site boundaries,

(B) Existing and proposed contours at two-foot intervals,

(C) Location and description of existing vegetation including that to be removed and preserved,

(D) Location and type of proposed bank stabilization measures,

(E) Proposed length of time, and any staging or phasing of the work,

(F) Type of equipment to be used, and route of access to the area,

(G) Typical cross-sections at one hundred (100) foot intervals of any dredging or excavation showing the depth of the excavation and elevation of land area within one hundred (100) feet of each side of the excavation,

(H) The drainage area of the stream or river measured upstream from a point on the stream or river closest to the site,

(I) Other information relevant to the purposes of this special use permit.

iii. Conditions may be imposed pertaining to limitation of land disturbance activity, final slopes and grades, period of ground cover removal, construction of retaining walls, riprapping, landscaping, drainage facilities, reconstruction of natural storm protection features, and other relevant matters. A bond to assure that the proposed or conditional protection measures are carried out as planned may also be required. (Ord. 4974 § 1, 10-15-02; Ord. 4873AM §§ 1, 2, 11-20-01; Ord. 4873 §§ 1, 2, 7-24-01; Ord. 4582 § 1, 5-19-98; Ord. 4367 § 2, 12-5-95; Ord. 4357 § 2, 10-17-95; Ord. 4327 § 2, 5-16-95; Ord. 4115 § 1, 8-25-92; Ord. 3976 § 1, 6-29-90; Ord. 3742 § 1, 4-12-88; Ord. 3668 § 1, 6-23-87; Ord. 3623 § 1, 3-17-87; Ord. 3549 § 1(9), 5-13-86; Code 1985 Appx. A § 9(D); Ord. 3064, 10-7-80)

Chapter 16-40

VARIATIONS

Sections:

16-40-1	**Authority.**
16-40-2	**Purpose.**
16-40-3	**Initiation.**
16-40-4	**Procedure.**
16-40-5	**Standards and proof required for variations.**
16-40-6	**Findings.**
16-40-7	**Conditions on variations.**
16-40-8	**Determination of compliance with conditions.**
16-40-9	**Effect of grant of variation.**
16-40-10	**Length of variation.**

Sec. 16-40-1 Authority.

The board of adjustment shall have the authority to grant the variations specified in this title after a public hearing on a requested variation and only if the board makes specific written findings in favor of such variation based upon the standards for variation hereinafter set forth. (Code 1985 Appx. A § 10(A); Ord. 3064, 10-7-80)

Sec. 16-40-2 Purpose.

The purpose of a variation is to relieve the hardship or practical difficulty the regulations of this title may impose upon a landowner because of the unusual characteristics of a parcel of property which make compliance with regulations generally applicable in a zoning district extraordinarily difficult or impossible. (Code 1985 Appx. A § 10(B); Ord. 3064, 10-7-80)

Sec. 16-40-3 Initiation.

The owner or person having a contractual interest in the property for which a variation is sought may initiate a request for a variation. (Code 1985 Appx. A § 10(C); Ord. 3064, 10-7-80)

Sec. 16-40-4 Procedure.

A. Application. The owner or other person having a contractual interest in the property to be affected by the variation shall file an application for a variation with the secretary of the board of adjustment. Such application shall be accompanied by a nonrefundable application fee established from time to time by the legislative body and shall contain the following information:

1. Name, address, and telephone number of the applicant;

2. Nature and extent of the applicant's interest in the property for which a variation is requested;

3. A plot plan showing the dimensions of the property for which a variation is requested;

4. The street address and legal description of the property for which a variation is requested;

5. Zoning classification of the property for which a variation is requested;

6. A statement of the exact variation sought and section of this title from which a variation is requested;

7. A statement of the purpose for the requested variation and of the intended development of property if the variation is granted;

8. If a use variation is sought, a statement setting forth the reason why a variation and not a zoning amendment is appropriate and stating whether the applicant previously sought a zoning amendment for such property, and, if so, the disposition of the request for such amendment;

9. Unless otherwise modified by the secretary of the board of adjustment, in accordance with standards established by the board in rules published from time to time, a vicinity map showing the property which is the site of the requested variation and all parcels of property within a five hundred (500) foot radius if such property is located within the city and a one thousand five hundred (1,500) foot radius if located within the county. Such vicinity map shall show any and all streets, roads or alleys, and shall indicate the owner's name and dimensions of each parcel of property shown; and

10. A list of the names and addresses of the owners of property shown on the vicinity map.

B. Action by Board. Not less than twenty-one (21) or more than fifty-four (54) days after an application is filed, the board of adjustment shall hold a public hearing thereon. Written notice of such public hearing shall be published and shall be mailed to property owners within five hundred (500) feet in the city and one thousand five hundred (1,500) feet in the county of the property for which a variation is requested.

Prior to the adjournment of the meeting at which such public hearing is concluded, the board shall act on the requested variation, or take the matter under advisement, or defer decision until the next regular meeting of the board. Notice of the board's decision, along with its written findings, shall be mailed to the applicant within fifteen (15) days after the date of the board's decision on the requested variation. (Code 1985 Appx. A § 10(D); Ord. 3064, 10-7-80)

Sec. 16-40-5 Standards and proof required for variations.

A. Use Variations. No use variation shall be granted unless the applicant establishes that the regulations generally applicable in the zoning classification for the property for which a use variation is requested impose unnecessary hardships which are unusual for the property and are not self-created. The applicant must also show that the use variation requested will not be unduly detrimental to and will be in reasonable harmony with the character of the area where the property is located. Additionally, to satisfy the requirements outlined in this subsection for the granting of a use variation, an applicant shall establish the existence of the following:

1. Unnecessary Hardship. The property for which a variation is requested cannot yield a reasonable return if used for any of the purposes permitted or allowed in the zoning classification for the property. Such inability to realize a reasonable return must be supported by specific facts. The applicant must present facts, not its unsubstantiated opinion, that the property cannot yield a reasonable return under the existing regulations. Proof that the property cannot be used for its highest and best use and that it could be used more profitably for another use will not alone be sufficient to establish that the property cannot yield a reasonable return as classified.

2. Unusual Characteristics of the Property. The inability to yield a reasonable return must result from unusual circumstances peculiar to the property itself, including its narrowness, shallowness, and shape or topographic conditions, not the personal situation of the applicant.

B. Bulk Variations and Other Variations. No bulk variation or other variation shall be granted unless the applicant establishes that the bulk or other regulations generally applicable in the zoning classification for the property for which a variation is requested impose practical difficulties which are unique to the property and are not self-created. The applicant must also show that the bulk or other variation requested will not be unduly detrimental to other property in the vicinity of the property for which the variation is requested. Additionally to satisfy the requirements outlined in this subsection for the granting of a bulk or other variation, an applicant shall establish the existence of the following:

1. Practical Difficulties. The narrowness, shallowness or shape, topography or other condition of the land is such that it is extraordinarily difficult to comply with the generally applicable bulk or other regulations of the zoning classification for the property.

2. Unusual Characteristics of the Subject Property. The property is unusual in that it has unusual physical features compared to other property located in the same zoning district.

3. Not Self-Created. The condition of the property has not resulted from any deliberate action by the owner. (Code 1985 Appx. A § (10)(E); Ord. 3064, 10-7-80)

Sec. 16-40-6 Findings.

The board of adjustment must make specific written findings of fact on each of the standards for a variation in either granting or denying the variation. Such findings will determine that the variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public health, safety, comfort, morals or welfare of the inhabitants of the city or county. (Code 1985 Appx. A § (10)(F); Ord. 3064, 10-7-80)

Sec. 16-40-7 Conditions on variations.

The board may set forth conditions in the written resolution granting a variation. Such conditions may relate to screening, landscaping, location, and other conditions necessary to preserve the character of the area and protect property in the vicinity of the variation. A violation of such conditions shall be a violation of this title. (Code 1985 Appx. A § (10)(G); Ord. 3064, 10-7-80)

Sec. 16-40-8 Determination of compliance with conditions.

The building official shall determine when the applicant has complied with the conditions set forth in the resolution granting the variation. (Code 1985 Appx. A § (10)(H); Ord. 3064, 10-7-80)

Sec. 16-40-9 Effect of grant of variation.

The grant of a variation shall not allow the development of the property for which a variation was granted but shall merely authorize the filing of applications for required permits and approvals, including but not limited to building permits and certificates of occupancy. (Code 1985 Appx. A § (10)(I); Ord. 3064, 10-7-80)

Sec. 16-40-10 Length of variation.

Variations are valid for an unlimited time, irrespective of ownership, unless otherwise conditioned. (Code 1985 Appx. A § (10)(J); Ord. 3064, 10-7-80)

Chapter 16-44

SPECIAL EXCEPTIONS

Sections:

16-44-1	**Purpose.**
16-44-2	**Authorized special exceptions.**
16-44-3	**Initiation.**
16-44-4	**Procedure.**
16-44-5	**Standards for and conditions attached to special exceptions.**
16-44-6	**Findings.**
16-44-7	**Effect of grant of special exception.**

Sec. 16-44-1 Purpose.

Specified special exceptions from specified provisions of this title are allowed, as provided in this chapter, in recognition that there are unique structures and uses not otherwise permitted or allowed in a zoning district, which structures and uses may appropriately be located in specified districts if properly controlled to prevent their harmful impact on the character of the zoning district in which they are located. (Ord. 4717 § 1, 11-16-99; Code 1985 Appx. A § 11(A); Ord. 3255 § 1, 11-16-82; Ord. 3221 § 1, 7-6-8; Ord. 3064, 10-7-802)

Sec. 16-44-2 Authorized special exceptions.

The board of adjustment shall have the authority to grant special exceptions to permit one mobile home per zoning lot classified in the agricultural district or the reconstruction of any nonconforming structure in any district, subject to the provisions of this chapter, after a public hearing on a request for such a special exception. (Ord. 4717 § 1, 11-16-99; Code 1985 Appx. A § 11(B); Ord. 3255 § 1, 11-16-82; Ord. 3221 § 1, 7-6-8; Ord. 3064, 10-7-802)

Sec. 16-44-3 Initiation.

The owner or other person having a contractual interest in the property which is the site of the proposed special exception may initiate a request for a special exception. (Ord. 4717 § 1, 11-16-99; Code 1985 Appx. A § 11(C); Ord. 3255 § 1, 11-16-82; Ord. 3221 § 1, 7-6-8; Ord. 3064, 10-7-802)

Sec. 16-44-4 Procedure.

A. The owner or other person having a contractual interest in the property which is the site of the proposed special exception shall file an application with the secretary of the board of adjustment, which application shall be accompanied by a nonrefundable fee as established from time to time by the legislative body and shall contain the following:

1. Name, address, and telephone number of the applicant;
2. Nature and extent of the applicant's ownership interest in the property;
3. A plot plan showing the dimensions of the property for which a special exception is requested;
4. Unless otherwise modified by the secretary of the board of adjustment, in accordance with standards established by the board in rules published from time to time, a vicinity map showing the property which is the site of the requested special exception and all parcels of property within a five hundred (500) foot radius if such property is located within the city and a one thousand five hundred (1,500) foot radius if located within the county. Such vicinity map shall show any and all streets, roads or alleys and shall indicate the owner's name and dimensions of each parcel of property shown;
5. Street address of the property for which a special exception is requested;
6. The zoning classification of such property; and
7. A statement of the special exception requested.

B. Not less than twenty-one (21) nor more than fifty-four (54) days after an application for an exception is filed, the board of adjustment shall hold a public hearing thereon. Notice of such hearing shall be published. Prior to the adjournment of the meeting at which such public hearing is concluded, the board of adjustment shall render its decision, take the matter under advisement or defer decision until the next regular meeting of the board. (Ord. 4717 § 1, 11-16-99; Code 1985 Appx. A § 11(D); Ord. 3255 § 1, 11-16-82; Ord. 3221 § 1, 7-6-8; Ord. 3064, 10-7-802)

Sec. 16-44-5 Standards for and conditions attached to special exceptions.

A. The board of adjustment shall not have jurisdiction or power to grant any use variations whatsoever. Any use variation must be approved by the city council and/or the Shelby County commissioners, as the case may be.

The office of planning and development shall process the application in accordance with the procedure specified in Chapter 16-32, procedure for special use permits.

Before the city council and/or board of county commissioners of Shelby County can grant a use variation, the applicant must show that the use variation requested will not be unduly detrimental to and will be in reasonable harmony with the character of the area where the property is located. Additionally, to satisfy the requirements for the

granting of a use variation, an applicant shall establish the existence of the following:

1. Unnecessary Hardship. The property for which a variation is requested cannot yield a reasonable return if used for any of the purposes permitted or allowed in the zoning classification for the property. Such inability to realize a reasonable return must be supported by specific facts. The applicant must present facts, not its unsubstantiated opinion, that the property cannot yield a reasonable return under the existing regulations. Proof that the property cannot be used for its highest and best use and that it could be used more profitably for another use will not alone be sufficient to establish that the property cannot yield a reasonable return as classified.

2. Unusual Characteristics of the Property. The inability to yield a reasonable return must result from unusual circumstances peculiar to the property itself, including its narrowness, shallowness, and shape or topographic conditions, not the personal situation of the applicant, the location of the property or a self-imposed hardship.

B. The reconstruction of any nonconforming structure in any district, where such structure has been damaged or destroyed by any means to the extent of more than seventy-five (75) percent of the fair market value of such structures immediately prior to such damage, subject to the following minimum standards:

1. The reconstruction shall not increase the degree of the nonconformity which existed immediately prior to the damage or destruction.

2. The permitted reconstruction will not have a substantial or undue adverse effect upon adjacent property, the character of the area, utility facilities or other factors affecting the public health, safety, and general welfare.

C. The board of adjustment may impose such conditions on the grant of a special exception as may be necessary to prevent or minimize any adverse effects of the special exception upon, and to ensure the compatibility of such special exception with, other property in the vicinity. Such conditions shall be set forth in the resolution authorizing the special exception. A violation of such conditions shall be a violation of this title. (Ord. 4717 § 1, 11-16-99; Code 1985 Appx. A § 11(E); Ord. 3255 § 1, 11-16-82; Ord. 3221 § 1, 7-6-8; Ord. 3064, 10-7-802)

Sec. 16-44-6 Findings.

The board of adjustment must make specific written findings of fact on each of the standards for a special exception in either granting or denying the exception. (Ord. 4717 § 1, 11-16-99; Code 1985 Appx. A § 11(F); Ord. 3255 § 1, 11-16-82; Ord. 3221 § 1, 7-6-8; Ord. 3064, 10-7-802)

Sec. 16-44-7 Effect of grant of special exception.

The grant of a special exception shall allow the owner to apply for any other required permits and approvals. (Ord. 4717 § 1, 11-16-99; Code 1985 Appx. A § 11(G); Ord. 3255 § 1, 11-16-82; Ord. 3221 § 1, 7-6-8; Ord. 3064, 10-7-802)

Chapter 16-48

APPEALS FROM ADMINISTRATIVE DECISIONS

Sections:

16-48-1 **Authority.**
16-48-2 **Initiation.**
16-48-3 **Procedure.**
16-48-4 **Effect of filing an appeal.**

Sec. 16-48-1 Authority.

The board of adjustment shall have the authority to hear and decide appeals from any order, requirement, decision or determination by any department, office, or bureau responsible for the administration of this title. (Code 1985 Appx. A § 13(A); Ord. 3064, 10-7-80)

Sec. 16-48-2 Initiation.

An appeal may be initiated by any person aggrieved or by any officer, department or bureau affected by an order, requirement, decision or determination by any department, office or bureau responsible for the administration of this title. (Code 1985 Appx. A § 13(B); Ord. 3064, 10-7-80)

Sec. 16-48-3 Procedure.

A. Notice of Appeal. Within five days after the date of a written notice, requirement, decision or determination of an administrative department, bureau or office with respect to the enforcement of this title, a person or entity aggrieved or any office, department or bureau affected thereby, shall file a notice of appeal with the secretary of the board of adjustment and with the department, office or bureau which rendered the decision or determination, issued the order or imposed the requirement appealed. Such notice shall be accompanied by a nonrefundable fee established from time to time by the legislative body and shall contain the following:

1. Name, address, and telephone number of the person aggrieved or the name of the office, department or bureau affected;

2. Name of the department, office or bureau responsible for the order, requirement, decision or determination appealed;

3. A statement setting forth the order, requirement, decision or determination appealed and the date thereof;

4. If applicable, a statement setting forth the provision of this title with which the order, requirement, decision or determination is inconsistent and the nature of the inconsistency;

5. A notice filed by a department or bureau shall be authorized by the head thereof.

B. Action on Notice of Appeal. Not less than twenty-one (21) days after a notice of appeal is filed, the board of adjustment shall hold a hearing thereon. Written notice of such hearing shall be mailed to the person, officer, department or bureau who filed the notice of appeal and to the department, office or bureau responsible for the order, requirement, decision or determination appealed.

C. Decision of Board. Prior to the adjournment of the meeting at which such hearing on such notice of appeal is concluded, the board of adjustment shall affirm, reverse or modify the order, requirement, decision or determination appealed from and in so doing, the board may issue an order, impose a requirement or render a decision or determination which it deems appropriate and, to that end, the board shall be deemed to have the same powers as the office, department or bureau whose action was the subject of the appeal. The board may take the appeal under advisement or defer decision until the next regular meeting of the board. (Code 1985 Appx. A § 13(C); Ord. 3064, 10-7-80)

Sec. 16-48-4 Effect of filing an appeal.

The filing of a notice of appeal shall require the office, department or bureau whose action is appealed from to forward any and all records or facsimile copies thereof concerning the subject matter of the appeal to the board of adjustment and shall stay any proceedings in furtherance of the action appealed from unless the office, bureau or department responsible for such action certifies in writing to the person, officer, department or bureau who filed the notice of appeal and to the board of adjustment that a stay poses an imminent peril to life or property, and setting forth the reasons therefor, in which case the appeal shall not stay further proceedings unless the board reinstates such stay. (Code 1985 Appx. A § 13(D); Ord. 3064, 10-7-80)

Chapter 16-52

PLANNED DEVELOPMENT REGULATIONS

Sections:

16-52-1	**Purpose.**
16-52-2	**Relation between planned development and zoning districts.**
16-52-3	**General standards and criteria.**
16-52-4	**Specific standards and criteria for planned residential developments.**
16-52-5	**Specific standards and criteria for planned commercial or industrial developments.**
16-52-6	**Mixed use planned developments.**
16-52-7	**Procedures for planned development approval.**
16-52-8	**Letter of intent and outline plan.**
16-52-9	**Outline plan approval process and effect of approval.**
16-52-10	**Final plan approval process.**
16-52-11	**Appeals from land use control board's recommendation.**
16-52-12	**Zoning administration—Permits.**
16-52-13	**Reapplication if denied.**
16-52-14	**Procedure for amendment.**
16-52-15	**Post-completion certificate.**
16-52-16	**Modification by the land use control board.**

Sec. 16-52-1 Purpose.

The primary thrust of development in the Memphis-Shelby County area has taken place under requirements of uniform regulations within each zoning district that may on occasion prevent or discourage innovative site design and development that will respond to new market demands. The use of improved techniques for land development is often difficult under traditional zoning regulations designed to control single buildings on individual lots. Proper private development of congested and blighted areas within the city, together with advantageous development of larger areas of substantially vacant land in the county, require a flexible approach to be available both to the city and county and to the landowner. Deviations from the rigid uniformity characteristic of such earlier zoning regulations and the use of new and innovative techniques are henceforth to be encouraged as a matter of policy. The city and county may, upon proper application, grant a permit for a planned development for a site of any size within the city or for parcels of at least three acres in an unincorporated area of Shelby County to facilitate the use of flexible techniques of land development and site design, by providing relief from zone requirements designed for conventional developments, and may establish standards and procedures for the issuance of a special use permit for planned developments in order to obtain one or more of the following objectives:

A. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property;

B. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects;

C. Functional and beneficial uses of open space areas;

D. Preservation of natural features of a development site;

E. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program;

F. Rational and economic development in relation to public services;

G. Efficient and effective traffic circulation, both within and adjacent to the development site;

H. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units;

I. Revitalization of established commercial centers of integrated design in order to encourage the rehabilitation of such centers in order to meet current market preferences;

J. Provision in attractive and appropriate locations for business and manufacturing uses in well designed buildings and provision of opportunities for employment closer to residence with a reduction in travel time from home to work. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 4529 § 1, 11-4-97; Ord. 4004 § 1, 10-23-90; Ord. 3549 § 1(10), 5-13-86; Code 1985 Appx. A § 14(A); Ord. 3064, 10-7-80)

Sec. 16-52-2 Relation between planned development and zoning districts.

A. Planned Development Permitted in All Districts. Planned developments shall be permitted in all districts. If an approved planned development has not been constructed, the property owner may construct any use or building consistent with the provisions of the district(s) the property is located in. However, if any portion of the property is constructed or developed as provided by the approved planned development, the remaining portion of the

property shall be in conformance with the approved planned development unless amended.

B. Modification of District Regulations. Planned developments may be constructed in any zoning district subject to the standards and procedures set forth below:

1. Except as modified by and approved in the resolution approving an outline plan, a planned development shall be governed by the regulations of the district or districts in which the planned development is located.

2. The resolution approving the outline plan for the planned development may provide for such exceptions from the district regulations governing use, density, area, bulk, parking, and signs, and such subdivision regulations as may be necessary or desirable to achieve the objectives of the proposed planned development, provided such exceptions are consistent with the standards and criteria contained in this chapter and have been specifically requested in the application for a planned development; and further provided that no modification of the district requirements or subdivision regulations may he or she allowed when such proposed modification would result in:

a. Inadequate or unsafe access to the planned development;

b. Traffic volume exceeding the anticipated capacity of the proposed major street network in the vicinity;

c. An undue burden on public parks, recreation areas, schools, fire and police protection, and other public facilities which serve or are proposed to serve the planned development;

d. A development which will be incompatible with the purposes of this title.

Such exceptions shall supersede the regulations of the zoning district in which the planned development is located. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 4529 § 1, 11-4-97; Ord. 4004 § 1, 10-23-90; Ord. 3549 § 1(10), 5-13-86; Code 1985 Appx. A § 14(B); Ord. 3064, 10-7-80)

Sec. 16-52-3 General standards and criteria.

The legislative body may grant a permit which modifies the applicable district zoning regulations and subdivision regulations upon written findings and recommendations by the land use control board which shall be forwarded pursuant to the provisions contained in this chapter.

A. The proposed development will not unduly injure or damage the use, value, and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the city and county.

B. An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or shall be provided.

C. The location and arrangement of the structures, parking areas, walks, lighting, and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or accessways shall be landscaped or otherwise improved except where natural features are such as to justify preservation.

D. Any modification of the zoning or other regulations that would otherwise be applicable to the site area is warranted by the design of the outline plan and the amenities incorporated therein, and is not inconsistent with the public interest.

E. Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 4529 § 1, 11-4-97; Ord. 4004 § 1, 10-23-90; Ord. 3549 § 1(10), 5-13-86; Code 1985 Appx. A § 14(C); Ord. 3064, 10-7-80)

Sec. 16-52-4 Specific standards and criteria for planned residential developments.

In addition to the standards and criteria set forth above, planned residential developments shall comply with the standards and criteria set forth hereinafter:

A. Design and Preservation of Common Open Space. Common open space may be provided as a condition to the approval of a planned residential development. No open area may be delineated or accepted as common open space under the provisions of this section unless it meets the following standards:

1. Common open space must be usable for recreational purposes or must provide visual, aesthetic and environmental amenities. The uses authorized for the common open space must be appropriate to the scale and character of the planned residential development, considering its size, density, expected population, topography, and the number and type of dwellings to be provided.

2. 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 therefor, 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.

3. The development phasing sequence which is part of the outline plan must coordinate the improvement of the common open space, the construction of the building,

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 development plan be issued unless and until the open space which is part of that phase has been dedicated or conveyed and improved.

4. 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, homeowners' associations or other responsible party unless the land use control board has determined that the character and quality of the tract to be conveyed makes it suitable for the purpose for which it was intended. The land use control board may give consideration to the size and character of the dwellings to he or she constructed 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.

5. All land shown on the outline plan as common open space must be either:

a. Conveyed to a public body, if such 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. Conveyed to a homeowners' association or some party responsible for maintaining common buildings, areas and land within the planned residential development. The common open space must be conveyed subject to covenants. The land use control board shall approve only those provisions of the covenants which restrict the common open space to the uses specified on the outline plan and which provide for the maintenance of the common open space in a manner which assures its maintenance for its intended purpose.

B. Accessibility of Site. All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development, but may be designed so as to discourage outside through traffic from traversing the development. The location of the entrance points of the streets, alleys, and driveways upon existing public roadways shall be subject to the approval of the city or county division of public works.

C. Off-Street Parking. Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks, and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs and/or hedges and screening walls.

D. Pedestrian Circulation. The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.

E. Privacy. The planned residential development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the planned residential development. Protection and enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms, and landscaped barriers. High rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low rise buildings. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 4529 § 1, 11-4-97; Ord. 4004 § 1, 10-23-90; Ord. 3549 § 1(10), 5-13-86; Code 1985 Appx. A § 14(D); Ord. 3064, 10-7-80)

Sec. 16-52-5 Specific standards and criteria for planned commercial or industrial developments.

A permit for a planned commercial or industrial development may be issued by the legislative body for buildings or premises to be used for the retail sale of merchandise and services, parking areas, office buildings, hotels and motels, and similar facilities ordinarily accepted as commercial center uses and those industrial uses which can reasonably be expected to function in a compatible manner with the other permitted uses in the area. In addition to the applicable standards and criteria set forth in Section 16-52-3, planned commercial or industrial developments shall comply with the following standards:

A. Residential Use. Except for hotels and motels no buildings shall be designed, constructed, structurally altered or used for dwelling purposes, except to provide, within permitted buildings, facilities for a custodian, caretaker or watchman employed on the premises.

B. Screening. When structures or uses in a planned commercial or industrial development abut a residential district or permitted residential buildings in the same development, screening may be required by the legislative body.

C. Display of Merchandise. All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent proper-

ties and public rights-of-way; provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.

D. Accessibility. The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development and may be designed to discourage outside through traffic from traversing the development.

E. Landscaping. Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. High rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low rise buildings.

F. Standards/Criteria for Self-Storage Facilities.

1. Site Selection Criteria.

a. Site should be a maximum of six acres in area.

b. Preference should be given to a site with minimal public street frontage (one hundred (100) feet or less.)

c. Preference would be given to a site within an existing commercial center surrounded by existing commercial/office buildings.

d. When a site is located adjacent to residential areas, preference should be given to a lot between one and four acres. This ensures that a development that is considered disproportionately large does not move into the area.

2. Site and Building Design Standards/Criteria.

a. Metal exterior walls are not appropriate; any wall visible from adjacent residential property or a public right-of-way shall not be composed of metal wall panels or standard concrete masonry units and should be similar in design to the exterior walls of the surrounding commercial/office center.

b. A barrier should be provided around the perimeter of the development. The barrier shall be located at the setback line and may consist of either the solid facades of the storage structures or a fence. If the barrier is to be provided by a fence, the fence shall be a minimum of six feet in height and shall be constructed of opaque materials that will prevent the passage of light and debris, such as brick, stone, architectural tile, masonry units, wood, or similar materials, but expressly prohibiting woven wire. Signs or other advertising mediums shall not be placed upon, attached to, or painted on the barrier.

c. Outdoor Lighting. All outdoor lights should be shielded as much as possible to direct light and glare only onto the mini-warehouse premises and may be of sufficient intensity to discourage vandalism and theft. Such lighting and glare should be deflected, shaded, and focused away from all adjoining property. Light standards shall be limited to twelve (12) feet in height.

d. Fifty (50) percent lot coverage by structures is the maximum for development purposes.

e. Wing walls or other building features may be appropriate to buffer the view from abutting public streets or residential zoning or development or the residential portion of a planned development.

f. The maximum permitted size of an individual storage unit should be five hundred (500) square feet.

g. Off-Street Parking and Driveways. Parking may be provided by parking/driving lanes adjacent to the buildings provided that the lanes are a minimum of twenty-four (24) feet wide if they are two-way lanes and twenty (20) feet wide if they are one-way.

3. Perimeter Landscaping Standards/Criteria.

a. Landscaping should be provided in areas between the property line and the required fencing. The landscaped area should be a minimum of twenty-five (25) feet in width (B5 Landscape Plate modified to delete the chain link fence) where it abuts residentially zoned property or the residential portion of a planned development. Landscaping should consist of a variety of hardy evergreen planted material consisting of trees, low-, medium-, and high-profile shrubs, together with suitable ground cover such as native grasses, bark, ornamental gravel, or a combination thereof. The landscaping shall be designed, placed, and maintained in such a manner that no wall, fence, sign, or plant growth of a type that would interfere with traffic visibility shall be permitted or maintained higher than three feet above curb level, within fifteen (15) feet of the intersection of any street right-of-way line or driveway. Appropriate maintenance of the landscaping material, including an irrigation system, if necessary, should be provided.

b. A landscaped buffer or berm should be constructed along the street frontage, unless screened from the street by the principal structure.

4. Permitted Accessory Activities.

a. Leasing of vehicles may be permitted with a maximum of two trucks displayed at any one time.

b. The sale of items by the mini-storage operator that are accessory to the mini-storage use shall be permitted.

5. Prohibited Activities.

a. No activities other than the rental of storage units and pick-up and deposit of dead storage shall be allowed on the premises.

b. Examples of activities prohibited in this district include but are not limited to the following:

i. Auctions except as required by state law;

ii. Commercial wholesale or retail sales, (except as permitted by subsection (F)(4)(b) of this section or miscellaneous or garage sales;

iii. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment;

iv. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment;

v. The establishment of a transfer and storage business;

vi. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations;

vii. The storage of hazardous chemicals or materials.

c. No electrical power supply shall be accessible to the renter/lessee of the storage unit with the exception of lighting fixtures and climate controls.

d. All storage shall be within an enclosed building, except propane or gasoline engines or storage tanks or any boat or vehicle incorporating such components, which shall be stored only in designated screened exterior areas. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperable vehicles. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 4529 § 1, 11-4-97; Ord. 4004 § 1, 10-23-90; Ord. 3549 § 1(10), 5-13-86; Code 1985 Appx. A § 14(E); Ord. 3064, 10-7-80)

Sec. 16-52-6 Mixed use planned developments.

Planned developments which do not qualify as a planned residential development and which are not exclusively for commercial or industrial uses shall be subject to all of the applicable standards contained in Sections 16-52-4 and 16-52-5. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 4529 § 1, 11-4-97; Ord. 4004 § 1, 10-23-90; Ord. 3549 § 1(10), 5-13-86; Code 1985 Appx. A § 14(F); Ord. 3064, 10-7-80)

Sec. 16-52-7 Procedures for planned development approval.

A. Short Form Procedure.

1. Purpose. The short form procedure for the approval of a planned unit development is appropriate when the change from the established or proposed zoning will be minimal.

2. Authority. The office of planning and development may authorize a short form procedure in processing a planned development when it determines that the change from the established or proposed zoning will be minimal.

3. Application.

a. Form.

i. The applicant may address a request in writing to the office of planning and development that the office waive the requirements of this chapter for a preapplication conference and waive specific submissions otherwise required for an outline plan under this chapter. Approval of such request, setting forth the information that will be requested, or denial of the request, shall be rendered within ten (10) days after receipt of the request. The information required by the office of planning and development to be submitted under this section shall be known as a preliminary plan.

ii. When authorized, such preliminary plan shall include such information as is required for an outline plan and is not waived in subsection (A)(3)(a) of this section. In all instances the preliminary plan shall at least set forth;

(A) The proposed use or uses of the property;

(B) The precise manner in which the proposed development will not use the maximum bulk or density permitted by the reclassification, or will exceed the minimum applicable requirements for open space of the ordinance; and

(C) The specific exceptions to the zoning ordinance requested for the planned development.

b. After obtaining approval to use the short form procedure, the applicant shall, within ninety (90) days, submit a preliminary plan for the subject parcel. If a preliminary plan is not submitted within this time, then permission to use the short form as set forth in subsection (A)(3)(a) of this section shall automatically expire.

c. A final plan, including all the requirements of a preliminary plan, may be filed for approval in a single application. The process for approval of preliminary and final plans under the short form procedure shall be in accordance with the procedure for outline and final plans in regular planned developments.

B. Regular Planned Development Procedure.

1. Preapplication Procedure. Not more than six months prior to filing any application for planned development approval the prospective applicant shall request a preapplication conference with the office of planning and development by filing a letter of intent. Such request shall include a brief and general narrative description of the nature, location and extent of the proposed planned development; and a list of any professional consultants advising the prospective applicant with respect to the proposed planned development. Upon receipt of such request and the letter of intent, the office of planning and development shall promptly schedule such a conference.

2. Application and Post Application Procedure. The procedure for initiation and processing of an application for a planned development is set forth in Sections 16-52-7 through 16-52-15. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 4529 § 1, 11-4-97; Ord. 4004 § 1, 10-23-90; Ord. 3549 § 1(10),

5-13-86; Code 1985 Appx. A § 14(G); Ord. 3064, 10-7-80)

Sec. 16-52-8 Letter of intent and outline plan.

A. Letter of Intent.

1. An applicant for a planned development shall submit a letter of intent to the office of planning and development, which letter shall include the following:

a. A map showing property lines and dimensions;

b. A written statement generally describing the proposed planned development and the market it is intended to serve;

c. Schematic drawings at an appropriate scale for the size of the project, as determined by the office of planning and development in rules published from time to time, of the proposed planned development concept.

2. Response to Letter of Intent.

a. The office of planning and development shall review the letter of intent and shall prepare a written response recommending appropriate changes and deletions and identifying any special concerns with respect to the proposed development. Such response shall be transmitted to the applicant within thirty (30) days after receipt of the last component of such letter.

b. No such response shall be binding upon the office of planning and development, land use control board or legislative body.

B. Outline Plan. An outline plan shall be submitted to the land use control board with the application for a planned development within six months of the submission of a letter of intent. A final plan, including all the requirements of an outline plan, may be submitted as a single application when the development will be constructed in one phase. The outline plan shall contain all items required in a letter of intent and shall also include those items which the office of planning and development shall specify in rules published from time to time, as well as the following:

1. For all planned residential developments:

a. A map showing available utilities, easements, roadways, rail lines and public right-of-way crossing and adjacent to the subject property;

b. A graphic rendering of the existing conditions and/or aerial photographs showing the existing conditions and depicting all significant natural topographical and physical features of the subject property; general location and extent of tree cover; location and extent of watercourses, marshes and floodplains on or within one hundred (100) feet of the subject property; existing drainage patterns, and soil conditions;

c. A drawing defining the general location and maximum number of lots, parcels or sites to be developed or occupied by buildings in the planned development; the general location and maximum amount of area to be developed for parking; the general location and maximum amount of area to be devoted to open space and to be conveyed, dedicated, or reserved for parks, playgrounds, school sites, public buildings and other common use areas; the approximate location of points of ingress and egress and access streets, where required; the approximate location of pedestrian and vehicular ways or the restrictions pertaining thereto and the extent of landscaping, planting or fencing and other treatment for adjustment to surrounding property;

d. A tabulation of the maximum number of dwelling units proposed including the number of units with two or less bedrooms and more than two bedrooms;

e. A tabulation of the maximum floor area to be constructed, except for single-family detached dwellings and their accessory buildings, and the proposed maximum height of any building or structure;

f. A written statement generally describing the relationship of the proposed planned development to the current policies and plans of the city and county and how the proposed planned development is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of this title. The statement shall include a description of the applicant's planning objectives, the approaches to be followed in achieving those objectives and the rationale governing the applicant's choices of objectives and approaches;

g. If the planned development is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule indicating:

i. The approximate date when construction of the project can be expected to begin,

ii. The order in which the phases of the project will be built, and

iii. The minimum area and the approximate location of common open space and public improvements that will be required at each stage;

h. Proposed means of assuring the continued maintenance of common open space or other common elements and governing the use and continued protection of the planned development;

i. A statement setting forth in detail either: (1) the exceptions which are required from the zoning and subdivision regulations otherwise applicable to the property to permit the development of the proposed planned develop-

ment; or (2) the bulk, use, and/or other regulations under which the planned development is proposed;

j. If any stage or unit as proposed contains a share of open space or other public or private recreation or service facility less than that which its size, number of units or density would otherwise require, a statement shall be submitted setting forth what bond, credit, escrow or other assurance the applicant proposes in order to ensure that the difference between that which would otherwise he or she required and that which the applicant proposes to provide in the instant stage of unit is ultimately provided.

2. For all planned commercial and industrial developments:

a. A map showing available utilities, and easements, roadways, rail lines and public right-of-way crossings and adjacent to the subject property;

b. A graphic rendering of the existing conditions and/or aerial photographs showing the existing conditions and depicting all significant natural, topographical and physical features of the subject property; general location and extent of tree cover; location and extent of watercourses, marshes and floodplains on or within one hundred (100) feet of the subject property; existing drainage patterns; and soil conditions;

c. A drawing defining the general location and maximum amount of area to be developed for buildings and parking; standards for pedestrian and vehicular circulation and the points of ingress and egress, including access streets, where required, and the provision of spaces for loading; the standards for the location, size and number of signs; adjustments to be made in relation to abutting land uses and zoning districts; and the extent of landscaping, planting and other treatment for adjustment to surrounding property;

d. A circulation diagram indicating the proposed principal movement of vehicles, goods, and pedestrians within the development to and from existing thoroughfares;

e. A development schedule indicating the stages in which the project will be built and when construction of the project can be expected to begin;

f. A written statement generally describing the relationship of the planned development to the current policies and plans of the city and county; and how the proposed planned development is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of this title. The statement shall include a description of the applicant's planning objectives, the approaches to be followed in achieving those objectives and the rationale governing the applicant's choices of objectives and approaches;

g. A statement setting forth in detail the manner in which the proposed planned development deviates from the zoning and subdivision regulations which would otherwise he or she applicable to the subject property;

h. A tabulation setting forth:

i. Maximum total square feet of building floor area proposed for commercial uses and for industrial uses, by general type of use,

ii. Maximum total land area, expressed in acres and as a percent of the total development area, proposed to be devoted to commercial uses; minimum public and private open space; streets; and off-street parking and loading areas. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 4529 § 1, 11-4-97; Ord. 4004 § 1, 10-23-90; Ord. 3549 § 1(10), 5-13-86; Code 1985 Appx. A § 14(H); Ord. 3064, 10-7-80)

Sec. 16-52-9 Outline plan approval process and effect of approval.

A. Not less than thirty-five (35) nor more than seventy-five (75) days after an application and outline plan is filed, the land use control board shall hold a public hearing thereon. Written notice of such public hearing shall be published or shall be mailed to the persons at the addresses set forth on the list provided by the applicant in accordance with the requirements in Section 16-32-4(F) and (G). The subject property shall be posted with signs in accordance with the requirements in Section 16-32-5(B). The land use control board shall recommend to the legislative body approval, disapproval or approval of the proposed special use subject to conditions after deliberation. The land use control board may, prior to the close of the public hearing, take the matter under advisement or defer decision until the next regular meeting.

B. Any applicant or owner of property may appeal to the legislative body from any recommendation of the land use control board or from any conditions the board imposes or fails to impose in its recommendations, by filing a written notice of appeal with the office of planning and development within sixty (60) days after the date of the close of the public hearing on the requested planned development and outline plan.

C. An applicant shall submit an outline plan incorporating any and all conditions imposed by the land use control board or, if the applicant files a notice of appeal, a site plan incorporating any and all conditions not appealed, to the office of planning and development within ninety (90) days after the date of the close of the public hearing on the requested planned development or the application shall be deemed withdrawn.

D. The office of planning and development shall forward the recommendations of the land use control board and any notices of appeal to the legislative body within ten (10) days of the date of the close of the public hearing or within ten (10) days of the date the applicant submits an outline plan incorporating required conditions, whichever date occurs later.

E. The legislative body shall hold a public hearing on the application for the planned development and the outline plan after receipt of recommendations from the land use control board and any notice of appeal. Such public hearing may be held before both legislative bodies meeting in joint session when the application involves property located in an unincorporated area of Shelby County within five miles of Memphis corporate limits. Written notice of such hearing shall be published in some newspaper of general circulation stating the date, time and place of the hearing and shall be mailed to owners of property at the addresses set forth on the list provided by the applicant in accordance with the requirements in Section 16-32-4(F) and (G). The subject property shall be posted with signs in accordance with the requirements in Section 16-32-5(B).

F. The approved outline plan shall bind the applicant, owner and mortgagee, if any, and the legislative body with respect to the contents of such plan.

G. The land use control board may amend or waive a development schedule upon submission of written justification by the applicant. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 4529 § 1, 11-4-97; Ord. 4004 § 1, 10-23-90; Ord. 3549 § 1(10), 5-13-86; Code 1985 Appx. A § 14(I); Ord. 3064, 10-7-80)

Sec. 16-52-10 Final plan approval process.

A. An application for approval of a final plan of the entire planned development if it is to be completed in one phase, or of a portion of the planned development if it consists of more than one phase, shall be submitted by the applicant in sufficient time so that the applicant may develop the planned development in accordance with the phasing schedule, if any, of the approved outline plan. (Editor's note: An outline plan and a final plan may be submitted concurrently for single-phase planned developments).

B. The application for final plan approval shall be filed with the office of planning and development and shall include, but not be limited to, the following:

1. A plan suitable for recording with the Shelby County register's office;

2. Proof referred to on the plan and satisfactory to the respective city and/or county attorney as to the provision and maintenance of common open space;

3. All certificates, seals and signatures required for the dedication of land and recordation of documents;

4. Designation of the location and dimensions of all buildings to be constructed, and a designation of the uses for which each building is designed;

5. Tabulations of each separate use area, including land area and number of dwelling units per gross acre and the gross floor area for commercial and industrial uses;

6. Location and type of landscaping;

7. Location and dimensions of utility and drainage facilities

C. The staff of the office of planning and development and, if an appeal is filed, the land use control board shall determine whether a final plan substantially conforms or substantially deviates from an approved outline plan in accordance with the following:

1. A final plan shall be found to conform substantially to an approved outline plan if it conforms to the approved outline plan; provided, however, such final plan shall also be found to conform if:

a. It provides for less density than the approved outline plan;

b. It provides greater open space by the elimination of or reduction in the size of residential, commercial or industrial buildings; or

c. It modifies the orientation of buildings or their location as long as such changes do not significantly alter or adversely affect the relationship of such buildings to the total development or any of its elements. Such modification shall not exceed a distance of:

i. Twenty-five (25) feet for final plans of two or less acres,

ii. Fifty (50) feet for final plans of more than two but less than eight acres,

iii. One hundred (100) feet for final plans of eight acres but less than twenty (20) acres, and

iv. One hundred fifty (150) feet for final plans of twenty (20) acres or more.

2. A final plan with other minor changes from the approved outline plan may be found to be in substantial conformity and approved for further processing and final action by the legislative body; provided, however, that any increase in density or intensity of use, any decrease in open and recreational space or any modification of the development staging shall be deemed to be a substantial deviation and require such final plan to be disapproved by the office of planning and development.

D. A decision shall be rendered on a final plan within fourteen (14) days by the office of planning and development. If a final plan is disapproved by the office of planning and development, the applicant may appeal as pro-

vided above in this subsection or may file a final plan which substantially conforms to the approved outline plan or the applicant may file for an amendment to the approved outline plan.

E. After a final plan is approved by the legislative body, the office of planning and development shall record such plan in the Shelby County register's office after receipt of the resolution approving the final plan and any necessary contracts to provide improvements required in the Memphis and Shelby County subdivision regulations and the required signatures for recordation have been secured. If the final plan contains no dedication of streets or easements or construction of public improvements, then the office of planning and development shall record such plan without action of the legislative body. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 4529 § 1, 11-4-97; Ord. 4004 § 1, 10-23-90; Ord. 3549 § 1(10), 5-13-86; Code 1985 Appx. A § 14(J); Ord. 3064, 10-7-80)

Sec. 16-52-11 Appeals from land use control board's recommendation.

The persons entitled to appeal and procedure to be followed with respect to appeals from the land use control board's recommendations for planned developments are set forth in Section 16-52-9(D). (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 4529 § 1, 11-4-97; Ord. 4004 § 1, 10-23-90; Ord. 3549 § 1(10), 5-13-86; Code 1985 Appx. A § 14(K); Ord. 3064, 10-7-80)

Sec. 16-52-12 Zoning administration—Permits.

The building official may issue building permits for the area of the planned development covered by the approved final plan for work in conformity with the approved final plan and with all other applicable ordinances and regulations. However, the building official shall not issue an occupancy permit for any building or structure shown on the development plan of any stage of the planned development unless the open space and public facilities allocated to that stage of the development schedule have been conveyed to the designated public agency or homeowners' association or a responsible party. The building official shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final plan if the completed building or structure conforms to the requirements of the approved final plan and all other applicable regulations and ordinances. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 4529 § 1, 11-4-97; Ord. 4004 § 1, 10-23-90; Ord. 3549 § 1(10), 5-13-86; Code 1985 Appx. A § 14(L); Ord. 3064, 10-7-80)

Sec. 16-52-13 Reapplication if denied.

If an application for a planned unit development is denied by the legislative body, a reapplication pertaining to the same property and requesting the same planned unit development may not be filed within eighteen (18) months of the date final action was taken on the previous application unless such reapplication is initiated by the office of planning and development or authorized by the legislative body. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 4529 § 1, 11-4-97; Ord. 4004 § 1, 10-23-90; Ord. 3549 § 1(10), 5-13-86; Code 1985 Appx. A § 14(M); Ord. 3064, 10-7-80)

Sec. 16-52-14 Procedure for amendment.

A planned development and the approved outline plan may be amended in accordance with the procedure which governed its approval as set forth in this chapter. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 4529 § 1, 11-4-97; Ord. 4004 § 1, 10-23-90; Ord. 3549 § 1(10), 5-13-86; Code 1985 Appx. A § 14(N); Ord. 3064, 10-7-80)

Sec. 16-52-15 Post-completion certificate.

Upon completion of a planned development in accordance with the approved outline plan, the building official shall issue a certificate certifying its completion. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 4529 § 1, 11-4-97; Ord. 4004 § 1, 10-23-90; Ord. 3549 § 1(10), 5-13-86; Code 1985 Appx. A § 14(O); Ord. 3064, 10-7-80)

Sec. 16-52-16 Modification by the land use control board.

The land use control board may, unless otherwise restricted, modify the bulk, access parking, circulation, signage, lighting, landscaping and other site design requirements of an approved outline plan if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the land use control board hereunder may, within ten (10) days of such action, file a written appeal to the director of office planning and development, to have such action reviewed by the city council. (Ord. 4909 §§ 1, 2, 11-20-01; Ord. 4529 § 1, 11-4-97; Ord. 4004 § 1, 10-23-90; Ord. 3549 § 1(10), 5-13-86; Code 1985 Appx. A § 14(P); Ord. 3064, 10-7-80)

Chapter 16-56

AMENITY INCENTIVES IN MULTIFAMILY AND CENTRAL BUSINESS DISTRICTS

Sections:

16-56-1	**Purpose.**
16-56-2	**Amenity incentive as a right.**
16-56-3	**Authority.**
16-56-4	**Procedure.**
16-56-5	**Amenity incentives allowed.**
16-56-6	**Computation of amenity incentives.**

Sec. 16-56-1 Purpose.

The increases in floor area or density provided for in this chapter are allowed in order to achieve a more efficient utilization of public facilities, limit urban sprawl, conserve open space and environmental amenities and resources and reduce traffic congestion by encouraging the provision of specified amenities in connection with specified developments. (Code 1985 Appx. A § 15(A); Ord. 3064, 10-7-80)

Sec. 16-56-2 Amenity incentive as a right.

An applicant for site plan review, or if no site plan review is required, an applicant for a building permit who provides an amenity in a specified development in a specified district in accordance with the provisions of this chapter shall be entitled to an amenity incentive thereof as provided for in this chapter. (Code 1985 Appx. A § 15(B); Ord. 3064, 10-7-80)

Sec. 16-56-3 Authority.

The building official shall have the authority to review site plans required by this title to determine whether an amenity to be provided or the location of a development complies with the provisions of this chapter, and if it does so comply, to compute the amount of an amenity incentive to which the applicant is entitled under the provisions of this chapter. (Code 1985 Appx. A § 15(C); Ord. 3064, 10-7-80)

Sec. 16-56-4 Procedure.

A. To obtain approval for an amenity incentive, an applicant shall submit the following along with an application for administrative site plan approval as required by Chapter 16-28, or if no site plan approval is required, shall submit the following along with an application for a building permit:

1. A written statement setting forth:

a. A description of the amenity or the name of the major street upon which the development is located for which incentive is requested,

b. Any and all information including, but not limited to, distances, dimensions, floor area, and number of dwelling units, which is necessary in order to determine whether an amenity qualifies for an amenity incentive and the amount of such amenity incentive,

c. The type and amount of the amenity incentive for which the applicant is requesting approval along with the applicant's computation of such amount;

2. A site plan drawn to scale, incorporating the amenity incentive requested and showing the amenity to be provided or the location of the development in relationship to the street for which an amenity incentive is requested;

3. Any other information required by the building official in cling out his or her respective responsibilities under the provisions of this chapter, which additional required information shall be set forth in rules published from time to time.

B. The building official in connection with his or her review of administrative site plans shall determine whether an amenity to be provided or the location of a development in relationship to the street for which an amenity incentive is requested complies with the provisions of this chapter, and if so, shall approve the increase in floor area or density provided for in this chapter for such amenity or such development. If the amenity to be provided or the location of a development in relationship to the street for which an amenity incentive is requested does not comply with the provisions of this chapter, the amenity incentive shall be disapproved.

C. Written notice setting forth the amenity or the location of a development in relationship to the street for which an amenity incentive is approved or disapproved and the reasons therefor, along with the amount of the amenity incentive to which the applicant is entitled if an amenity incentive is approved, shall be mailed to the applicant along with the notice of site plan approval or disapproval as provided in Section 16-28-7, or if no site plan is required, along with the building permit for the development within fourteen (14) days after the date the amenity incentive is approved or disapproved.

D. An applicant may appeal the decision of the building official with respect to the applicant's eligibility for an amenity incentive and the amount thereof to the board of adjustment in accordance with the provision for appeals set forth in Chapter 16-48. (Code 1985 Appx. A § 15(D); Ord. 3064, 10-7-80)

Sec. 16-56-5 Amenity incentives allowed.

A. The provision of the following amenities in the R-TH, R-ML, R-MM and R-MH districts will qualify a multiple-family development for the following increases in authorized floor area and density for dwellings, provided that the total density increase does not exceed thirty (30) percent of the maximum density permitted in the district where the property is located:

Amenity	Floor Area and Density Increase
1. Additional livability space	1% per 1% increase in livability space up to a maximum increase of 10%
2. Swimming pool	1% for each 500 square feet of pool surface area up to a maximum increase of 5%
3. Standard size tennis, handball, volleyball, basketball, or deck tennis court, ice rink or similar recreational facility	1% increase for each court or rink provided up to a maximum increase of 5%
4. Tot lot of at least 2,500 square feet	1% for each 1,000 square feet of tot lot up to a maximum increase of 5%
5. Preservation of natural features of the site such as lakes and woods as common open spaces and the provision of permanent access to and use of such natural features and to amenities such as bike and pedestrian paths, and benches	1% for each 10,000 square feet of amenity preserved or provided, up to a maximum increase of 10%
6. Clubhouse	1% for each 1,000 square feet of clubhouse up to a maximum increase of 5%

B. A five percent increase is permitted in the authorized floor area for multiple-family dwellings and a five percent increase in the authorized density for dwellings, other than multiple-family dwellings, located in any residential district if the development is located on a highway shown on the Memphis Urban Area Transportation Study as adopted by the metropolitan planning organization.

C. 1. For the provisions of specified amenities, the following increases in authorized floor area shall be allowed for uses located in the CBD district subject to the provisions of subsection (C)(2) of this section; provided that the total floor area increase does not exceed forty-five (45) percent of the floor area otherwise permitted in the CBD district:

Amenity	Floor Area Increase
Arcade	8 square feet for each square foot of arcade up to a maximum 15% increase
Retail space	4 square feet for each square foot of retail space up to a maximum 15% increase
Landscaped rooftop	1 square foot for each square foot of landscaping on the rooftop
Restaurant or observation area	10,000 square feet
Plaza	10 square feet for each square foot of plaza up to a maximum 15% increase
Additional side yard	10 square feet of floor area for each additional square foot of side yard up to a maximum 15% increase
Widened sidewalks	7 square feet for each square foot of widened sidewalk up to a maximum 15% increase
Parking facility	150 square feet for each parking space up to a maximum 15% increase

2. The amenities set forth in subsection (C)(1) of this section shall only be eligible for an amenity incentive if they conform to the following definitions and the standards set forth therein:

a. Arcade. An arcade shall be a passageway located within a building or between buildings which connects two streets, plazas or widened sidewalks, which is accessible to the public during working hours and along which are located retail, other commercial or display areas.

b. Retail Space. Retail space shall be an area or areas for retail sales in a building which is used primarily for

other than retail sales such as an office building or a multiple-family dwelling.

c. Landscaped Rooftop. A landscaped rooftop shall be a part of a rooftop which is open to the sky, which is accessible and usable by the public or occupants of the building on which the rooftop is located and which is landscaped with grass, trees, shrubs, bushes or other vegetation.

d. Observation Area. An area located above the twentieth floor of a building which area is open to the public during day and evening hours and which is designed to offer unobstructed views of the surrounding areas and the sky, and is used for such viewing.

e. Restaurant. An establishment where food is available to the general public for at least the evening meal.

f. Plaza. A plaza shall be an open area in the front, side or rear of a building which area shall be at least twenty (20) feet deep and seventy-five (75) feet long, shall be landscaped and shall be open to the public during at least day or evening hours.

g. Additional Side Yard. An additional side yard shall be that portion of a side yard which exceeds the side yard requirements established by this title and which is not part of a plaza.

h. Widened Sidewalks. A widened sidewalk shall be at least ten (10) feet in width to be eligible for a bonus. The portion of a sidewalk eligible for a bonus is that portion which exceeds the required width for sidewalks as such widths are established from time to time.

i. Parking facilities. An open or enclosed parking lot which provides parking for and is directly accessible to the building for which a bonus is sought. (Code 1985 Appx. A § 15(E); Ord. 3064, 10-7-80)

Sec. 16-56-6 Computation of amenity incentives.

The building official shall use the floor area and densities applicable in the district in which the use is located as the basis for computing the increases in floor area and densities an applicant is entitled to under the provisions of this chapter. (Code 1985 Appx. A § 15(F); Ord. 3064, 10-7-80)

Chapter 16-60

ZONING DISTRICTS ESTABLISHED

Sections:

16-60-1 **Districts established.**
16-60-2 **Annexed land.**

Sec. 16-60-1 Districts established.

In order to carry out the purposes and provisions of this title, the city and the unincorporated area within Shelby County outside the Memphis corporate limits are divided into the following districts:

A. Agricultural districts:
1. AG agricultural district.
B. Residential districts:
1. R-S15 single-family residential district;
2. R-S10 single-family residential district;
3. R-S8 single-family residential district;
4. R-S6 single-family residential district;
5. R-D duplex residential district;
6. R-TH townhouse residential district;
7. R-ML multiple-dwelling residential district;
8. R-MM multiple-dwelling residential district;
9. R-MH multiple-dwelling residential district;
10. R-MO mobile home district.
C. Office districts:
1. O-L limited office district;
2. O-G general office district.
D. Commercial districts:
1. C-P planned commercial district;
2. C-L local commercial district;
3. C-H highway commercial district;
4. CBD central business district.
E. Industrial districts:
1. I-L light industrial district;
2. I-H heavy industrial district.
F. Special purpose districts:
1. H hospital district;
2. CU college and university district;
3. FW floodway district;
4. P parking district.
G. Overlay districts:
1. FP floodplain district;
2. AHR airport height regulation district.

(Code 1985 Appx. A § 16; Ord. 3064, 10-7-80)

Sec. 16-60-2 Annexed land.

All land which shall, after the effective date of this title, be annexed to the city, shall maintain the same zoning classification it had immediately prior to such annexation and shall be subject to the regulations applicable under such zoning classifications. (Code 1985 Appx. A § 18; Ord. 3064, 10-7-80)

Chapter 16-64

ZONING DISTRICT MAP

Sections:

16-64-1 **Map incorporated.**
16-64-2 **Omitted land.**
16-64-3 **District boundaries.**

Sec. 16-64-1 Map incorporated.

The boundaries of the zoning district established are shown on maps entitled "City of Memphis and Shelby County zoning district maps." The zoning district maps and all notations, references and other information shown thereon shall have the same force and effect as if fully set forth or described in this title and such maps are made a part of this title. The zoning district maps shall be properly attested and kept on file in the office of planning and development. (Code 1985 Appx. A § 17(A); Ord. 3064, 10-7-80)

Sec. 16-64-2 Omitted land.

It is the intent of this title that the entire area of the city and Shelby County, except any incorporated territory outside the Memphis corporate limits, including all land and water areas, rivers, streets, alleys, railroads and other rights-of-way, be included in the districts established by this title. Any area not shown on the zoning district maps as being included in any such district shall be deemed to be and it is classified in the R-S15 single-family residential district. (Code 1985 Appx. A § 17(B); Ord. 3064, 10-7-80)

Sec. 16-64-3 District boundaries.

In the event that any uncertainty exists with respect to the intended boundaries of the various districts as shown on the zoning district map, the following rules shall apply:

A. The district boundaries are the center lines of the streets, alleys, waterways and rights-of-way, unless otherwise indicated. Where designation of a boundary line on the zoning district map coincides with the location of a street, alley, waterway or right-of-way, the center line of the street, alley, waterway or right-of-way shall be construed to be the boundary of such district.

B. Where the district boundaries do not coincide with the location of streets, alleys, waterways and rights-of-way but do coincide with lot lines, such lot lines shall be construed to be the boundaries of such district.

C. Where the district boundaries do not coincide with the location of streets, alleys, waterways and rights-of-way or lot lines, the district boundary shall be determined by the use of the scale shown on the zoning district map.

D. In any subdivided property, the district lines on the district map made a part of this title shall be determined by use of the scale appearing on the map.

E. Where the district boundaries are not otherwise shown, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map made a part of this title are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the district unless the boundaries are otherwise indicated on the map. (Code 1985 Appx. A § 17(C); Ord. 3064, 10-7-80)

Chapter 16-68

REGULATIONS OF GENERAL APPLICABILITY

Sections:

16-68-1	**Maintenance of established open space.**
16-68-2	**One building per lot.**
16-68-3	**Flood elevations to be provided for certain subdivisions.**

Sec. 16-68-1 Maintenance of established open space.

No existing yard or open spaces shall be reduced below the minimum bulk regulations of this title; except that no existing yards or open spaces shall be used to satisfy the minimum bulk regulations of this title and for any other use or building unless the existing yards and open spaces are not reduced below the minimum bulk regulations. (Ord. 4873AM §§ 1, 2, 11-20-01; Ord. 4873 §§ 1, 2, 7-24-01; Ord. 4516 § 1, 8-19-97; Ord. 3706 § 1(I), 12-22-87; Code 1985 Appx. A § 19(A); Ord. 3255 § 1, 11-16-82; Ord. 3064, 10-7-80)

Sec. 16-68-2 One building per lot.

Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot unless otherwise provided in this title. The provisions of this section shall not apply to property owned by the Memphis Shelby County airport authority, or to property owned jointly by the city and the county of Shelby and operated as a public terminal area under the jurisdiction of the Memphis and Shelby County port commission or to buildings containing multiple-family dwellings. In addition, CMCS towers or facilities on a site shall not constitute an additional principal use or structure. (Ord. 4873AM §§ 1, 2, 11-20-01; Ord. 4873 §§ 1, 2, 7-24-01; Ord. 4516 § 1, 8-19-97; Ord. 3706 § 1(I), 12-22-87; Code 1985 Appx. A § 19(B); Ord. 3255 § 1, 11-16-82; Ord. 3064, 10-7-80)

Sec. 16-68-3 Flood elevations to be provided for certain subdivisions.

If a proposed subdivision is equal to or greater than five acres or fifty (50) lots and is to be located partially or completely in a special flood hazard area (A Zone) where no water surface elevation data or floodway has been produced by the city or county flood insurance study, the developer shall submit detailed hydrologic and hydraulic plans prepared by a registered professional engineer which shall define the expected one hundred (100) year flood elevations throughout the site of the proposed development. (Ord. 4873AM §§ 1, 2, 11-20-01; Ord. 4873 §§ 1, 2, 7-24-01; Ord. 4516 § 1, 8-19-97; Ord. 3706 § 1(I), 12-22-87; Code 1985 Appx. A § 19(D); Ord. 3255 § 1, 11-16-82; Ord. 3064, 10-7-80)

Chapter 16-72

AGRICULTURAL DISTRICT

Sections:

16-72-1 Generally.

Sec. 16-72-1 Generally.

This district is intended to conserve agricultural land and undeveloped natural amenities while preventing the encroachment of urban and other incompatible land uses on farm land and other undeveloped areas. The types, area and intensity of permitted land uses in this district are designed to encourage and protect agricultural use and conservation of undeveloped areas. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which administrative site plan review and approval are required are listed on Chart 1, set out at the end of this title, unless otherwise regulated in this title. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2, set out at the end of this title, unless otherwise regulated in this title. (Code 1985 Appx. A § 20; Ord. 3064, 10-7-80)

Chapter 16-76

RESIDENTIAL DISTRICTS

Sections:

16-76-1	**R-SE estate residential district.**
16-76-2	**R-S15 single-family residential district.**
16-76-3	**R-S10 single-family residential district.**
16-76-4	**R-S8 single-family residential district.**
16-76-5	**R-S6 single-family residential district.**
16-76-6	**R-S61 single-family residential infill district.**
16-76-7	**R-D duplex residential district.**
16-76-8	**R-TH townhouse residential district.**
16-76-9	**R-ML multiple dwelling residential district.**
16-76-10	**R-MM multiple dwelling residential district.**
16-76-11	**R-MH multiple dwelling residential district.**
16-76-12	**R-MO mobile home district.**

Sec. 16-76-1 R-SE estate residential district.

This district is intended to permit the development and continued maintenance of single-family residential areas characterized by low overall density with lots of at least one acre per dwelling unit. Other uses such as schools, churches and specified services associated with or compatible with the residential uses allowed in this district are also permitted subject to site plan review and approval or the issuance of a special permit therefor. It is also intended that the low density of this district will permit, to the extent possible, the preservation of open space and natural amenities. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which administrative site plan review and approval are required are listed on Chart 1, set out at the end of this title, unless otherwise regulated in this title. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2, set out at the end of this title, unless otherwise regulated in this title. (Ord. 4208 § 2E, 8-24-93; Code 1985 Appx. A § 21 (part); Ord. 3255 § 1, 11-16-82; Ord. 3064, 10-7-80)

Sec. 16-76-2 R-S15 single-family residential district.

This district is intended to permit the development and continued maintenance of single-family residential areas characterized by low overall density with lots of at least fifteen thousand (15,000) square feet per dwelling unit. Other uses such as schools, churches and specified services associated with or compatible with the residential uses allowed in this district are also permitted subject to site plan review and approval or the issuance of a special permit therefor. It is also intended that the low density of this district will permit, to the extent possible, the preservation of open space and natural amenities. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which administrative site plan review and approval are required are listed on Chart 1, set out at the end of this title, unless otherwise regulated in this title. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2, set out at the end of this title, unless otherwise regulated in this title. (Ord. 4208 § 2E, 8-24-93; Code 1985 Appx. A § 21 (part); Ord. 3255 § 1, 11-16-82; Ord. 3064, 10-7-80)

Sec. 16-76-3 R-S10 single-family residential district.

This district is intended to permit the development and continued maintenance of single-family residential areas characterized by relatively low overall density with lots of at least ten thousand (10,000) square feet per dwelling unit. Other uses such as schools, churches and specified services associated with or compatible with the residential uses allowed in this district are also permitted subject to site plan review and approval or the issuance of a special permit therefor. It is also intended that the relatively low density of this district will permit, to the extent possible, the preservation of open space and natural amenities. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which administrative site plan review and approval are required are listed on Chart 1, set out at the end of this title, unless otherwise regulated in this title. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2, set out at the end of this title, unless otherwise regulated in this title. (Ord. 4208 § 2E, 8-24-93; Code 1985 Appx. A § 21 (part); Ord. 3255 § 1, 11-16-82; Ord. 3064, 10-7-80)

Sec. 16-76-4 R-S8 single-family residential district.

This district is intended to permit the development and maintenance of single-family residential areas characterized by relatively moderate overall density with lots of at least eight thousand (8,000) square feet per dwelling unit. Other uses such as schools, churches and specified services associated with or compatible with the residential uses allowed in this district are also permitted subject to site plan review and approval or the issuance of a special permit therefor. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which site plan review and approval are required are listed on Chart 1, set out at the end of this title, unless otherwise regulated in this title. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2, set out at the end of this title, unless otherwise regulated in this title. (Ord. 4208 § 2E, 8-24-93; Code 1985 Appx. A § 21 (part); Ord. 3255 § 1, 11-16-82; Ord. 3064, 10-7-80)

Sec. 16-76-5 R-S6 single-family residential district.

This district is intended to permit the development and maintenance of single-family residential areas characterized by relatively moderate overall density with lots of at least six thousand (6,000) square feet per dwelling unit. Other uses such as schools, churches and specified services associated with or compatible with the residential uses allowed in this district are also permitted subject to site plan review and approval or the issuance of a special permit therefor. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which site plan review and approval are required are listed on Chart 1, set out at the end of this title, unless otherwise regulated in this title. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2, set out at the end of this title, unless otherwise regulated in this title. (Ord. 4208 § 2E, 8-24-93; Code 1985 Appx. A § 21 (part); Ord. 3255 § 1, 11-16-82; Ord. 3064, 10-7-80)

Sec. 16-76-6 R-S61 single-family residential infill district.

A. Purpose and Intent. The purpose of this district is to encourage new residential development within existing neighborhoods.

B. Permitted Uses:

Single-family detached dwellings.

Park.

School, public or private on a five-acre or larger lot.

Family day care home.

Private sales.

Supportive living facility.

Personal care home for the elderly.

C. Uses Permitted by Administrative Site Plan Review and Approval.

Public building.

Church.

D. Uses Permitted by Special Use Permit.

School, public or private on a lot smaller than five acres.

Day care center.

Group day care.

Lodge, club, country club.

Museum.

Nursing home.

Nursery school.

Recreation field.

Residential home for the aged.

Rooming house.

Student dormitory.

Transitional home.

Cemetery, mausoleum.

Planned developments.

Telephone switching center.

Electric, transmission, gas piping, water pumping station.

E. Bulk Regulations.

1. Minimum lot area: six thousand (6,000) square feet.

2. Minimum lot width: fifty (50) feet.

3. Building Setbacks. Setbacks for principal buildings shall be between fifteen (15) feet and thirty (30) feet and shall be aligned with other similar buildings on the street. The director of planning and development or designee shall have authority to approve a building setback that is less than ten (10) feet or more than thirty (30) feet is there are similarly sited buildings within five hundred (500) feet and if the modified setback would be compatible with the character of the neighborhood.

4. Maximum height: thirty-five (35) feet.

F. Additional Requirements.

1. Parking garages shall be set back a minimum of fifty (50) feet from the front lot line. The director of planning and development or designee shall have the authority to approve a garage setback of less than fifty (50) feet if the lot depth is less than one hundred (100) feet.

2. Other aspects of development shall be governed by the appropriate sections of the zoning ordinance; regu-

lations including parking, landscaping, signs, and accessory uses.

3. More than one parking space in the required front yard is prohibited. (Ord. 5025 § 1, 2003)

Sec. 16-76-7 R-D duplex residential district.

This district is intended to permit the development and maintenance of residential areas characterized by single- and two-family dwellings on lots of at least six thousand (6,000) square feet. Other uses such as schools, churches and specified services associated with or compatible with the residential uses allowed in this district are also permitted subject to site plan review and approval or the issuance of a special permit therefor. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which site plan review and approval are required are listed on Chart 1, set out at the end of this title, unless otherwise regulated in this title. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2, set out at the end of this title, unless otherwise regulated in this title. (Ord. 4208 § 2E, 8-24-93; Code 1985 Appx. A § 21 (part); Ord. 3255 § 1, 11-16-82; Ord. 3064, 10-7-80)

Sec. 16-76-8 R-TH townhouse residential district.

This district is intended to permit the development and maintenance of residential areas characterized by townhouses, single-and two-family dwellings up to three stories in height. Other uses such as churches, schools, institutional uses and specified services associated with or compatible with the residential uses allowed in this district are also permitted subject to site plan review and approval or the issuance of a special permit therefor. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which site plan review and approval are required are listed on Chart 1, set out at the end of this title, unless otherwise regulated in this title. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2, set out at the end of this title, unless otherwise regulated in this title. (Ord. 4208 § 2E, 8-24-93; Code 1985 Appx. A § 21 (part); Ord. 3255 § 1, 11-16-82; Ord. 3064, 10-7-80)

Sec. 16-76-9 R-ML multiple dwelling residential district.

This district is intended to permit the development and maintenance of residential areas characterized by a broad range of residential housing types including single-and two-family dwelling and multiple-family dwellings up to three stories in height. Other uses such as churches, schools, institutional uses and specified services associated with or compatible with the residential uses allowed in this district are also permitted subject to site plan review and approval or the issuance of a special permit therefor. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which site plan review and approval are required are listed on Chart 1, set out at the end of this title, unless otherwise regulated in this title. The minimum lot and yard requirements, maximum height, maximum gross dwelling-unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2, set out at the end of this title, unless otherwise regulated in this title. (Ord. 4208 § 2E, 8-24-93; Code 1985 Appx. A § 21 (part); Ord. 3255 § 1, 11-16-82; Ord. 3064, 10-7-80)

Sec. 16-76-10 R-MM multiple dwelling residential district.

This district is intended to permit the development and maintenance of residential areas characterized by a broad range of residential housing types including single-and two-family dwellings and multiple-family dwellings up to one hundred twenty-five (125) feet in height. Other uses such as churches, schools, institutional uses and specified services associated with or compatible with the residential uses allowed in this district are also permitted subject to site plan review and approval or the issuance of a special permit therefor. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which administrative site plan review and approval are required are listed on Chart 1, set out at the end of this title, unless otherwise regulated in this title. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use ratios which govern any use in this district are listed on Chart 2, set out at the end of this title, unless otherwise regulated in this title. (Ord. 4208 § 2E, 8-24-93; Code 1985 Appx. A § 21 (part); Ord. 3255 § 1, 11-16-82; Ord. 3064, 10-7-80)

Sec. 16-76-11 R-MH multiple dwelling residential district.

The principal purpose of this district is to allow the development and maintenance of high density residential areas which may include the entire range of residential uses except mobile homes in locations particularly suited to such development given their proximity to existing high density residential developments, employment centers, especially the central business district, heavily traveled

transportation routes, commercial enterprises and cultural activities. Other uses such as churches, schools, institutional uses and specified services associated with or compatible with the residential uses allowed in this district are permitted subject to site plan review and approval or the issuance of a special permit therefor. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which administrative site plan review and approval are required are listed on Chart 1, set out at the end of this title, unless otherwise regulated in this title. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2, set out at the end of this title, unless otherwise regulated in this title. (Ord. 4208 § 2E, 8-24-93; Code 1985 Appx. A § 21 (part); Ord. 3255 § 1, 11-16-82; Ord. 3064, 10-7-80)

Sec. 16-76-12 R-MO mobile home district.

A. Purpose. The purpose of this district and the regulations and standards contained herein are to establish a zoning category which will permit mobile homes to be located in mobile home parks and subdivisions specifically designed and set aside therefor and to ensure that mobile home parks and subdivisions develop in locations and in accordance with specified design criteria to assure harmonious development both within the mobile home park and subdivision and with other zoning districts. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which site plan review and approval are required are listed on Chart 1, set out at the end of this title, unless otherwise regulated in this title. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2, set out at the end of this title, unless otherwise regulated in this title.

B. Approvals Required. Prior to the development of any property classified in the R-MO district with a mobile home subdivision or mobile home park, the following approvals shall be required:

1. Mobile home Subdivisions. A subdivision plan submitted and approved in accordance with the provisions of the subdivision regulations shall be required prior to the issuance of any building permits for the development of a mobile home subdivision.

2. Mobile home Park. A site plan submitted and approved in accordance with the provisions of Chapter 16-28 shall be required prior to the issuance of any building permits for the development of a mobile home park.

C. Standards for Mobile home Park and Subdivision Sites. Mobile home parks and subdivisions shall be located on sites which satisfy the following standards:

1. The site for a mobile home park or subdivision shall be a minimum often (10) acres.

2. The site must provide direct access to major or collector streets as designated on the MUATS plan as amended.

3. The site must be served by public sanitary sewer and water facilities.

4. A twenty-five (25) foot landscaped area shall be provided around the entire perimeter of a mobile home park or subdivision.

D. Requirements for Mobile homes and Mobile home Lots. Each mobile home lot and mobile home shall comply with the following requirements:

1. Each mobile home shall have a concrete mobile home pad measuring at least nine by sixty (60) feet.

2. Each mobile home shall be provided with anchors and tie-downs such as cast-in place concrete deadman eyelets embedded in concrete slabs, screw augers, arrowhead anchors or other devices to be used to stabilize the mobile home.

3. Skirting shall be provided around the perimeter of each mobile home.

4. Any mobile home proposed to be located in the floodplain district shall be subject to the following specific requirements:

a. All mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top frame ties to groundanchors.

b. Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations on mobile homes fifty (50) feet or greater in length (a total of eight ties are required).

c. Frame ties shall be provided at each of the four corners of the mobile homes, with five additional times per side at intermediate locations on mobile homes fifty (50) feet or greater in length (a total of fourteen (14) ties are required) and four additional ties per side on mobile homes less than fifty (50) feet in length (a total of twelve (12) ties are required).

d. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

e. Any additions to a mobile home shall be similarly anchored. (Ord. 4208 § 2E, 8-24-93; Code 1985 Appx. A § 21 (part); Ord. 3255 § 1, 11-16-82; Ord. 3064, 10-7-80)

Chapter 16-80

OFFICE DISTRICTS

Sections:

16-80-1 **O-L limited office district.**
16-80-2 **O-G general office district.**

Sec. 16-80-1 O-L limited office district.

A. Purpose. This district is intended to permit administrative, executive, professional, and research activities carried on by a single establishment in new and existing structures and specified institutional uses. Such uses shall be established only when they would act as a buffer between residential and nonresidential uses located along highways, as identified in the Memphis Urban Area Transportation Study, as amended, and/or when such uses would abut a nonresidential use. The uses permitted in this district, the special uses that may be allowed in this district, and the uses for which site plan review and approval are required are listed on Chart 1, set out at the end of this title, unless otherwise regulated in this title. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2, set out at the end of this title, unless otherwise regulated in this title.

B. Use Limitations. The following limitations and conditions shall apply to any use allowed in this district:

1. All operations and activities, except loading and unloading in connection with office building uses, shall be conducted within a completely enclosed building. This condition shall not apply to recreation fields, schools, parks, clubs, and country clubs.

2. Storage shall be contained within the principal building on a zoning lot.

3. No research laboratory or facility shall require or involve the use or testing of large animals or heavy machinery nor the use, testing or production of explosive, highly flammable, corrosive, caustic, noxious or toxic matters, materials, chemicals, gases or other substances in quantities posing threats to the health, safety, and welfare of the community. (Code 1985 Appx. A § 22 (part); Ord. 3064, 10-7-80)

Sec. 16-80-2 O-G general office district.

A. Purpose. This district is intended to permit offices and associated administrative, executive, professional and research uses in new and existing structures and specified institutional and limited retail commercial uses. Such offices may be located along highways, as identified in the Memphis Urban Area Transportation Study, as amended, and adjacent to commercial uses to act as a buffer between such routes and uses and residential uses. The provisions of this zoning category contain regulations, standards and procedures which are necessary and reasonable to preserve the character of the district, to guide growth and development, and to ensure harmonious development with other zoning districts. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which site plan review and approval are required are listed on Chart 1, set out at the end of this title, unless otherwise regulated in this title. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2, set out at the end of this title, unless otherwise regulated in this title.

B. Use Regulations. The following limitations and conditions shall apply to any use allowed in this district:

1. All operations and activities, except loading and unloading in connection with office building uses, shall be conducted within a completely enclosed building.

2. Storage shall be contained within the principal building on a zoning lot.

3. No research laboratory or facility shall require or involve the use or testing of large animals or heavy machinery nor the use, testing or production of explosive, highly flammable, corrosive, caustic, noxious or toxic matters, materials, chemicals, gases or other substances in quantities posing threats to the health, safety and welfare of the community. (Code 1985 Appx. A § 22 (part); Ord. 3064, 10-7-80)

Chapter 16-84

COMMERCIAL DISTRICTS

Sections:

16-84-1	**C-P planned commercial district.**
16-84-2	**C-L local commercial district.**
16-84-3	**C-H highway commercial district.**
16-84-4	**CBD central business district.**
16-84-5	**C-N neighborhood commercial district.**

Sec. 16-84-1 C-P planned commercial district.

A. Purpose. This district is intended to permit the development and continued maintenance of planned commercial developments, including shopping centers, characterized by a single structure or an integrated complex of structures with planned building locations, parking and loading areas and driveways in connection therewith and landscaping. Such planned commercial developments may be designed to serve areas ranging from a neighborhood to the entire urban region. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which site plan review and approval are required are listed on Chart 1, set out at the end of this title, unless otherwise regulated in this title. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2, set out at the end of this title, unless otherwise regulated in this title.

B. Site Plan Approval Required. The legislative body shall approve an amendment to classify property in the C-P district only when the legislative body concurrently approves a general site plan for the same property.

C. Uses Requiring and Procedure for Site Plan Review and Approval. The uses for which site plan review and approval are required in accordance with the procedures set forth in this subsection are listed on Chart 1, set out at the end of this title. Such uses shall be permitted or allowed in this district only after such site plan review and approval and compliance with any and all other applicable provisions of this title.

1. Procedure. The owner or other person having a contractual interest in the property which is the subject of site plan review shall file a preliminary site plan with the application for a zoning district amendment to establish the C-P district. The preliminary site plan shall be drawn to a scale of not less than one hundred (100) feet to the inch and shall include the following information:

a. Property boundary lines and dimensions, available utilities and easements; roadways, rail lines and public rights-of-way crossing and adjacent to the subject property.

b. The location of points on ingress to and egress from the site.

2. Not less than thirty-five (35) nor more than seventy-five (75) days after an application to establish the C-P district is filed, the land use control board shall hold a public hearing thereon. Written notice of such public hearing shall be published or shall be mailed to the persons at the addresses set forth on the list provided by the applicant in Section 16-24-5(B) and (C). The land use control board shall recommend to the legislative body, approval, disapproval or approval of the proposed amendment with conditions after deliberation. The land use control board may, prior to the close of the public hearing, take the matter under advisement or defer decision until the next regular meeting of the board.

3. Any applicant or owner of property may appeal to the legislative body from any recommendation of the land use control board or from any conditions the board imposes or fails to impose in its recommendations, by filing a written notice of appeal with the office of planning and development within sixty (60) days after the date of the close of the public hearing or the requested amendment.

4. An applicant shall submit a general plan incorporating any and all conditions imposed by the land use control board, or if the applicant files a notice of appeal, a general plan incorporating any and all conditions not appealed, to the office of planning and development within ninety (90) days after the date of the close of the land use control board public hearing on the requested amendment or the application shall be deemed withdrawn. An applicant may request a single extension of time for not more than one year to file a general site plan by filing a written request setting forth the reasons therefor with the office of planning and development which shall forward such request to the land use control board which shall not, if good cause is shown, unreasonably withhold its consent to such extension.

5. The office of planning and development shall forward the recommendations of the land use control board and any notices of appeal to the legislative body within ten (10) days of the date of the close of the public hearing or within ten (10) days of the date the applicant submits a general plan incorporating required conditions, whichever date occurs later.

6. The legislative body shall hold a public hearing on the application for the proposed amendment after receipt of recommendations from the land use control board and any notice of appeal. Such public hearing may be held before the legislative bodies meeting in joint session when

the application for an amendment involves property located in an unincorporated area of Shelby County within five miles of the Memphis corporate limits. Written notice of such hearing shall be published in some daily newspaper of general circulation, stating the date, time, and place of the hearing and shall be mailed to owners of property within five hundred (500) feet in the city and one thousand five hundred (1,500) feet in the county of the property which is the site of the proposed amendment. The legislative body shall render a decision on any appeal and shall approve, disapprove, or approve the proposed amendment subject to conditions. When the property which is the site of the proposed amendment is located in the city or in an unincorporated area of Shelby County within five miles of the Memphis corporate limits, the notice of hearing shall be published three times. The last publication shall not be more than thirty (30) days or less than ten (10) days prior to the hearing.

7. The legislative body shall approve, approve with conditions, or reject a requested amendment by a majority vote; provided, however, that if the land use control board recommends disapproval of the amendment, a two-thirds vote of the board of commissioners shall be required to approve the amendment for property located in Shelby County beyond five miles of the Memphis corporate limits.

8. The city council may approve or reject a proposed amendment by a majority vote except a two-thirds vote shall be required if the record owners of at least twenty (20) percent of the frontage of the property which is the subject of the application or which is immediately to the rear thereof or which is directly across a public road therefrom, submit a duly signed and acknowledged petition in opposition to the proposed amendment no later than ten (10) days after the last day notice of the public hearing before the legislative body on the proposed amendment is published.

9. The board of commissioners of Shelby County may approve or reject a proposed amendment by a majority vote except that a four-fifths vote shall be required to approve an amendment for property in an unincorporated area of Shelby County within five miles of the Memphis corporate limits, if the record owners of at least twenty (20) percent of the frontage of which is immediately to the rear thereof or which is directly across a public road therefrom, submit a duly signed and acknowledged petition in opposition to the proposed amendment no later than ten (10) days after the last date notice of the public hearing before the legislative body on the proposed amendment is published.

10. The applicant shall submit the approved general site plan, incorporating all the conditions imposed by the legislative body and the signatures required authorizing the recordation of the general plan to the office of planning and development which shall record such plan in the Shelby County register's office.

11. The recording of a general site plan in the Shelby County register's office shall not allow the development of the site but shall merely authorize the filing of a final site plan with the building official.

12. The final site plan may be filed at any time after legislative approval of the general plan and shall be reviewed and approved when the office of planning and development finds such filing to be in accordance with the provisions for administrative site plan review set forth in Chapter 16-28 and the conditions of general site plan approval imposed by the legislative body. If the entire development is to be constructed at one time, the final site plan may be submitted in lieu of the general site plan for consideration by the legislative body. The office of planning and development shall record the final plan in the Shelby County register's office after any contract to provide improvements required in the Memphis and Shelby County subdivision regulations has been approved by the legislative body and the required signatures for recordation have been secured. If a contract or dedication of streets are not required, the office of planning and development shall record the plan without legislative action.

13. The building official shall not issue a certificate of occupancy for any use requiring site plan review and approval in the C-P district if any of the conditions imposed by the legislative body in approving the general site plan have not been met.

14. An approved preliminary or general site plan may be amended pursuant to the same procedure which governed its initial approval.

15. If an application for an amendment to classify property in the C-P district is denied by the legislative body or withdrawn by the applicant after a first reading of the proposed ordinance by the legislative body, a reapplication pertaining to the same property and requesting the same amendment may not be filed within eighteen (18) months of the date final action was taken on the previous application or the date it was withdrawn unless such reapplication is initiated by the office of planning and development or authorized by the legislative body. (Ord. 4715 § 2, 11-2-99; Ord. 3549 § 1(12), 5-13-86; Code 1985 Appx. A § 23 (part); Ord. 3064, 10-7-80)

Sec. 16-84-2 C-L local commercial district.

This district is intended to permit the development and continued maintenance of commercial retail uses and personal services serving the needs of a relatively small area and developed either as a unit or on individual parcels. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which site plan review and approval are listed on Chart 1, set out at the end of this title, unless otherwise regulated in this title. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2, set out at the end of this title, unless otherwise regulated in this title. (Ord. 4715 § 2, 11-2-99; Ord. 3549 § 1(12), 5-13-86; Code 1985 Appx. A § 23 (part); Ord. 3064, 10-7-80)

Sec. 16-84-3 C-H highway commercial district.

This district is intended to permit the development and continued maintenance of general commercial uses located in a linear fashion along highways and near transportation facilities and industrial areas. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which site plan review and approval are required are listed on Chart 1, set out at the end of this title, unless otherwise regulated in this title. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2, set out at the end of this title, unless otherwise regulated in this title. (Ord. 4715 § 2, 11-2-99; Ord. 3549 § 1(12), 5-13-86; Code 1985 Appx. A § 23 (part); Ord. 3064, 10-7-80)

Sec. 16-84-4 CBD central business district.

The purpose of this district is to provide a zoning category which allows the maintenance and development of uses which will reinforce the vitality of the central business district as a residential and employment center and as the commercial, governmental, and cultural center of Memphis. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which site plan review and approval are required are listed on Chart 1, set out at the end of this title, unless otherwise regulated in this title. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2, set out at the end of this title, unless otherwise regulated in this title. (Ord. 4715 § 2, 11-2-99; Ord. 3549 § 1(12), 5-13-86; Code 1985 Appx. A § 23 (part); Ord. 3064, 10-7-80)

Sec. 16-84-5 C-N neighborhood commercial district.

A. Purpose. The primary purpose of the neighborhood commercial district (C-N) is to create a zoning district that is intended to permit a mixture of small-scale neighborhood commercial and residential land uses. Commercial establishments should be accessible by pedestrians from surrounding neighborhoods, and of such a nature as to minimize conflicts with surrounding residential uses. Residential development can be in the form of detached, attached, two-family, townhouse, and multifamily dwellings including principal dwellings incorporated into a structure serving nonresidential uses to promote mixed use development. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which site plan review and approval are required are listed on Chart 1, set out at the end of this title, unless otherwise regulated in this title. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2, set out at the end of this title, unless otherwise regulated in this title.

B. Parking Regulations. All of the off-street parking and loading requirements of Chapter 16-108 are applicable to the neighborhood commercial district except as specified below:

1. All off-street parking shall be limited to the rear or side of the structure.

2. Parking garages shall be prohibited in the neighborhood commercial district.

3. Off-street landscaped parking should be encouraged in selected areas that will serve commercial establishments.

4. Parking lot landscaping will be determined at site plan review.

5. All retail and personal service use with less than four thousand (4,000) square feet of gross floor area - one space for each one thousand (1,000) square feet of floor area. One space for each five hundred (500) square feet of floor area for retail and personal services with four thousand (4,000) square feet or greater.

6. Office, bank, financial service uses with less than four thousand (4,000) square feet of gross floor area—one space for each six hundred (600) square feet of floor area. One space for each four hundred (400) square feet of floor area for office, bank, and financial services with four thousand (4,000) square feet or greater.

7. Restaurants with less than two thousand five hundred (2,500) square feet of gross floor area - one space for each three hundred (300) square feet of floor area. One space for each two hundred (200) square feet of floor area

or one for every three seats provided on the premises for restaurants with two thousand five hundred (2,500) square feet or greater.

8. Residential.

a. Existing buildings, one-half space for each dwelling unit;

b. New construction, one space for each dwelling unit.

C. Administrative Site Plan Review.

1. Site plan review shall be required for:

a. Any new construction, building expansion, new or expanded parking lots, and any new signs,

b. Any demolition or relocation of any building or site listed on the National Register of Historical Places, in consultation with Memphis landmarks commission.

2. Procedures for Administrative Site Plan Approval.

a. An owner or other person who has a contractual interest in the property, may file an application with the office of planning and development.

b. At a minimum, the site plan review application shall include existing and proposed building footprints, proposed access and parking layout, landscaping, existing or proposed easements, building elevations, sign details, a boundary survey, lighting and screening, and any other information considered necessary by the staff.

c. The office of planning and development may approve, approve with conditions, or reject an administrative site plan review application. An applicant may appeal the decision to the city council or county commission depending on the location of the property. The appeal shall be in writing to the director of planning and submitted within ten (10) working days of the action. Public notice shall be mailed to all property owners within three hundred (300) feet of the subject property.

3. As part of the administrative site plan review these general standards shall consider the following specific guidelines:

a. Height. The review of building height for new construction or expansion of existing buildings is essential to proper development and orderly growth, and to the public health, safety and welfare. The review will assure consistency with the purposes and intent of the neighborhood commercial area, minimize visual impacts on historic and other existing structures, and assure that the height of new or expanded buildings is in general proportion to the height of existing or approved structures in the immediate area.

b. Scale. The size of a new building; its mass in relation to open spaces; and its windows, doors, openings, and porches should be visually compatible with the surrounding buildings.

c. Setback and Rhythm of Spacing. The setback from front and side yard property lines established by adjacent buildings should be maintained. When a definite rhythm along a street is established by uniform lot and building width, in-fill new buildings should maintain the rhythm.

d. Relationship of Materials, Texture, Details, and Material Color. The relationship and use of materials, texture, details, and material color of a new building's principal facades should be visually compatible with and similar to those of adjacent buildings or should not contrast conspicuously.

e. Roof Shape. The roofs of new buildings should be visually compatible, by not contrasting greatly with the roof shape and orientation of surrounding buildings.

f. Orientation. The site orientation of new buildings should be consistent with that of adjacent buildings and should be visually compatible.

g. Proportion and Rhythm of Openings. The relationship of width to height of windows and doors, and the rhythm of solids to voids in the new buildings should be visually compatible with the surrounding structures.

h. Additions to Existing Buildings. New additions to existing structures should be kept to a minimum and should be visually compatible in scale, materials, and texture; additions should not be jarring or contrasting.

Additions should not be made to the principal facades of existing buildings. Additions may be located to the rear of existing buildings in ways which do not disturb the principal facades.

i. Accessory Structures. Accessory structures should reflect the character of the existing and surrounding buildings and should be compatible in terms of height, scale, roof shape, materials, texture and details.

The location and design of accessory structures should not be visually disruptive to the character of the surrounding buildings.

j. Appurtenances. Appurtenances related to new buildings, including driveway, sidewalks, lighting, fences and walls, shall be visually compatible with the environment of the existing buildings and sites to which they relate. Rooftop appurtenances will be screened from view with architecturally compatible materials.

k. Signage. Signs should be designed to be visually compatible with surrounding properties and where possible be used as architectural elements on building facades. No flashing, rotating, or traveling message signs are permitted. The following bulk requirements shall apply:

i. Attached and detached signs are permitted except for roof signs.

ii. Maximum gross surface area: thirty-five (35) square feet per sign.

iii. Minimum setback: fifteen (15) feet, and no sign greater than twelve (12) square feet in area shall be located within fifty (50) feet of an adjacent residential district or a residential planned development unless the sign is attached.

iv. Maximum number permitted:

(A) Attached: one per ground floor establishment plus one for those with multiple establishments.

(B) Detached: one per frontage per zoning lot.

v. Maximum height:

(A) Attached: thirty-five (35) feet.

(B) Detached: sixteen (16) feet. (Ord. 5026AM Attach. (part), 2004: Ord. 5026 § 1 (part), 2003; Ord. 4715 § 2, 11-2-99; Ord. 3549 § 1(12), 5-13-86; Code 1985 Appx. A § 23 (part); Ord. 3064, 10-7-80)

Chapter 16-88

INDUSTRIAL DISTRICTS

Sections:

16-88-1 **I-L light industrial district.**
16-88-2 **I-H heavy industrial district.**

Sec. 16-88-1 I-L light industrial district.

This industrial district is intended to provide areas in which the principal uses permitted are manufacturing, wholesaling or warehousing, and which are accessible to major transportation routes. The regulations of this district are designed to minimize the adverse impact such uses may have on nearby districts. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which site plan review and approval are required are listed on Chart 1, set out at the end of this title, unless otherwise regulated in this title. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2, set out at the end of this title, unless otherwise regulated in this title. (Code 1985 Appx. A § 24 (part); Ord. 3064, 10-7-80)

Sec. 16-88-2 I-H heavy industrial district.

This district is intended to provide areas in which all industrial uses may be located and which are accessible to rail, water or highway transportation routes. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which site plan review and approval are required are listed on Chart 1, set out at the end of this title, unless otherwise regulated in this title. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity rations which govern any use in this district are listed on Chart 2, set out at the end of this title, unless otherwise regulated in this title. (Code 1985 Appx. A § 24 (part); Ord. 3064, 10-7-80)

Chapter 16-92

SOUTH CENTRAL BUSINESS IMPROVEMENT DISTRICT

Sections:

16-92-1	**Sports and entertainment (SE) district zoning district requirements.**
16-92-2	**South main (SM) district zoning district requirements.**
16-92-3	**South downtown residential (R-SD) zoning district requirements.**
16-92-4	**Riverside residential (R-R) district zoning district requirements.**
16-92-5	**Bluffview residential (R-B) district zoning district requirements.**
16-92-6	**South downtown business park (SDBP) district zoning district requirements.**
16-92-7	**Gateway commercial (C-G) district zoning district regulations.**
16-92-8	**Site plan review requirements.**
16-92-9	**Special exception requirements.**
16-92-10	**Sign regulations—Purpose.**
16-92-11	**Scope of sign regulations.**
16-92-12	**Sign registration, permits and decals.**
16-92-13	**General provisions for all signs within the six zoning districts of the SCBID.**
16-92-14	**Existing nonconforming signs.**
16-92-15	**Sign permit procedure.**
16-92-16	**Creative sign permitting.**

Sec. 16-92-1 Sports and entertainment (SE) district zoning district requirements.

A. Boundaries. Beginning at the intersection of Madison Avenue and Lauderdale Street and proceeding south on Lauderdale Street to a point approximately at the midpoint between Linden Avenue and Pontotoc Avenue; thence west on an irregular line approximately mid-block between Linden Avenue and Pontotoc Avenue to Third Street; thence south on Third Street to Pontotoc Avenue; thence west on Pontotoc Avenue to Second Street; thence north on Second Street to Linden Avenue; thence west on Linden Avenue to Front Street; thence north on Front Street to Beale Street; thence east on Beale Street to Second Street; thence north on Second Street to a point approximately mid-block between Madison Avenue and Court Avenue; thence east approximately mid-point on an irregular line to Danny Thomas Boulevard; thence south on Danny Thomas Boulevard to Madison Avenue; thence east from Madison Avenue to Lauderdale Street and the point of beginning. (The Beale Street historic district is excluded from the SE district.)

B. Purpose and Intent of District. This district is intended to permit a mixture of uses and activities that will complement the sports and entertainment facilities that are located in this area.

C.1. Permitted uses—Residential:

Accessory dwelling unit.
Duplex dwellings.
Multiple family dwellings.
Single-family attached dwellings.
Single-family detached dwellings.
Townhouse dwellings.

2. Additional uses permitted:

Amusements, commercial indoor.
Art or photo studio or gallery.
Bakery, retail.
Bank.
Barber or beauty shop.
Bed and breakfast.
Catering establishment.
Church.
College or university.
Day care center.
Department or discount store.
Financial services.
Flower or plant store.
Group day care.
Health club.
Hotel (subject to site plan review by the legislative body).
Museum.
Music or dancing academy.
Nursery school.
Offices.
Park.
Parking garage.
Personal service establishment (does not include adult entertainment).
Philanthropic institution.
Printing and publishing.
Processing and manufacturing incidental to retail establishment.
Public building.
Radio or TV studio.

Restaurant with/without alcohol sales.

Retail sales.

Retail shop, other.

School, public or private.

Sports facility.

Tavern, cocktail lounge, night club.

Used goods, second hand sales (pawn shops not included).

3. The following use requires the approval of a special use permit:

Retail sales, outdoor.

D. Additional Requirements.

Adult entertainment shall not be permitted.

Any building, structure, or use is subject to the landscaping requirements of Chapter 16-12 (landscaping).

A drive through window shall not be permitted.

Subject to the general standards set forth in the site plan review requirements portion of this chapter, surface parking lots are not allowed unless as accessory to a principal use permitted by the SE district or as approved by special exception.

All existing uses that are not in conformance with the requirements of the SE district at the time of adoption shall be governed by Chapter 16-116 (nonconformities).

Ground floor commercial use or public space shall be required in parking garages subject to the criteria listed in the SCBID site plan review specific guidelines.

All new construction shall be subject to site plan review in accordance with the SCBID site plan review process and criteria.

E. Bulk Regulations.

1. Building setbacks: shall be subject to site plan review in accordance with the SCBID site plan review process and criteria.

2. Maximum density: none.

3. Maximum height: ninety (90) feet or eight stories and shall be subject to site plan review in accordance with the SCBID site plan review process and criteria. A building or structure exceeding ninety (90) feet or eight stories may be allowed subject to the approval of a special exception by the land use control board (with appeal to the city council) and conformance with the site plan review requirements.

F. Parking Requirements.

Any building, structure, or use is exempt from the off-street parking and loading requirements of Chapter 16-108 of the zoning ordinance provided, however, that if off-street parking and loading are provided, they shall comply with the geometric requirements of Chapter 16-108.

Parking lots and garages shall be landscaped with Plate A-6, A-7, set out at the end of this chapter, or an equivalent streetscape approved by the office of planning and development. All other screening requirements in Chapter 16-12 (landscaping) are also applicable to parking lots and garages.

The land use control board may approve modifications to any parking requirements in accordance with the special exception requirements. (Ord. 4971, 11-12-02; Code 1985 Appx. A § 35 (part); Ord. 3064, 10-7-80)

Sec. 16-92-2 South main (SM) district zoning district requirements.

A. Boundaries. All of the existing south main special district and extended on the east side to run east along Pontotoc Avenue to Third Street; thence south along Third Street to Vance Avenue; thence east on Vance Avenue to Abel Street; thence south on Abel Street to G.E. Patterson Street; thence west on G.E. Patterson Street to Second Street; thence south on Second Street to Webster Avenue; thence approximately five hundred (500) feet west on Webster Avenue to the existing south boundary of the SMSD Zoning District; thence south to Carolina Avenue; thence west approximately five hundred (500) feet to a point; thence northwest approximately five hundred (500) feet to the intersection of Georgia Avenue and Front Street; thence north on Front Street to the existing SMSD zoning district. Also included is the area bordered by Beale Street to the north, an east-west alley approximately one hundred seventy (170) feet south of Beale Street between Wagner Place and South Front Street to the south, South Front Street to the east, and Wagner Place to the west.

B. Purpose and Intent of District. The purpose of the south main district is to protect the unique character of this area while using it as a catalyst to encourage similar development south of the existing district that was established as a zoning district in 1988. To this end, these regulations seek to maintain and redefine the uses to ensure that the special ambience abundant in the existing south main special district and historical character of the area is complimented by new development. Specifically, the district goals remain largely the same as adopted in 1988 and the following specific purposes as adopted then remain largely the same which are:

1. To preserve and strengthen the south main area, the south main historic district, and the cultural characteristics of the area;

2. To promote a harmonic redevelopment of the area consistent with the scale and character of existing mixed uses in the area;

3. To encourage the development and redevelopment of residential uses, and small scale commercial, and office uses, thereby strengthening the city's tax base;

4. To promote the mixed uses character of the area and to prohibit or discourage large-scale uses as well as incompatible uses;

5. To preserve, maintain and enhance the existing scale of the street, building and open space features. To provide and encourage amenities, such as public open space and street trees to improve the physical environment.

C.1. Permitted uses—Residential:

Accessory dwelling unit.

Duplex dwellings.

Multiple-family dwellings.

Single-family attached dwellings.

Single-family detached dwellings.

Townhouse dwellings.

2. Additional uses permitted:

Amusements, commercial indoor.

Art or photo studio or gallery.

Bakery, retail.

Bank.

Barber or beauty shop.

Bed and breakfast.

Business school.

Catering establishment.

Church.

Cleaning establishment.

Cleaning pickup station.

Financial services.

Flower or plant store.

Greenhouse or nursery, commercial.

Hotel (subject to site plan review by the legislative body).

Lodge, club, country club.

Museum.

Music or dancing academy.

Offices.

Park.

Parking garage.

Personal service establishment (does not include adult entertainment).

Philanthropic institution.

Photo finishing.

Photo finishing pickup station.

Private sales.

Processing and manufacture incidental to retail establishment (footnote: only a maximum of seventy-five (75) percent of the building may be use for manufacturing and the manufacturing portion shall not be located at the street frontage).

Public building.

Radio or TV studio.

Restaurant with/without alcohol sales.

Retail sales.

Retail shop, other.

School, public or private.

Services, other business and personal.

Tavern, cocktail lounge, night club up to one hundred twenty-five (125) seats.

Undertaking, funeral establishment.

Used goods, second hand sales (does not include pawn shop).

Veterinary clinic (without outdoor boarding).

3. The following uses are subject to the approval of a special use permit:

Gasoline service stations.

Retail sales, outdoors.

Self-storage facilities.

Tavern, cocktail lounge, night club with greater then on hundred twenty-five (125) seats.

D. Additional Requirements.

Adult entertainment shall not be permitted.

Any building, structure or use is subject to the landscaping requirements of Chapter 16-12 (landscaping).

The maximum amount of street frontage shall be one hundred (100) linear feet. On corner lots, the maximum street frontage shall be one hundred (100) feet on each street. The land use control board may approve a greater amount of street frontage in accordance with the SCBID special exception standards.

In an existing building, the maximum street frontage for a use may exceed one hundred (100) linear feet. However, if the street frontage of a use in an existing building is decreased, the street frontage of a use may not thereafter increase to more than one hundred (100) linear feet without obtaining a special exception.

A drive through window shall not be permitted.

Subject to the general standards set forth in the site plan review requirements portion of this chapter, surface parking lots are not allowed unless as accessory to a principal use permitted by the SM district or as approved by special exception.

All existing uses that are not in conformance with the requirements of the SMS district, at the, time of adoption shall be governed by Chapter 16-116 (nonconformities).

All new construction shall be subject to site plan review in accordance with the SCBID site plan review process and criteria.

E. Bulk Regulations.

1. Building setbacks: shall be subject to site plan review in accordance with the SCBID site plan review process and criteria.

2. Maximum density:

a. For new residential construction: forty (40) dwelling units per acre.

b. For mixed use developments: sixty (60) dwelling units per acre.

c. For existing buildings: none.

3. Maximum height: ninety (90) feet or eight stories and shall be subject to site plan review in accordance with the SCBID site plan review process and criteria. A building or structure exceeding ninety (90) feet or eight stories may be allowed subject to approval of a special exception by the land use control board (with appeal to the city council) and conformance with the site plan review requirements.

F. Parking Requirements. Any building, structure, or use is exempt from the off-street parking and loading requirements of Chapter 16-108 provided, however, that if off-street parking and loading are provided, they shall comply with the geometric requirements of Chapter 16-108.

Parking lots and garages shall be landscaped with Plate A-6, Plate A-7, set out at the end of this chapter, or an equivalent streetscape approved by the office of planning and development. All other screening requirements in Chapter 16-12 (landscaping) are also applicable to parking lots and garages.

The land use control board may approve modifications to any parking requirements in accordance with the special exception requirements. (Ord. 4971, 11-12-02; Code 1985 Appx. A § 35 (part); Ord. 3064, 10-7-80)

Sec. 16-92-3 South downtown residential (R-SD) zoning district requirements.

A. Boundaries. (North of Crump Boulevard) Beginning on Lauderdale Street at a point approximately midblock between Linden Avenue and Pontotoc Avenue; thence south on Lauderdale Street to Vance Avenue; thence west on Vance Avenue to Danny Thomas Boulevard; thence south on Danny Thomas Boulevard to Mississippi Boulevard thence northwest on Mississippi Boulevard to G.E. Patterson Street; thence west approximately two hundred forty (240) feet on G.E. Patterson Street; thence south to Webster Avenue; thence east along Webster Avenue to a point approximately one hundred forty (140) feet west of Danny Thomas Boulevard; thence south to Georgia Avenue; thence west on Georgia Avenue to Hernando Street; thence south on Hernando Street approximately one hundred fifty (150) feet; thence west from Hernando Street to Third Street; thence north along Third Street to G.E. Patterson Street; thence east along G.E. Patterson Street to Abel Street; thence north on Abel Street to Vance Avenue; thence west on Vance Avenue to Third Street; thence north on Third Street to the south boundary of the SE Zoning District; thence east along an irregular line shared with the SE Zoning District to the point of beginning.

(South of Crump Boulevard) Beginning at a point at the intersection of E.H. Crump Boulevard and Wellington Street and extending south on Wellington Street to Williams Avenue; thence west to Willoughby Street; thence south to McEwen Street; thence west on McEwen Street to Wallace Street; thence west of Wallace Street on an irregular line to Latham Street; thence north of Latham Street to Alston Street; thence west on Alston Street to Third Street; thence north on Third Street approximately one hundred ninety (190); feet thence east to Latham Street; thence north to E.H. Crump Boulevard; thence east on E.H. Crump Boulevard to Wellington Avenue and the point of beginning.

B. Purpose and Intent of District. The purpose of this district is to encourage new residential neighborhood development in the south downtown area.

C.1. Permitted Uses:

Church.

Duplex dwellings.

Multiple-family dwellings.

Park.

School, public or private.

Single-family attached dwellings.

Single-family detached dwellings.

2. Additional Uses Permitted. Uses in accordance with the neighborhood commercial (C-N) district shall be permitted throughout the remainder of the R-SD district subject to approval of a special exception by the land use control board (LUCB) and the following criteria:

1. Any right-of-way use should be on the first floor of a two-story or greater building. Any right-of-way uses above the ground floor may be permitted subject to the approval of a special exception by the land use control board.

2. Preference shall be given to location within one hundred (100) feet of a street intersection. Properties beyond one hundred (100) feet of a street intersection will be strongly discouraged.

3. Preference shall be given to existing buildings.

4. Maximum floor area per right-of-way establishment (excluding a church or a school) shall be four thousand (4,000) square feet.

5. Parking shall be located at the side or rear of a building and not between the building and the street.

D. Additional Requirements.

Adult entertainment shall not be permitted.

Any building, structure, or use is subject to the landscaping requirements of Chapter 16-12 (landscaping).

Subject to the general standards set forth in the site plan review requirements portion of this chapter, surface parking lots are not allowed unless as accessory to a principal use permitted by the R-SD district or as approved by special exception.

A drive-through window shall not be permitted.

All existing uses that are not in conformance with the requirements of the R-SD district at the time of adoption shall be governed by Chapter 16-116 (nonconformities).

All new construction shall be subject to site plan review in accordance with the SCBID site plan review process and criteria.

E. Bulk Regulations.

1. Building setbacks: shall be subject to site plan review in accordance with the SCBID site plan review process and criteria.

2. Maximum density:

a. New residential construction: forty (40) dwelling units per acre.

b. Existing building: none.

3. Maximum height: four stories.

F. Parking Requirements.

Any building, structure, or use is exempt from the off-street parking and loading requirements of Chapter 16-108 provided, however, that if off-street parking and loading are provided, they shall comply with the geometric requirements of Chapter 16-108.

Parking lots and garages shall be landscaped with Plate A-6, Plate A-7, set out at the end of this chapter, or an equivalent streetscape approved by the office of planning and development. All other screening requirements in Chapter 16-12 (landscaping) are also applicable to parking lots and garages.

The land use control board may approve modifications to any parking requirements in accordance with the special exception requirements. (Ord. 4971, 11-12-02; Code 1985 Appx. A § 35 (part); Ord. 3064, 10-7-80)

Sec. 16-92-4 Riverside residential (R-R) district zoning district requirements.

A. Boundaries. Starting at the Harahan Bridge and running north with the Mississippi River to Beale Street; thence turning east on Beale Street; thence turning south on Riverside Drive to the point where G.E. Patterson Street would intersect Riverside Drive; thence turning east along the extended point of G.E. Patterson Street to Tennessee Street; thence south on Tennessee Street to Georgia Avenue and west along Georgia Avenue to Riverside Drive; thence turning south along Riverside drive to the CSX Railroad Tracks to the Mississippi River and the point of beginning.

B. Purpose and Intent of District. The purpose of the riverside residential district is to ensure that the river front will be an active, urbane waterfront, while reinforcing the residential development along the southern end of downtown and protecting the unique views of the Mississippi River. The increases in density will provide for a more efficient utilization of public facilities and environmental amenities and resources.

C.1. Permitted Uses—Residential:

Duplex dwellings.

Multiple-family dwellings.

Single-family attached dwellings.

Single-family detached dwellings.

Townhouse dwellings.

2. Additional uses permitted:

Church.

Park.

School, public or private.

The following uses are permitted only south of Channel 3 Drive and only south of Martyrs Park which includes the existing building known as 803 Channel 3 Drive: radio or

TV studio; offices; public buildings; museum; philanthropic institution; church.

D. Additional Requirements.

Adult entertainment shall not be permitted.

Any building, structure, or use is subject to the landscaping requirements of Chapter 16-12 (landscaping).

Subject to the general standards set forth in the site plan review requirements portion of this chapter, surface parking lots are not allowed unless as accessory to a principal use permitted by the R-R district or as approved by special exception.

All existing uses that are not in conformance with the requirements of the R-R district at the time of adoption shall be governed by Chapter 16-116 (nonconformities).

All new construction shall be subject to site plan review in accordance with the SCBID site plan review process and criteria.

E. Bulk Regulations.

1. Building setbacks: shall be subject to site plan review in accordance with the SCBID site plan review process and criteria.

2. Maximum density: none.

3. Maximum height: shall be subject to site plan review in accordance with the SCBID site plan review process and criteria.

F. Parking Requirements.

Any building, structure, or use is exempt from the off-street parking and loading requirements of Chapter 16-108 provided, however, that if off-street parking and loading are provided, they shall comply with the geometric requirements of Chapter 16-108.

Parking lots and garages shall be landscaped with Plate A-6, Plate A-7, set out at the end of this chapter, or an equivalent streetscape approved by the office of planning and development. All other screening requirements in Chapter 16-12 (landscaping) are also applicable to parking lots and garages.

The land use control board may approve modifications to any parking requirements in accordance with the special exception requirements. (Ord. 4971, 11-12-02; Code 1985 Appx. A § 35 (part); Ord. 3064, 10-7-80)

Sec. 16-92-5 Bluffview residential (R-B) district zoning district requirements.

A. Boundaries. Starting of the intersection of Riverside Drive and Georgia Avenue turning east and running along Georgia Avenue to Tennessee Street; thence north on Tennessee Street to G.E. Patterson Street; thence east on G.E. Patterson Street to Front Street; thence south on Front Street to Georgia Avenue; thence southeast from Front Street to Carolina Avenue; thence east on Carolina Avenue approximately five hundred (500) feet; thence north on Webster Avenue; thence east on Webster Avenue to Second Street; thence north on Second Street to G.E. Patterson Street; thence east on G.E. Patterson Street to Third Street; thence. south on Third Street to the CSX Railroad; thence west along the CSX Railroad approximately one thousand five hundred fifty (1,550) feet to a point; thence south to E.H. Crump Boulevard; thence west along E.H. Crump Boulevard to Florida Street; thence north on Florida Street approximately one hundred seventy (170) feet; thence west along an irregular line comprised of the rear parcel lines of parcels along E.H. Crump Boulevard from Florida Street to the Interstate 55 Interchange with E.H. Crump Boulevard; thence north to Virginia Avenue; thence west and northwest along the Interstate 55 right-of-way to Riverside Drive; thence north on Riverside Drive to Georgia Avenue and the point of beginning.

B. Purpose and Intent of District.

1. Building objectives (existing and new construction):

a. Retention of historic buildings;

b. Preservation and restoration of historic elements;

c. New design that is compatible with and enhances the unique architectural and historic character of the district.

2. Land use objectives: to include a variety of land uses that are compatible with the existing buildings and complimentary to the unique architectural characteristics of the loft residential area.

3. Public amenity objective: to provide an attractive and comfortable environment with public amenities that will reinforce the unique architectural characteristics of the loft residential area.

Encourage housing, first floor retail, and corner store type neighborhood commercial establishments indicative of mix-use districts. This variety of land uses will increase the level of street activity and encourage an "around-the-clock" presence of people. Encourage land uses that are pedestrian-oriented and do not require severe alterations to historic structures in order to accommodate autos.

C.1. Permitted uses—Residential:

Accessory dwelling unit.
Duplex dwelling unit.
Multiple-family dwellings.
Single-family attached dwellings.
Single-family detached dwellings.
Townhouse dwellings.

2. Additional uses permitted:

Art or photo studio or gallery.
Bakery (retail).
Bank.
Barber or beauty shop.
Bed and breakfast.
Catering establishment
Church.
Day care center.
Dry cleaning establishment.
Dry cleaning pickup station.
Financial services.
Flower or plant store.
Group day care.
Home office.
Hotel (subject to site plan review by the legislative body).
Music or dancing academy or studio.
Offices.
Park.
Parking garage.
Personal service establishment (does not include adult entertainment).
Philanthropic institution.
Photo finishing.

Public uses.

Restaurant with or without alcohol sales.

Retail establishment.

Schools, public or private.

Tavern, cocktail lounge, night club (maximum four thousand (4,000) square feet in area).

Veterinary clinic (without outdoor boarding).

D. Additional requirements:

Adult entertainment shall not be permitted.

Any building, structure, or use is subject to the landscaping requirements of Chapter 16-12 (landscaping).

Residential buildings may allow right-of-way uses, but only on the ground floor. Any right-of-way uses above the ground floor may be permitted subject to the approval of a special exception by the land use control board.

All new buildings shall be a minimum of two stories.

A drive-through window shall not be permitted.

Subject to the general standards set forth in the site plan review requirements portion of this chapter, surface parking lots are not allowed unless as accessory to a principal use permitted in the R-B district or as approved by special exception.

All existing uses that are not in conformance with the requirements of the R-B district at the time of adoption shall be governed by Chapter 16-116 (nonconformities).

All new construction shall be subject to site plan review in accordance with the SCBID site plan review process and criteria.

E. Bulk Regulations.

1. Building setbacks: shall be subject to site plan review in accordance with the SCBID site plan review process and criteria.

2. Maximum density: none.

3. Maximum height: eight stories or ninety (90) feet. All new buildings shall have a minimum height of two stories. Existing one-story buildings shall remain conforming buildings.

F. Parking Requirements.

Any building, structure, or use is exempt from the off-street parking and loading requirements of Chapter 16-108 provided, however, that if off-street parking and loading are provided, they shall comply with the geometric requirements of Chapter 16-108.

Parking lots and garages shall be landscaped with Plate A-6, Plate A-7, set out at the end of this chapter, or an equivalent streetscape approved by the office of planning and development. All other screening requirements in Chapter 16-12 (landscaping) are also applicable to parking lots and garages.

The land use control board may approve modifications to any parking requirements in accordance with the special exception requirements. (Ord. 4971, 11-12-02; Code 1985 Appx. A § 35 (part); Ord. 3064, 10-7-80)

Sec. 16-92-6 South downtown business park (SDBP) district zoning district requirements.

A. Boundaries. Beginning at the southwest corner of Georgia Avenue and Wood Street; thence south on Wood Street to the CSX Railroad; thence west along the CSX Railroad to Fifth Street; thence south along the southerly projection of Fifth Street approximately five hundred (500) feet; thence west approximately three hundred fifty (350) feet; thence south on Fourth Street approximately two hundred (200) feet; thence along the alley south of Virginia Avenue to Third Street; thence approximately one hundred fifty (150) feet north to Virginia Avenue; thence west along Virginia Avenue approximately two thousand four hundred fifty (2,450) feet; thence north to the CSX Railroad; thence east along the CSX Railroad to Third Street; thence north along Third Street to a mid-point between Georgia Avenue and Carolina Avenue; thence east from this mid-point to Hernando Street; thence north on Hernando Street to Georgia Avenue; thence east on Georgia Avenue to Wood Street and the point of beginning.

B. Purpose and Intent of District. This district is intended to permit the development and continued maintenance of commercial and industrial uses while allowing various mixed uses and promoting economic development in the south downtown area.

C.1. Permitted uses—Residential:

Residential uses as an accessory use to the additional uses permitted below or special exception uses authorized by this district.

2. Additional uses permitted:

Art or photo-studio or gallery.

Automobile service station.

Bakery, retail.

Bank.

Barber or beauty shop.

Beverage container collection center.

Business school.

Catering establishment.

Church.

Cleaning pickup station.

Financial services.

Flower or plant store.

General service and repair shop.

Greenhouse or nursery, commercial.

Hotel (subject to site plan review by the legislative body).

Indoor wholesale display.

Laboratories.

Lawn, tree, or garden service.

Manufacture/remanufacture of motor vehicles (inside a building).

Music or dancing academy.

Offices.

Parking garage.

Philanthropic institution.

Photo finishing.

Photo finishing pick up station.

Plumbing shop.

Processing and manufacture incidental to retail establishment.

Radio/TV studio.

Restaurant with or without alcohol sales.

Retail cleaning establishment.

Retail shop.

Sheet metal shop without outdoor storage.

Warehouse.

3. The following uses are subject to the approval of a special exception by the land use control board:

Contractors storage (indoor).

Electrical or electronic equipment, appliances and instruments.

Expansion of existing outdoor storage of vehicles accessory to an existing business (new establishments featuring outdoor storage are prohibited).

Fabricated metal products and machinery.

Food/beverage products except animal slaughter, stockyards, rendering.

Furniture and fixtures.

Jewelry, silverware, plated ware, musical instruments, toys, sporting goods, office, art supplies.

Leather and leather products except tanning and finishing.

Manufacture, storage, distribution of cosmetics, drugs, paints.

Paper products except pulp mills.

Post office.

Printing and publishing.

Rubber and plastic products, except rubber manufacture.

Telephone service center.

Textile, apparel products, cotton factoring, grading.

Wholesale establishment.

D. Additional Requirements.

Adult entertainment shall not be permitted.

Any building, structure, or use is subject to the landscaping requirements of Chapter 16-12 (landscaping).

A drive through window shall not be permitted.

Subject to the general standards set forth in the site plan review requirements portion of this chapter, surface parking lots are not allowed unless as accessory to a principal use permitted by the SDBP district or as approved by special exception.

All existing uses that are not in conformance with the requirements of the SDBP district at the time of adoption shall be governed by Chapter 16-116 (nonconformities).

Ground floor commercial use or public space shall be required in parking garages subject to the criteria listed in the SCBID site plan review specific guidelines.

All new construction shall be subject to site plan review in accordance with the SCBID site plan review process and criteria.

E. Bulk Regulations.

1. Building setbacks: shall be subject to site plan review in accordance with the SCBID site plan review process and criteria.

2. Maximum density: none.

3. Maximum height: four stories.

F. Parking Requirements.

Any building, structure, or use is exempt from the off-street parking and loading requirements of Chapter 16-108 provided, however, that if off-street parking and loading are provided, they shall comply with the geometric requirements of Chapter 16-108.

Parking lots and garages shall be landscaped with Plate A-6, Plate A-7, set out at the end of this chapter, or an equivalent streetscape approved by the office of planning and development. All other screening requirements in Chapter 16-12 (landscaping) are also applicable to parking lots and garages.

The land use control board may approve modifications to any parking requirements in accordance with the special exception requirements. (Ord. 4971, 11-12-02; Code 1985 Appx. A § 35 (part); Ord. 3064, 10-7-80)

Sec. 16-92-7 Gateway commercial (C-G) district zoning district regulations.

A. Boundaries. Beginning at a point along the Interstate 55 right-of-way east along an irregular line comprised of the rear parcel lines of parcels along E.H. Crump Boulevard from the Interstate 55 Interchange with E.H. Crump Boulevard east to Florida Street; thence south on Florida Street to E.H. Crump Boulevard; thence along E.H. Crump Boulevard east approximately five hundred (500) feet; thence north to Virginia Street; thence east on Virginia Street to Third Street; thence south on Third Street to the alley south of Virginia Avenue; thence east along the alley approximately eight hundred thirty (80) feet; thence north to Fourth Street approximately two hun-

dred (200) feet; thence east approximately three hundred fifty (350) feet; thence north to the CSX Railroad; thence east to Wood Street; thence north on Wood Street to Georgia Avenue; thence west on Georgia Avenue approximately one hundred (100) feet; thence north to Webster Avenue; thence west on Webster Avenue to its terminus; thence north to G.E. Patterson Street; thence east on G.E. Patterson Street to Mississippi Boulevard; thence southeast on Mississippi Boulevard to Danny Thomas Boulevard; thence south along Danny Thomas Boulevard to E.H. Crump Boulevard; thence west along E.H. Crump Boulevard to Latham Street; thence south on Latham Street at a mid-point between E.H. Crump Boulevard and Alston Street; thence west along an irregular line to Michigan Street; thence south along Michigan Street to Gilbert Avenue; thence west along a projection of Gilbert Avenue to the I.C. Railroad; thence northwest along the I.C. Railroad to approximately seven hundred (700) feet; thence west to Florida Street; thence south along Florida Street to Illinois Avenue; thence west along Illinois Avenue to Kentucky Street; thence north on Kentucky Street approximately two hundred (200) feet; thence west to the Interstate 55 right-of-way; thence north to the point of beginning.

B. Purpose and Intent of District. This district is intended to promote redevelopment of a mixture of higher density residential, office, institutional, and commercial uses and provide an appropriate gateway to south downtown.

C.1. Permitted uses—Residential:

Accessory dwelling unit.

Multiple-family dwellings.

2. Additional uses permitted:

Amusements, commercial indoor.

Art or photo studio or gallery.

Bakery, retail.

Bank.

Barber or beauty shop.

Business school.

Catering establishment.

Church.

Cleaning establishment.

Cleaning pickup station.

Contractor's storage, indoor only.

Day care center.

Financial services.

Flower or plant store.

Food processing.

Fraternity, sorority.

Gasoline sales.

General service and repair shop.

Greenhouse or nursery, commercial.

Group day care home.

Hospital.

Laboratories.

Lodge, club, country club.

Motor vehicle service.

Museum.

Music or dancing academy.

Nursery school.

Offices.

Park.

Personal service establishment (does not include adult entertainment).

Philanthropic institution.

Photo finishing pickup station.

Photo-finishing.

Postal office or postal facility.

Public building.

Pumping station.

Radio or TV studio.

Recreation field.

Residential home for the aged.

Restaurant with or without the sale of alcoholic beverages.

Restaurant, drive-in.

Retail sales.

Retail shop, other.

School, public or private.

Self-storage facilities.

Services, other business and personal.

Student dormitory.

Tavern, cocktail lounge, night club.

Taxicab dispatch station.

Undertaking establishment.

Vehicle wash (footnote: allowed only as accessory to retail commercial).

Veterinary clinic.

Wholesale distribution, indoor storage only.

D. Additional Requirements.

Adult entertainment shall not be permitted.

Subject to the general standards set forth in the site plan review requirements portion of this chapter, surface parking lots are not allowed unless as accessory to a principal use permitted by the C-G district or as approved by special exception.

All existing uses that are not in conformance with the requirements of the C-G district at the time of adoption shall be governed by Chapter 16-116 (nonconformities).

Ground floor commercial use or public space shall be required in parking garages subject to the criteria listed in the SCBID site plan review specific guidelines.

All new construction shall be subject to site plan review in accordance with The SCBID site plan review process and criteria.

E. Bulk Regulations.

1. Minimum building setbacks:

a. Front: thirty (30) feet (reduced setback permitted subject to site plan review).

b. Side: zero feet (ten (10) feet if adjacent to residential).

c. Rear: fifteen (15) feet.

2. Maximum density: same as required in Chart 2, set out at the end of this title.

3. Maximum height: fifty (50) feet.

F. Parking requirements. The maximum number of parking spaces permitted shall be in conformance with the parking ratios in Chapter 16-108.

The land use control board may approve modifications to any parking requirements in accordance with the special exception requirements.

G. Required Landscaping.

1. Along public streets: a minimum landscaping area twenty-five (25) feet in width with a minimum of fifty (50) percent of the plant materials to be evergreens. Berming is encouraged (alternative landscaping permitted subject to site plan review).

2. Along rear yards: in accordance with Chapter 16-12.

3. Along side yards: in accordance with Chapter 16-12.

4. Interior landscaping requirements: in accordance with Chapter 16-12.

H. Gateway Commercial (C-G) Sign Requirements.

1. Detached Signs.

a. Total number permitted: one detached sign for up to the first two hundred (200) feet of road frontage. Additional detached signs are permitted based upon one each for each additional two hundred (200) feet of frontage not counting the frontage used to obtain the first or subsequent signs.

b. Maximum size:

i. Minor road: thirty-five (35) square feet per sign and a maximum height of seven feet.

ii. Major road: seventy (70) square feet per sign and a maximum height of fifteen (15) feet.

c. Design: ground mounted, monument style (no pole signs). No sign shall flash, revolve, oscillate, be animated, or create the illusion of continuous movement. Signs shall use building materials consistent with the building (s) whose lot they occupy.

d. Minimum sign setback: fifteen (15) feet.

2. Attached Signs.

a. Total number permitted: one attached sign per establishment per road frontage per zoning lot.

b. Maximum size: forty (40) square feet. (Ord. 4971, 11-12-02; Code 1985 Appx. A § 35 (part); Ord. 3064, 10-7-80)

Sec. 16-92-8 Site plan review requirements.

A. Site plan review shall be required for:

1. All new building construction or building expansion or parking construction or expansion;

2. All demolition or relocation or any building or site listed on the National Register of Historical Places.

B. Authority to Require Dedication and Improvement. Any new building construction or building expansion or parking construction or expansion shall require the dedication and improvement of public facilities to provide adequate public streets, sidewalks, or other public infrastructure.

C. Procedures. Applications shall be approved administratively by the office of planning and development. Information required for submittal is contained in Section 16-32-4(J). If the office of planning and development does not approve the application, the applicant may appeal to the land use control board. A sign shall be posted on the property in accordance with the sign posting requirements of Section 16-32-5(B)(1) through (3). The sign shall be posted at least fourteen (14) days prior to administrative approval. If the application is appealed to the land use control board, public notice shall be mailed to property owners within a three hundred (300) foot radius of the subject property. The office of planning and development or any individual appearing at the land use control board public hearing or who submitted written comments to the board may appeal the decision of the board to the city council. Such appeal shall be in writing to the director of planning and submitted within ten (10) working days of the board's action. The city council shall, after the public hearing, approve the appeal, approve the appeal with conditions, or deny the appeal.

1. In addition to the filing requirements listed in Section 16-32-4(J), the following shall be required:

a. Elevations of the proposed building or building expansion and its relationship to existing buildings within one hundred (100) feet of the site;

b. A graphic illustration of any views of the Mississippi River, downtown, or other scenic views, and relationship to existing and approved surrounding buildings.

2. Building heights shall meet the following standards:

a. The proposed building height shall be consistent with the purpose and intent of the south central business improvement district;

b. The proposed building height shall be in general proportion to the height of existing or approved buildings in the immediate area;

c. The proposed building shall be designed to minimize obstruction of views of the Mississippi River from existing or approved buildings, downtown or other scenic views;

d. The proposed building is sited and designed to minimize shadows on adjacent properties;

e. The proposed building minimizes visual impacts on historic and other existing structures;

f. An illustration of the exterior of the building including building materials;

g. An illustration of proposed signs including location, materials, dimensions, and type of lighting; and

h. An illustration of required setbacks and recommended streetscape cross sections for the special zoning districts.

D. General Standards. The applicant shall present evidence:

1. That the site plan or a requested special exception use will not have a substantial or undue adverse effect upon the neighborhood, the character of the applicable zoning district or any historical district, traffic conditions, parking, public infrastructure, and other matters affecting the public health, safety and general welfare;

2. That the site plan will be constructed and operated to be compatible with the neighborhood and with the purpose and intent of the applicable zoning district and SCBID plan;

3. That the proposed development can be adequately served by public facilities;

4. That the proposed development will not result in the destruction, loss, or damage of any significant natural, scenic, or historical district, site, or feature;

5. The office of planning and development and land use control board may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of the SCBID.

E. Parking Lot/Parking Garage Location Criteria.

Parking shall be located at the side or rear of a building and not between the building and the street.

Parking lots and garages shall be landscaped with Plate A-6, Plate A-7, set out at the end of this chapter, or an equivalent streetscape approved by the office of planning and development. All other landscaping requirements (side yard, rear yard, and interior) shall comply with Chapter 16-12 (landscaping).

Parking structures are encouraged to locate behind buildings.

Any parking structure which has frontage on a public street is recommended to provide at least sixty (60) percent of the first floor of the street frontage in office, retail, commercial, or public amenity space.

F. Surface Parking Lot Requirements (See schematics for further details.)

1. Surface Parking Lots Discouraged on Corners. Surface parking lots should not occur in front of the primary facade or on corner locations, except as otherwise deemed appropriate by the city council. Surface parking lots shall be located a minimum of sixty-five (65) feet from the intersection of any street measured from the edge of the right-of-way or twenty (20) percent of the distance of the street frontage of the block, whichever is greater, or otherwise as deemed appropriate by the city council. No surface parking lot shall have more than two hundred (200) feet of street frontage, inclusive of the required side yard landscape plate and no more than two such lots shall be contiguous in any one block, unless otherwise deemed appropriate by the city council.

2. Driveways. No more than two driveways shall be permitted to serve a surface parking lot. Surface parking lot driveways shall be a minimum width of twelve (12) feet for one-way drive and twenty (20) feet for two-way drives, at the right-of-way line. The maximum driveway width to parking areas shall not exceed twenty-four (24) feet at the edge of the right-of-way.

3. Screening. Surface parking lots shall meet the requirements of Plates A-6 or A-7, set out at the end of this chapter, of the Memphis and Shelby County landscape and screening ordinance, modified as follows: The perimeter of all parking lots should be visually screened through the use of a six-foot high masonry, wrought iron-masonry combination, or ornamental wrought-iron fence and landscaping as detailed on Plates A-6 and A-7 set out at the end of this section, with an emphasis on any portions fronting a public street. All vegetation shall be irrigated with an automatic underground irrigation system.

4. Interior Landscaping. Interior landscaping is encouraged to be located within the interior of parking areas.

5. Pavement. All surface parking areas shall be paved with asphalt or concrete. All pre-existing building foundations shall be removed and the parking surface graded to provide positive surface drainage prior to pavement application.

6. Site Lighting. Site lighting shall be provided within parking lots. Surface parking lots shall not be

lighted using wall pack type fixtures. Site lighting should be pedestrian-scaled and architecturally compatible with lighting installed in adjoining areas. Site lighting shall also:

a. Be limited to the amount and intensity necessary for safety, security and to compliment architectural character. Lighting is not permitted which would spill onto, or interfere with the character of, the surrounding neighborhood;

b. Be indirect or incorporate full shield cut-offs where lighting is visible from adjacent properties or public rights-of-way to avoid spill-over to adjoining areas.

7. Parking Lot Striping. Surface parking stalls shall be delineated with painted strips and shall comply with other applicable city standards including marking for handicap parking spaces.

G. Loading and Refuse Screening.

1. Loading docks, solid waste facilities, recycling facilities and other service elements shall be placed to the rear or side yard of the building in visually unobtrusive locations with minimum impacts on view.

2. Screening shall be achieved through the use of walls, fences, and/or landscaping.

3. Refuse containers and facilities shall be hidden by an opaque wall or fence of sufficient height to screen the bin and any appurtenances, but not less than six feet in height. Walls and fences shall be constructed to match the architectural detail of the principal structure and contain a securable gate to minimize blowing refuse. Trash containers serving right-of-way uses shall not be located abutting residential property.

4. Recesses in the building and/or depressed access ramps may also be used for service areas. (Ord. 4971, 11-12-02; Code 1985 Appx. A § 35 (part); Ord. 3064, 10-7-80)

Sec. 16-92-9 Special exception requirements.

A. The land use control board shall have the authority to approve special exceptions in the applicable zoning districts of the south central business improvement district (SCBID) based upon the standards hereinafter set forth. Special exceptions shall be subject to the same general standards and specific guidelines as those for site plan review.

B. Procedures.

1. An owner or other person who has a contractual interest in the property may file an application with the office of planning and development. Information required for submittal shall include all items listed under Section 16-32-4(J), except a three hundred (300) foot radius vicinity map is required.

2. The land use control board shall hold a public hearing on the application no less than thirty-five (35) days nor more than seventy-five (75) days after an application is filed. Notice of the hearing shall be mailed to all property owners within three hundred (300) feet of the property.

3. The land use control board may by majority vote approve, approve with conditions or reject the application. The board may defer a decision until the next regular board meeting.

4. The office of planning and development or any individual appearing at the land use control board public hearing or who submitted written comments to the board may appeal the decision of the board to the city council. Such appeal shall be in writing to the director of planning and submitted within ten (10) working days of the board's decision. The city council shall, after the public hearing, approve the appeal, approve the appeal with conditions, or deny the appeal. (Ord. 4971, 11-12-02; Code 1985 Appx. A § 35 (part); Ord. 3064, 10-7-80)

Sec. 16-92-10 Sign regulations—Purpose.

The purpose of the sign regulations as set out in Sections 16-92-10 through 16-92-16 is: (1) to regulate the type, number, location, and physical dimensions of new and existing signs in the SCBID; and (2) to assure consistency with the Uniform Sign Code adopted by the center city commission. These regulations are designed to promote the health, safety and welfare of the district's residents and visitors by limiting potential obstructions and hazards to vehicular and pedestrian traffic and by enhancing the quality of the visual environment in residential and right-of-way areas. These regulations nevertheless recognize the importance of business related signage for advertisement purposes and allows flexibility for the individual expression of business owners. (Ord. 4971, 11-12-02; Code 1985 Appx. A § 35 (part); Ord. 3064, 10-7-80)

Sec. 16-92-11 Scope of sign regulations.

These regulations will govern new and existing signs within the six zoning districts of the SCBID known as the sports and entertainment district, south main district, riverside residential district, Bluffview residential district, south downtown residential district, and south downtown business park district. The following signs or sign elements are exempt from the provisions of this section but are subject to any other applicable laws and regulations:

A. Government signs required by federal, state, or local law;

B. Flags or emblems of any national, state, or local government unit, organization of nations, fraternal, religious or civic organizations;

C. Works of art which in no way identify a product;

D. Scoreboards located on athletic fields;

E. The content or copy of a sign, except that copy or content will be regulated under these regulations to the extent necessary to distinguish between off-premises and on-premise signs;

F. Gravestones;

G. Historical site plaques;

H. The display of street numbers;

I. Holiday decorations;

J. Temporary political campaigns or referendum signs including their supporting structures are permitted provided they are erected no longer than ninety (90) days prior to any election, and are not placed upon utility poles or within public rights-of-way. (Ord. 4971, 11-12-02; Code 1985 Appx. A § 35 (part); Ord. 3064, 10-7-80)

Sec. 16-92-12 Sign registration, permits and decals.

Registration, permits and decals for new and existing signs shall be required in accordance with the provisions of Chapter 16-112. Limited exceptions are allowed as specifically provided in these SCBID regulations. Prior to receiving a building permit, all signs in the SCBID shall be reviewed by the center city commission prior to a permit being issued. Signs applied for under the creative sign program shall be subject to approval of a special exception by the land use control board. Any special exception application shall include review comments by the center city commission. (Ord. 4971, 11-12-02; Code 1985 Appx. A § 35 (part); Ord. 3064, 10-7-80)

Sec. 16-92-13 General provisions for all signs within the six zoning districts of the SCBID.

A. Definitions.

"Above roof sign" means a sign which is displayed above the highest projection of the roof.

"Awning" means a roof-like structure that serves as a shelter, as over a storefront, window, door or deck.

"Banner" means a sign having the characters, letters, illustrations, or ornamentation applied to cloth, paper, or fabric of any kind with only such material for a backing.

"CCC" means the center city commission.

"Construction sign" means a temporary graphic placed on a construction site listing such information as contractor, engineer or architect.

"Doorway" means area set back from the public right-of-way enclosed or surrounded by show windows or walled sides of show windows, but not inside the establishment itself.

"Expressway" means a limited access highway to which access is restricted except by ramps and interchanges.

"Ground sign" means a display supported by uprights or braces in or upon the ground surface.

"Informational signs" means a graphic giving direction or information without advertising.

"Item of information" means any of the following: a syllable; an abbreviation; a number; a symbol; a geometric shape.

"Marquee" means a permanent roofed structure projecting over public property, attached to and supported by a building.

"Marquee sign" means a display sign attached to or hung from a marquee, canopy, or other covered structure projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.

"Off premise sign" means a sign which attracts attention to a product, service, commodity or entertainment which primarily is conducted, sold, produced or offered off the premises where the sign is located.

"Primary sign" means permanent signs that are highly visible to pedestrian and vehicular traffic and do not include roof signs, rooftop signs, sandwich boards, or window graphics. Ground signs and projecting signs are also considered primary signs.

"Primary wall sign" means a primary sign no higher than the second floor windowsills of the building to which it is attached.

"Projected sign" means a display sign which is attached directly to the building wall and which extends more than eighteen (18) inches from the face of the wall.

"Real estate sign" means a temporary graphic erected by the owner, or his or her agent, advertising the real property upon which the sign is located, for rent, for lease, or for sale.

"Roof graphic" means a sign that is displayed above the eaves and under the highest projection of the roof.

"Roof line" means either, the edge of the roof or the top of parapet, whichever forms the top line of the building silhouette and, where a building has several roof levels, such roof or parapet shall be the roof level belonging to that portion of the building where the sign is to be located.

"Sandwich board" means a permanent, portable sign meeting the criteria in subsection (B)(1)(q) of this section.

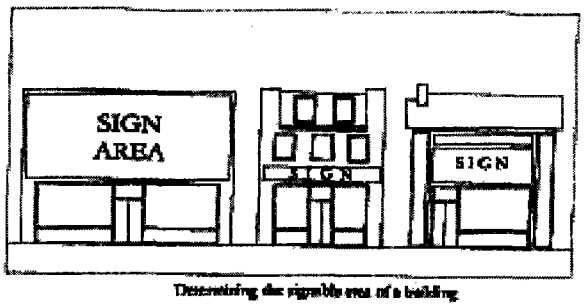
"SCBID" means the south central business improvement district.

"Sign" includes any announcement, declaration, or demonstration, display, illustration, or insignia used to

advertise or promote the intent of any person when the same is placed for the view of the general public.

"Signable area" means an area of the facade of the building below the roof line which is free of windows, doors or major architectural details and not higher than the lowest of the following: twenty-five (25) feet above the window sills of the second story, or the highest part of the building under the roof as illustrated in Exhibit 1.

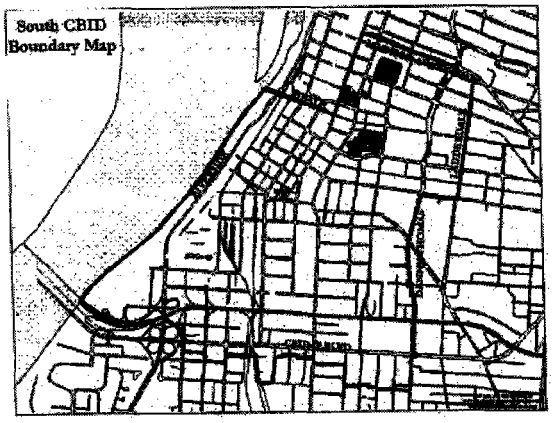
Exhibit 1



Determining the signable area of a building

"South central business improvement district" means the area generally bounded on the north by property fronting along the north side of Madison Avenue; on the east by Lauderdale Street, Vance Avenue and Danny Thomas Boulevard; on the south by property fronting along the south side of Crump Boulevard; and on the west by Mississippi River, except the Beale Street National Historic Landmarks District which is not included (See Exhibit 2).

Exhibit 2



"Temporary sign" means any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallpaper, or light material with or without frames, intended to be displayed for a limited period of time only.

"Wall sign" means a sign that is painted on or attached directly to the building wall and not more than eighteen (18) inches from the face of the wall.

"Window graphic" means a sign that is attached to or visible through a window.

B. Sign Standards.

1. General Sign Standards. All signs shall adhere to the following guidelines and size limitations except in cases where outstandingly creative design solutions are offered. In such cases, if a proposal incorporates unique or high quality materials (such as neon, hand painting, some metals, well-crafted wood), exterior lighting (such as floodlighting), unique shapes, and outstanding graphic composition, a sign exceeding the limits stated in these regulations may be approved. All signs should, however, be appropriately scaled to fit their context, and should complement the building on which they are located, and should not intrude upon any architectural detail.

a. Identification. All signs are encouraged to utilize creative approaches to property and business identification; however, signs should be used for identification only, not for the advertisement of services or products available within a building or site. The only exceptions to this are wall-painted signs and sponsored art work conforming with subsection (B)(1)(n) of this section.

i. Removal. When a business closes or re-locates, its sign shall be removed within three months of the date of close. If the sign has not been removed after six months, the property owner will be notified that the sign is noncompliant and will be formally requested to remove the sign. Unless the owner can provide a reason acceptable to the center city commission that the sign should be retained, the sign shall be removed immediately. If the sign has not been removed within one year of the close of the building or business, it can be removed by the city or the center city commission at the owner's expense.

ii. Disrepair. When a sign falls into disrepair or is abandoned, the CCC staff may notify the property owner that the sign is noncompliant and request that the sign be removed. Unless the owner can provide a reason acceptable to the center city commission that the sign should be retained, the sign shall be removed immediately. If the sign has not been removed within one year following notification, it can be removed by the city or the center city commission at the owner's expense.

b. Number of Signs. Any ground floor business is allowed two primary signs facing a public right-of-way; however, the area of the signs may not exceed the allowable size requirements as outlined in following subsections.

c. Single-Family Residential Signs. Signage for single-family homes is permitted per the requirements of the R-S zoning districts.

d. Upper Floor Tenants. Each ground floor leasable unit is considered separately for signage; however, upper floor tenants are not allowed signs at the ground level unless they have a separate entrance at the ground level fronting onto a public right-of-way. Upper floor tenants in all areas are allowed, as established below, window or door graphics on the ground level and window graphics at the floor on which they are located.

e. Multitenant Buildings. Multitenant buildings may incorporate a designation sign at the ground level that identities all of the tenants.

f. Size of Signs. The size of a sign will be determined the smaller of the following two measurements: (1) the area of a rectangle enclosing all elements of a sign, including any sign cabinet or edges of a cabinet; or (2) the sum total of all areas of all elements of a sign.

g. Wall Signs. Wall signs may be attached flat to or pinned away from the wall and may not project from the wall by more than eighteen (18) inches. In no case should a wall sign obscure architectural details, window openings, or other open area within a building facade.

i. Any activity may display one wall sign on each side of the building that fronts onto a public right-of-way.

ii. The size of an individual wall sign will be no more than forty (40) percent of the signable area of any building.

iii. If an activity in a building of two or more stories is a place of entertainment, a place of assembly for two hundred (200) or more people, a hospital, a hotel, or a majority tenant of the building, a sign may be placed on the wall near the roof line. In such cases, there is generally an area near the roof that is free of architectural detail; this area will be considered the signable area and no sign should exceed forty (40) percent of that area. Such signs are not considered primary signs and therefore, do not count against the size limitations of lower, primary wall signs.

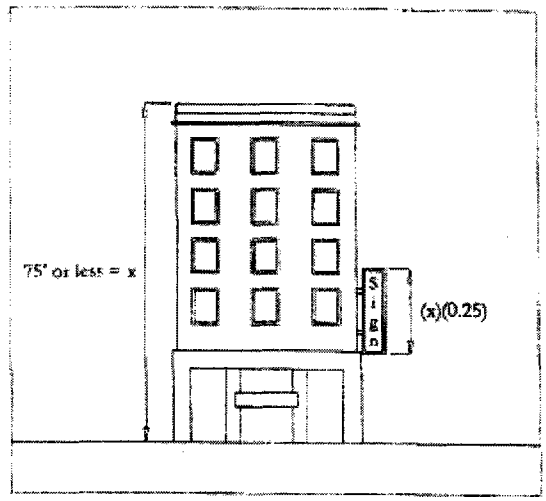
h. Projecting Sign. Any activity may display one projecting sign on each public right-of-way frontage. A projecting sign may not extend above the roof of the structure to which it is attached.

i. Projecting signs shall be mounted at right angles to the building facade except if the building is a corner building. On corner buildings, a projecting sign may be mounted at a forty-five (45) degree angle to the building; however, in such cases, the sign at a forty-five (45) degree angle would be the only projecting sign allowed for the activity.

ii. Projecting signs must clear the sidewalk by at least eight feet and shall project no more than four feet from the building face or one third of the sidewalk width (whichever is less). Marquee graphics are excluded from this constraint.

iii. The vertical axis of a projecting sign will be no more than twenty-five (25) percent of the height of the building to which it is attached if the building is seventy-five (75) feet tall or less, as shown in Exhibit 3.

Exhibit 3



Determining the height of a projecting sign

If the height of the building to which the projected sign is attached is greater than seventy-five (75) feet, then the vertical axis of the sign cannot exceed twenty (20) feet. The overall size of a projecting sign must adhere to Table 1 below.

Table 1

Length of Frontage on Public Right-of-Way	Total Allowable Signage
Less than 30'	20 square feet
30' to 49' 11"	30 square feet
50' to 60' 11"	40 square feet
70' to 99' 11"	50 square feet
100' and greater	60 square feet

i. Above-Roof Wall Signs. Wall signs above the roof are allowed only in two situations: on hotels, and when the tenant identified by the sign is a majority tenant within the building. An above-roof wall sign shall also comply with following criteria:

i. An above-roof wall sign may be attached to or pinned away from permanent portions of the building's structure that extend above what is traditionally considered to be the roofline of the building and may not project more than eighteen (18) inches from the wall to which it is attached. This type of sign should not extend above the highest projection of the roof, including elevator penthouses and mechanical enclosures. The size of the sign will be limited by the roof structure to which the sign is attached and will be no larger than forty (40) percent of its signable area.

ii. Above-roof wall signs are allow-ed only on buildings that are taller than fifty (50) feet in height.

j. Rooftop Signs. Signs above the highest projection of the roof are not allowed except as outlined in the standards for the sports and entertainment district.

k. Marquee Signs. Marquees are allowed only on theaters, other entertainment establishments featuring live performances, and places of assembly of two hundred (200) or more people (including restaurants and bars).

i. As a permanent structure attached to and projecting from a building, a marquee is very much a part of a building's overall design and must be integrated into the facade design. A marquee can project the entire width of the sidewalk, assuming there are not obstructions, but must clear the sidewalk by at least eight feet.

ii. Only individual letters or symbols should be placed on or attached to marquees. The area reserved for changeable copy should be no more than eighty-five (85) percent of each side of marquee. Changeable copy displayed on marquees is not included in the items of information calculation for the building or tenant.

iii. If an activity is eligible for a marquee, it may not have any other projecting sign.

l. Window Signs. Permanent window signs shall be affixed to the window and limited to twenty-five (25) percent of the total area of the window in which they are displayed. Temporary window signs shall be limited to fifteen (15) percent of the total window area.

m. Directional Signs. Directional signs do not count toward the allowable sign limit per activity. These signs can be vehicular or pedestrian oriented, but in no case, should they exceed a size of six square feet if oriented toward vehicles or three square feet if oriented toward pedestrians or a height of four feet. Directional signs should not be designed or situated as to provide a traffic or security hazard. In no case shall they be located within the public right-of-way.

i. Directional signage is allowed only purposes of wayfinding and may not be used for advertising.

ii. Directional signage must be kept to a minimum necessary to locate the intended destination.

n. Off-Premises Advertising. Permitted off-premises signs fall within only one of three categories: (1) wall painted signs; (2) sponsored artwork; (3) off-premises signs may be allowed in the sports and entertainment district at Autozone Park, Peabody Place and the Fed Ex Forum subject to approval by the center city commission under the creative sign program except a special exception will not be required. No other off-premises signs shall be permitted within the SCBID. Off-premises signs of all types shall be prohibited within the riverside residential district.

i. Wall painted signs are allowed only in the south main district. Wall painted signs must be on the side of buildings and must follow the guidelines and size restrictions for wall signs, subsection (B)(1)(f) of this section. When allowed, they are permitted only on buildings between two and fifteen (15) stories tall, not within two hundred (200) feet of any other wall painted off-premises sign and should not project from the face of the building wall.

ii. A current certificate of use and occupancy is required before a sign can be installed.

o. Awnings. All awning signs may be located on awnings in accordance with the following criteria:

i. Awnings should fit the opening of the building on which they are attached and not overlap the opening or multiple openings.

ii. Lettering on awnings can be placed on the vertical valance flap or on the sloped portion of the awning. Any lettering that is larger than three inches in height will be counted against the allowable amount of primary signage for the activity or property. In such cases, the area of the graphic will be determined by measuring the area of the smallest rectangle that encloses all of the elements of the graphic. The maximum signable area for awnings is thirty (30) percent of the awning's face.

iii. Illumination of awnings is allowed; however the illumination must be directed or focused toward the ground not upward creating the effect of an oversized illuminated sign. Lighting external to the awning is also allowed.

p. Canopies. Signage may be located on canopies in accordance with the following criteria:

i. Lettering on canvas or other fabric-type canopies should not be greater than six inches in height and should be located only on vertical surfaces and not on sloped or curved sections of the canopy. The front piece of a canopy may present an opportunity to prominently display a graphic symbol or logo with lettering no greater than six inches in height. Illumination of fabric-type canopies is

allowed from the exterior or from within only if it is directed downward to the ground.

ii. Larger identification or signage on canopies may be allowed subject to approval of the center city commission.

q. Sandwich Board. One sandwich board sidewalk sign is allowed for each business establishment not to exceed more than one per thirty (30) feet of frontage. A sandwich board can also identify multiple tenants on one sign. All such signs shall be designed to be folding in nature and must be removed at the close of business each day. The size of each face of a sandwich board shall not exceed twelve (12) square feet and the overall sign shall be no taller than four feet. A sandwich board within the public right-of-way must be such that at least five feet of unobstructed sidewalk width remains between the curb and the building front.

r. Banners. Banners on streetlights are allowed throughout the sports and entertainment district. Banners attached to buildings are allowed only within the sports and entertainment district. Standards for building banners are included within the individual district sections of this sign code.

i. Street banners are permitted only for nonprofit organizations or governmental entities. No for-profit, commercial enterprises will be allowed to hang banners to advertise or to promote their businesses, merchandise, products or services.

ii. Banners should generally be event-oriented. For events lasting one week or longer, banners may be installed thirty (30) days prior to the event. All banners must be removed within fourteen (14) days of the conclusion of the event. If banners are not removed within the required time frame, and if city crews perform removal, the organization will be assessed the cost and may be denied future banner requests.

iii. The name of a for-profit sponsor organization or event may appear at the bottom of a banner in letters no more than one inch high and occupying no more than ten (10) percent of the overall area of the banner. Logos may be permitted within that area.

iv. Banners shall be a maximum of five feet in length and thirty (30) inches wide. The minimum distance from the bottom of the banner to the top of the curb shall be twelve (12) feet unless it is installed on an existing mechanism that is currently part of the public infrastructure.

v. Coordination with the city engineer is necessary before any banner is installed on a street light.

vi. Installation and removal of banners is the responsibility of the sponsoring organization, but must be performed by a licensed sign company with proof of adequate liability insurance.

vii. Maintenance and replacement of damaged or missing banners is the responsibility of the sponsoring organization for the duration of the banners' display and shall be addressed in a timely manner.

s. Illumination. Internally illuminated signs in which the background color is darker than the color of the graphics is encouraged. Exterior illumination, such as floodlights or spotlights, shall be positioned so that none of the light shines onto an adjoining property or in the eyes of motorists or pedestrians. For the purposes of these guidelines, neon-type lighting is considered external illumination.

i. Signs with marquee or bare bulb illumination shall not be located within sixty (60) feet of any other similar sign or within five hundred (500) feet of any residential building. Exposed fluorescent tubes are not permitted.

ii. There are no limits on neon tube illumination as a part of a sign. Decorative neon accents intended to illuminate a building should be utilized only on nonhistoric structures and should not obscure any architectural details.

iii. Signs are not required to be lit but in the event illumination is added, it must conform to this sign code.

t. Mechanization. Mechanized signs that incorporate moving elements shall not be located within sixty (60) feet of another similar sign or within five hundred (500) feet of any residential building.

u. Vehicles. Any sign painted or adhered to a vehicle that remains parked in front of any business establishment for the purposes of permanent advertising in the SCBID is subject to review in accordance with the creative sign program.

v. Temporary Signs. Temporary signs may be installed for a predetermined length of time and must be removed at the end of that time period. The predetermined length of time must be approved by the center city commission. Temporary signs may be wall signs, window signs, or banners but in no case should a temporary sign obscure any architectural detail or a building. Temporary signs shall be installed in an unobtrusive manner so that their removal does not damage a building facade.

i. For sale and for lease signs do not require approval of the center city commission if they are limited to one sign for each available space or building frontage and are five square feet or smaller.

ii. Tethered signs such as blimps or balloons shall be reviewed by the center city commission and shall conform to the center city commission sign code.

2. Special Provisions for SCBID Zoning.

a. Sports and Entertainment District. All signs within sports entertainment district, in addition to the general SCBID sign standards, shall adhere to the following guidelines and limitations:

i. Signs on Parking Structures. These types of facilities may incorporate signs that exceed the size limitations established previously, however, in no case shall a sign attached to a parking structure cover any portion of a window opening or open area of the facade. One primary sign shall be allowed on each side of a parking facility that fronts onto a public right-of-way. The allowable size of signs under this subsection differs from the general SCBID sign standards in the following ways; a wall sign may be sixty (60) percent of the signable area; a projecting sign may be no taller than thirty-five (35) percent of the overall height of the parking structure if the parking structure is less than eighty-five (85) feet tall, although it may not extend above the second highest level of parking. If the parking structure exceeds eighty-five (85) feet in height, then the projecting sign is limited to a vertical axis of thirty (30) feet. The size of a projecting sign is limited to the allowable square footage in Table 1, set out in subsection (B)(1)(h)(iii) of this section.

ii. Banners. The name of a for-profit sponsor organization or event may appear at the bottom of a banner occupying no more than twenty-five (25) percent of the overall area of the banner. Logos may be permitted within that area. Banners shall be a maximum of eight feet in length and either twenty-four (24) inches, thirty (30) inches or thirty-six (36) inches wide. The minimum distance from the bottom of the banner to the top of the curb must be at least twelve (12) feet unless it is installed on an existing mechanism that is currently part of the public infrastructure.

iii. Rooftop Signs. Signs projecting above the highest point of the roof or rooftop structure are permitted within the sports and entertainment district if approved as a special exception in accordance with the creative sign program and shall be in conformance with of the center city commission's sign code. Rooftop signs are only allowed on buildings that exceed forty (40) feet in height. Signs must identify the name of the property or the majority tenant. Signage must consist of individual lettering attached to a minimally visible frame. The horizontal length of the sign shall not exceed fifty (50) percent of the length of the roof on the side of the building where the sign is located. The total area of the sign shall not exceed three hundred fifty (350) square feet.

b. Gayoso-Peabody/Cotton Row. The guidelines for the Gayoso-Peabody/Cotton Row historic district shall apply to signs within the sports and entertainment district which are also located within the Gayoso-Peabody/Cotton Row historic district and shall conform to the following additional standards:

i. Projecting Signs. Projecting signs in Gayoso-Peabody/Cotton Row shall not extend above the second floor windowsills of the building to which they are attached.

ii. Illumination. If lit, all signs within the Gayoso-Peabody/Cotton Row must be externally illuminated.

iii. Awning Signs. All awning signs within Gayoso-Peabody/Cotton Row shall follow the criteria in subsection (B)(1)(o) of this section. All awning signs shall be subject to approval of a certificate of appropriateness by the landmarks commission.

c. South Main. All signs within the south main district shall comply with the general SCBID standards and shall adhere to the following additional guidelines and limitations:

i. Illumination. All signs within the south main district must be externally illuminated.

ii. Awning Signs. All awning signs within the south main district shall follow the criteria in subsection (B)(1)(o) of this section. All awning signs shall be subject to approval of a certificate of appropriateness by the landmarks commission.

d. Riverside Residential District. All signs within the riverside residential district, in addition to the general standards, shall adhere to the following guidelines and limitations:

i. Size of Signs. No sign within the riverside residential area shall be larger than thirty (30) square feet.

ii. Wall Signs. Wall signs within the riverside residential area shall be no larger than thirty (30) percent of the signable area.

iii. Wall Signs Above the Roof. Wall signs above the roof are not allowed.

iv. Projecting Signs. Projecting signs in the riverside residential area shall be no larger than thirty (30) square feet.

v. Off-Premises Signs. Refer to subsection (B)(1)(n) of this section.

vi. Illumination. If lit, all signs within the riverside residential area must be externally illuminated.

vii. Awning Signs. All awning signs within the riverside residential district shall follow the criteria in subsection (B)(1)(o) of this section. (Ord. 4971, 11-12-02; Code 1985 Appx. A § 35 (part); Ord. 3064, 10-7-80)

Sec. 16-92-14 Existing nonconforming signs.

A. Any sign that was in existence on the effective date of this sign code which violates or does not conform to the current provisions but was constructed, erected, or maintained in accordance with the requirements of previously existing ordinances or regulations, shall be regarded as a nonconforming sign.

B. No nonconforming sign shall be changed or altered in any manner which would increase the degree of its nonconformity; be expanded; structurally altered to prolong its useful life; or removed in whole or in part to any other location where it would be nonconforming. (Ord. 4971, 11-12-02; Code 1985 Appx. A § 35 (part); Ord. 3064, 10-7-80)

Sec. 16-92-15 Sign permit procedure.

A. Any owner or other person who has a contractual interest in the property shall apply for a sign permit with the office of construction code enforcement. The applicant for a sign permit shall provide such information as is needed to determine conformance with these SCBID regulations, Chapter 16-112 and Chapter 12-36 of this code.

B. Upon receipt of a complete application for a sign permit, code enforcement shall send a copy of the sign permit application to the center city commission for their review and comment. The center city commission shall submit comments to the office of construction code enforcement within fourteen (14) days of receiving a complete application. Construction code enforcement shall approve or reject the application based on the SCBID zoning regulations and comments provided by the center city commission within ten (10) days of receiving comments from the center city commission. (Ord. 4971, 11-12-02; Code 1985 Appx. A § 35 (part); Ord. 3064, 10-7-80)

Sec. 16-92-16 Creative sign permitting.

A. Process for Creative Sign Permitting. A special exception shall be submitted for a creative sign subject to the procedures for a special exception in the SCBID regulations, including review comments from the center city commission. A business owner may apply to the center city commission for a creative sign permit, allowing the installation of a sign that does not comply with the general provisions of Sections 16-92-10 through 16-92-16, but makes a positive impact on the visual environment due its creative design.

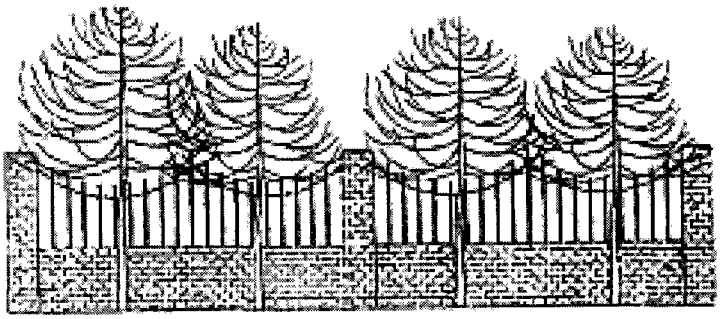
B. The following signs are not eligible for a special exception:

1. A sign that will cause obstruction to vehicular, bike, or pedestrian traffic;

2. A sign that will cause undue distraction to vehicular, bike or pedestrian traffic, resulting in hazardous conditions;

3. Proposed materials, construction or design of the sign is shown to be faulty and may result in falling pieces, sharp edges, or otherwise dangerous parts;

4. A sign that the city council has previously rejected. (Ord. 4971, 11-12-02; Code 1985 Appx. A § 35 (part); Ord. 3064, 10-7-80)



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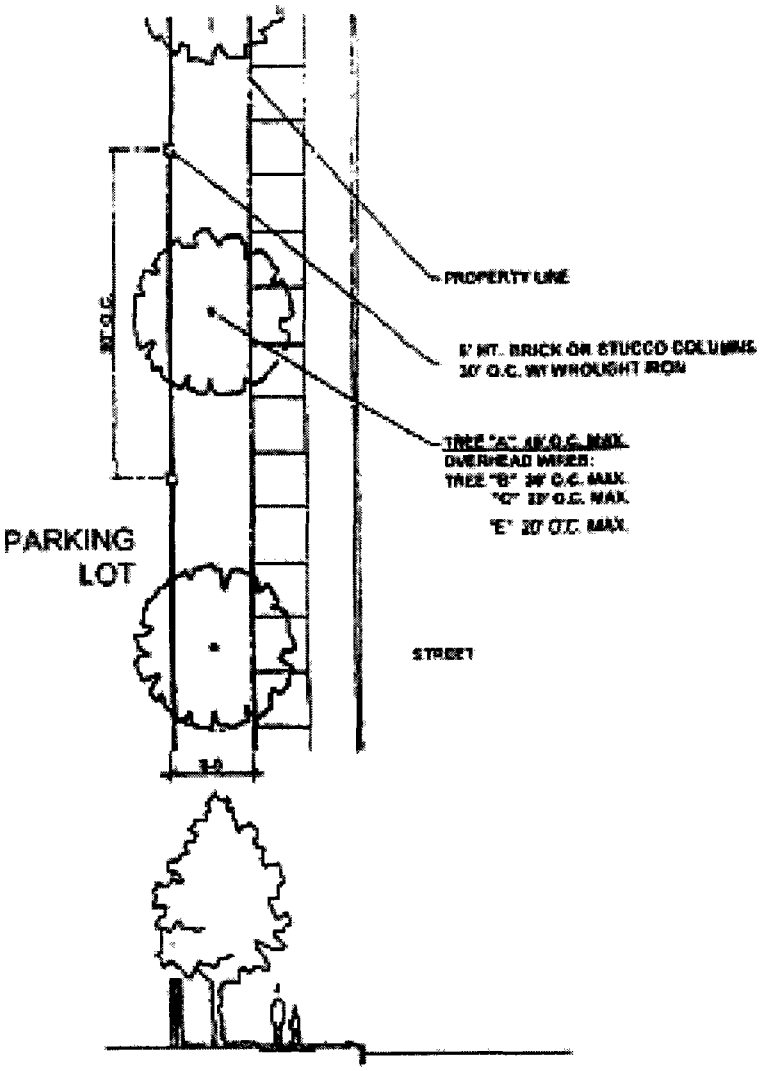
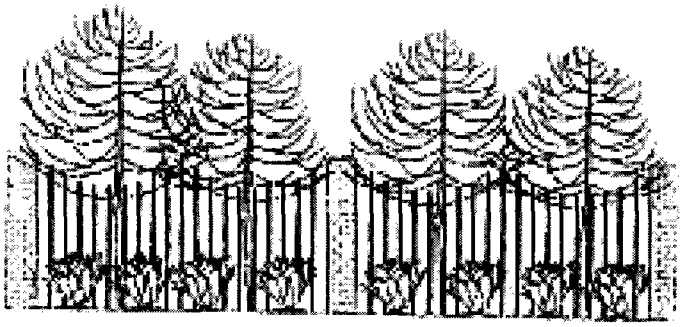


Plate A-6



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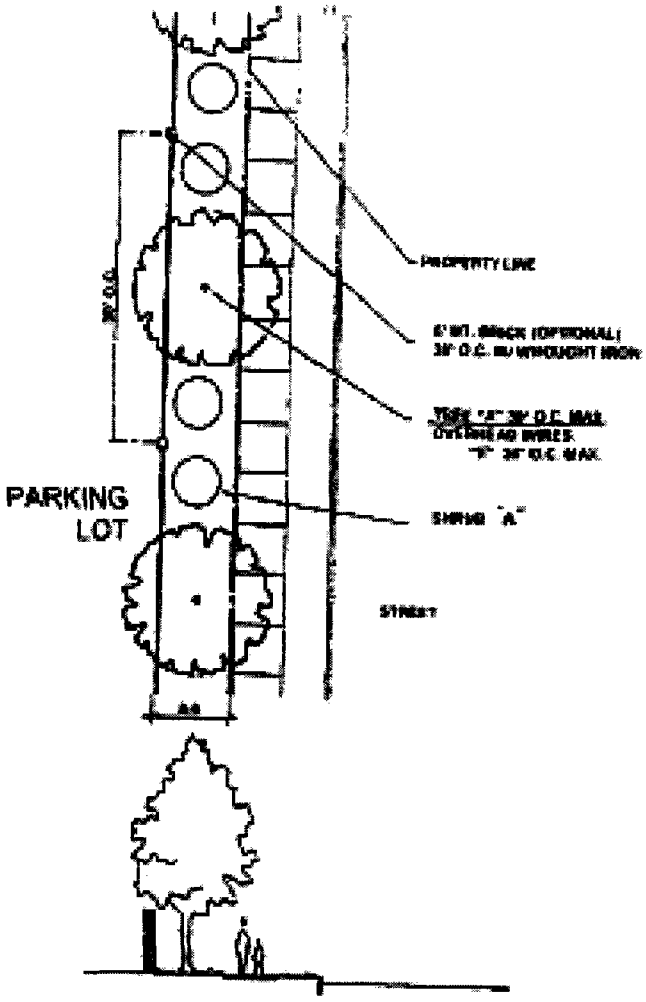


Plate A-7

Chapter 16-96

SPECIAL PURPOSE DISTRICTS

Sections:

16-96-1	**CTSD Cordova town centre special district.**
16-96-2	**H hospital district.**
16-96-3	**CU college and university district.**
16-96-4	**FW floodway district.**
16-96-5	**P parking district.**
16-96-6	**RH-O residential home overlay district.**
16-96-7	**SMSD South Main special district.**

Sec. 16-96-1 CTSD Cordova town centre special district.

A. Purpose. The purpose of these districts is to provide zoning classifications for land consistent with the policies and intent of the Cordova town centre plan approved and adopted April 5, 1994, by the Memphis city council and March 21, 1994, by the Shelby County board of commissioners and to promote and encourage the development and redevelopment of these lands in accordance with the design features of traditional neighborhoods and small towns.

These goals and design principles include among others, the following:

1. To promote and provide for the creation of distinct, identifiable new neighborhoods that exhibit the site design features common to traditional neighborhoods and small towns and are generally characterized by a core area of community commerce and civic activity conveniently accessible by pedestrians from the surrounding residential areas;

2. To foster innovative land development practices which will enhance and improve the public health, safety and general welfare; and discourage conventional, use segregated development such as self contained suburban subdivisions or disconnected, nonintegrated strip commercial centers;

3. To encourage development with a mix of lot sizes and a diversity of housing types, including the use of a mix of residential use above ground level commercial and office space in the town centre;

4. To advocate the development of places that are responsive to the human scale, where destinations are designed to encourage pedestrian activity, stimulate increased social interaction and engender a sense of place;

5. To produce a street system for the Cordova town special district designed to provide a functioning pattern of public roadways connecting all activities within neighborhoods in the district and to neighborhoods beyond Cordova town centre special district. Special attention is paid to ensure that pedestrian and bicycle paths provide active linkage within Cordova town center and to adjacent developments.

B. Applicability. The standards set forth in this section are to be considered minimum standards only, and shall not be construed to be the sole basis for approval of or a grant by right to proceed with development.

The land use control board or the legislative body may require more stringent standards if it determines that there are unique characteristics of the proposed development and/or the surrounding properties that warrant the application of additional standards.

Further, for the purpose of these regulations, the provisions of this section shall apply only to the use and development of land within the existing Memphis city limits on December 17, 1996, and within the Cordova town centre area as outlined in the Cordova town centre plan or as otherwise amended by the Memphis city council. The applicability of these regulations shall be mandatory when any construction, reconstruction, or public improvements are made within the Cordova town centre area that result in a change of use of the property, (that being from residential to any nonresidential use, vacant to a use other than a single residential use, or the subdivision of land or other development approval that would increase the number of dwelling units currently on a single tract of land). It shall not apply to accessory residential structures to existing uses, new single residential construction on existing lots of record, or the construction of additions or reconstruction of existing structures. The continued use and maintenance of existing uses and structures and the new construction and/or use of accessory structures and uses shall be permitted in accordance with the applicable provisions of the RS-15 single-family district, except for agricultural uses, which shall be subject to the AG agriculture district. Except as covered here, the subdivision regulations and zoning district regulations shall apply (Section 16-52-2 (B)(1) and (2)).

C. Permitted Uses.

1. Cordova town center:

a. Residential land uses including single-family attached and detached dwellings, duplex, townhouse or multiple-family dwellings;

i. The net residential density within the district shall not exceed fifteen (15) units per acre.

ii. Residential dwellings may be constructed as part of a commercial structure, provided dwellings are located above the ground floor and do not occupy greater than sixty-six (66) percent of the gross floor area.

b. Commercial land uses shall be limited to the following:

i. Banks and other financial services,

ii. Offices,

iii. Retail sales,

iv. Personal and professional services,

v. Restaurants without drive-through facilities,

vi. Bed and breakfast establishments,

vii. Art studios and galleries,

viii. Neighborhood motor vehicle service station;

c. Community or institutional facilities:

i. Community clubs and centers,

ii. Churches,

iii. Cemeteries,

iv. Libraries,

v. Day care centers,

vi. Community parks and common open space.

2. Cordova village residential:

a. Single-family detached dwellings;

b. Community and institutional facilities as permitted in subsection (C)(1)(c) of this section, except for day care centers as a principal use.

3. Cordova countryside residential:

a. Single-family detached dwellings;

b. Community and institutional facilities as permitted in subsection (C)(1)(c) of this section, except for day care centers as a principal use.

D. Accessory Structures and Uses.

1. General standards: all accessory structures and uses as provided for the R districts in accordance with Chapter 16-104 of the zoning ordinance to include:

a. One accessory dwelling not to exceed five hundred (500) square feet in floor area;

b. One home-based office not to exceed five hundred (500) square feet in floor area.

2. Agricultural Activities. Agricultural uses as specified in Chart 1, set out at the end of this title, of the zoning ordinance including the keeping of livestock for personal use shall be permitted as an accessory use on tracts of four acres or more in the countryside residential district.

3. Parking. The minimum required number of parking spaces shall be shown on all non-single-family site plans and on the typical residential lot designs.

Parking shall be regulated as follows:

a. Single-family detached: two spaces per dwelling unit.

b. One additional parking space shall be required for an accessory use dwelling (granny flat) where a tandem space is acceptable.

c. On-street parking may be counted toward the total number of required spaces in non-single-family are directly in front of the structure applying for the use of the parking.

d. Commercial uses: three spaces per one thousand (1,000) square feet of floor area.

e. Office uses: two spaces per one thousand (1,000) square feet of floor area.

f. Townhouses: one and three-fourths (1.75) spaces per dwelling unit.

g. Garden apartments and mid-rise multifamily: in the town center core area, one and one-fourth for each dwelling unit with one or less bedrooms, one and one-half for each dwelling unit with two or more bedrooms.

h. Commercial parking in addition to on-street parking shall be located in areas to the rear or side of a commercial business.

i. All parking lots shall be landscaped around the perimeter with plate A-3 or an equivalent.

j. All loading facilities shall be located away from public view and shall be screened from view of the public roads and adjacent properties.

4. Signs. Signs are an accessory use to any permitted use in the CTSD.

a. Signs Permitted.

i. Residential Areas.

(A) Maximum total area:

(1) Institutions: thirty-five (35) square feet.

(2) Residential: one square foot.

(B) Maximum number:

(1) Institutions: two.

(2) Residential: one.

(C) Lighting. Institutional uses use indirect lighting for signs, no back lighted signs shall be permitted, and light fixtures shall be directed away from adjacent properties and the public right-of-way.

ii. Nonresidential Areas.

(A) Attached signs:

(1) Maximum number: two.

(2) Maximum size: twenty-four (24) square feet.

(3) Maximum height: fifteen (15) feet.

(B) Location:

(1) Front facade;

(2) Side facade;

(3) Windows;

(4) Awning;

(5) Projecting.

(C) Detached signs:

(1) Maximum size: twenty-four (24) square feet.

(2) Maximum height: eight feet.

(3) Maximum number: one per street frontage.

(D) Building directory signs:

(1) Maximum size: three square feet.

(2) Number: one per building that contains multiple tenants.

(E) Other. No individual tenant identification shall exceed one square foot.

b. Prohibited signs:

i. Billboards, off-premises advertising signs;

ii. Portable or temporary signs including those mounted on movable skids or wheels;

iii. Signs on roofs, dormers and balconies;

iv. Signs employing mercury vapor, low pressure and high pressure sodium, metal halide lighting, plastic panel rearlighted signs.

c. Special Sign Standards.

i. Projecting signs:

(A) Maximum size: six square feet.

(B) Number: one per building.

(C) Ground Clearance. The distance between the lower edge of the sign and the ground shall be no less than ten (10) feet.

(D) Maximum Projection. No sign shall project more than three feet from the facade of the building to which it is attached. No sign shall project over the street right-of-way.

ii. Awning signs:

(A) Maximum size:

(1) Twenty-four (24) square feet if used as principal attached sign;

(2) Four square feet if it is an auxiliary sign and must be on valance of awning.

(B) Number. When it is the principal sign it is counted as one of the permitted attached signs per business.

(C) Lighting.

(1) Awning shall not be translucent and back lighted.

(2) Awnings may be indirectly lighted from unexposed sources.

iii. Detached Signs. A permitted detached sign shall be setback ten (10) feet from the street right-of-way line.

iv. Special Signs. Restaurants and cafes shall be permitted one of the following in addition to any other permitted signs:

(A) A wall mounted menu sign not exceeding two square feet;

(B) A sandwich board sign not exceeding five square feet shall be located within four feet of the business entrance, but not on public right-of-way.

E. Bulk Requirements.

1. Cordova Town Center Commercial. The following general requirements shall apply for commercial buildings and shall be used with site plan review procedures of the land use control board.

a. Maximum building height: three stories or forty-five (45) feet.

b. Minimum Building Height. The predominant height of buildings shall be at least two stories or twenty-eight (28) feet. Single story buildings shall be a minimum of eighteen (18) feet in height.

c. Commercial buildings shall be built with a minimum of seventy (70) percent of the front facade at the building setback line. Direct pedestrian access at grade from public walkways into commercial business shall be required.

d. Restaurants and cafes may provide outdoor service provided such service and seating area is located within twenty (20) feet of the front building facade, or is located in courtyards at the rear or side of the building.

e. Buildings shall be setback a minimum of ten (10) feet.

f. Setback of a nonresidential use abutting single-family shall be a minimum of ten (10) feet.

g. Commercial and multifamily refuse containers shall be located away from and completely screened from view from adjacent properties and public roads.

h. On commercial and office buildings, utility features such as electrical wiring and meters shall also be located away from public view and shall be screened using architectural features or landscaping.

i. On commercial and office buildings, all heating and air conditioning equipment including that located on the roof shall be screened through the use of integrated architectural features and/or landscaping.

j. The land use control board may impose further bulk requirements at the time of subdivision, subject to the final approval by the city council.

2. Cordova Town Center Residential. The bulk requirements for residential uses shall be governed by the townhouse (RTH) district regulations except as follows:

a. Front yard requirements:

i. Cordova Road: twenty (20) foot setback is preferred.

ii. Macon Road: ten (10) foot setback is preferred.

iii. All other streets: ten (10) foot setback is preferred.

b. Side yard requirements: five-foot minimum.

c. Rear yard requirements:

i. For accessory structures and rear access garages from private drives: five feet.

ii. For principal structures: twenty-five (25) feet.

d. Maximum building height: forty (40) feet.

3. Cordova Village Residential. In the Cordova village residential (CTVR) district the requirements of the single-family (RS-8) district shall apply except as follows:

a. Lot area: a minimum of eight thousand (8,000) square feet. Lots smaller than eight thousand (8,000) square feet may be permitted, provided an area equal to the difference between the minimum required and the actual lot size is set aside in common open space approved by the land use control board. However, in no event shall a lot be less than six thousand (6,000) square feet in area. Such open space as is provided in accordance with this provision shall be in addition to the requirements of subsection F of this section, open space. Further, lot sizes should vary in size within each development.

b. Lot width: forty (40) feet minimum.

c. Lot depth: one hundred twenty (120) feet minimum.

d. Yard requirements:

i. Front Yard. On collector or arterial streets, thirty (30) foot setback is preferred. On all local or smaller streets, twenty (20) foot setback is preferred. On lots with depths greater than one hundred seventy-five (175) feet and a lot are greater than fifteen thousand (15,000) square feet the front yard setback may be greater than the minimum twenty (20) feet. If front yard access is provided, garage entrances shall be setback an additional ten (10) feet behind the front face of the dwelling.

ii. Side yard: five feet.

iii. Rear yard: for the principle structure, twenty-five (25) feet. For accessory structures and rear access garages from private drives, five feet.

4. Cordova Countryside Residential. In the Cordova countryside residential (CTCR) district the bulk regulations of the single-family (R-S15) district shall apply except as follows:

a. Lot area: a minimum of fifteen thousand (15,000) square feet.

b. Lot width: eighty (80) feet minimum.

c. Lot depth: one hundred twenty-five (125) feet minimum.

d. Yard Requirements.

i. Front yard: thirty (30) foot setback is preferred. On lots with depths less than one hundred seventy-five (175) feet and a lot are greater than twenty thousand (20,000) square feet the front yard setback may be greater than the minimum twenty (20) feet. Garage entrances shall be setback twenty (20) feet from front face of the dwelling.

ii. Side Yard. The side yard shall produce a twenty (20) foot minimum between structures with a minimum five feet per side.

iii. Rear yard: twenty-five (25) feet.

iv. Accessory: twenty (20) feet behind the front face of the dwelling and shall maintain a five-foot side and rear yard setback.

5. Other Bulk Requirements.

a. Electric Utilities. Electric distribution within developments shall be provided by means of underground service within town center (CTC) and village (CTV) districts. Overhead electrical distribution shall be permitted within the countryside (CTCR) district; however, overhead service to individual lots shall not be permitted. Transformer pads and enclosures shall be located behind the front face of the building.

b. Building, Other. All mechanical apparatus, refuse containers, utility meters, conduit, A/C units and other utility elements shall be located to the rear, away from public view. Similarly, plumbing and mechanical vents shall be located to the rear of roofs away from view of the public street whenever feasible.

c. Building Relationship to Street. Buildings shall be located to front toward and relate to public streets, or public spaces, both functionally and visually.

d. Fences and Walls. Walls and fences shall be architecturally compatible with the style, materials and colors of the principal building on the same lot. Stone walls or brick walls with a stone or cast stone cap are encouraged. Solid wooden fences a maximum of six feet in height are permitted in rear and side yards only.

6. Site Lighting. Site lighting shall be provided in a manner which enhances the security and convenience of businesses and their patrons while avoiding, to the extent possible, the conflict of intense lighting glaring onto residential uses.

a. Maximum height: twenty (20) feet.

b. Lighting shall be directed downward and away from residential areas.

c. Light standards and fixtures should be designed to complement the street light standards.

F. Streets, Rear Service Drives, and Access.

1. The street system should generally consist of a rectilinear pattern of blocks with a hierarchy of public streets and private rear service drives, well configured greens, and landscaped right-of-way with facilities for automobiles, public transit, bicycles and pedestrians woven into the pattern of the town center and dedicated to collective social activity, recreation and visual enjoyment.

2. The street layout should form an interconnected system of streets primarily in a rectilinear grid or modified grid pattern. The use of cul-de-sacs and other roadways with a single point of access shall be permitted only when topographic features or existing structures prohibit the extension of the street. Blocks should be designed to have

a maximum length of six hundred (600) feet, from intersection to intersection, and shall either continue through an intersection, or terminate in a "T" intersection directly opposite the center of a building lot, an internal open space area, or a view into a peripheral open space area.

3. No individual parcel shall be developed without providing access to abutting properties to insure that those properties can fully development under the provisions of these regulations. This shall include the provision of stub streets to any abutting property.

4. Private rear service drives are a preferred element in the design of town center (CTC) and village residential (CTVR) district developments.

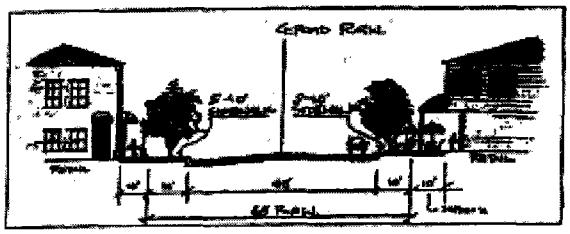
5. Rear service drives shall be private, common open space, owned and maintained by a property owner's association and must be eighteen (18) feet in width.

6. Access for lots with less than fifty-one (51) feet of frontage at the building line shall be provided by means of a rear service drive giving access to the rear of lots.

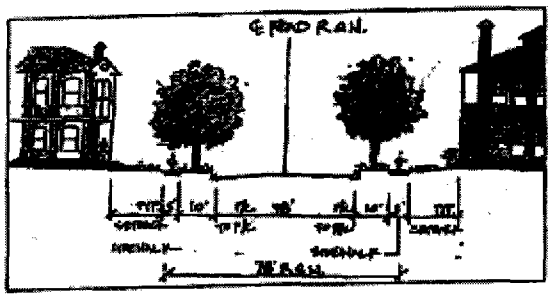
7. Street Lights. City standard decorative street light fixtures and poles shall be provided (i.e. post top or pendant lighting). The city shall pay the additional cost over and above the cost of standard lighting.

8. Typical street cross-section:

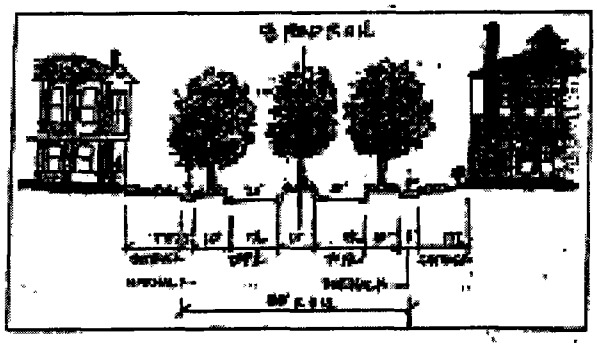
a. Street A: Commercial Collector [Macon Road - Dexter Lane].



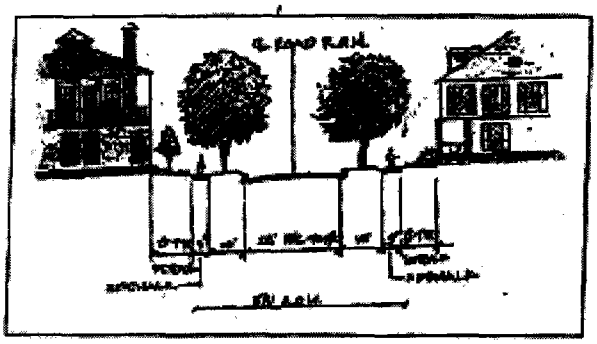
b. Street B: Residential Collector [Macon Road - Dexter Lane - Cully Road - Sanga Road].



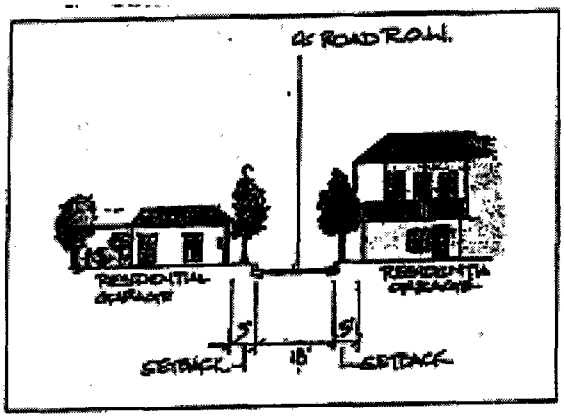
c. Street C: Residential Parkway [Optional - Subject to Site Plan Review].



d. Street D: Minor Residential Street [All Other Existing and Future Streets].



e. Street E: Rear Service Drive.



G. Open Space.

1. Open space shall be provided as an integral part of any development within the Cordova town special district

including the town center district, village residential district and countryside district.

2. Open space shall be provided at the rate of two hundred eighty-five (285) square feet of land for each dwelling unit (except granny flats), or for nonresidential use the open space shall equal fifteen (15) percent of the gross land area of the development site. Landscaped area located in street medians may be considered in calculating open space. Residential developments of less than ten (10) lots and developments with a net density of two and one-half units per acre or less, provided that not more than twenty (20) percent of the lots are not less than fifteen thousand (15,000) square feet will be exempt from the open space requirements.

3. Open spaces shall be designed functionally to provide active gathering spaces for all residents of the development and shall include places for walking, sitting, social interaction and informal recreation. Each open space area shall contain a minimum of five hundred (500) contiguous square feet and shall be a distinct geometric shape (generally a square, circle or rectangle).

4. Open space shall be bordered and defined by at least two public streets and shall have buildings facing and not backed to designated open space.

5. Open spaces shall be landscaped. A minimum of fifty (50) percent of the open space area is to be covered by trees, shrubs, lawns, and ground cover with a minimum of one Tree 'A', shade tree as specified in Chapter 16-12, landscape requirements, for each five hundred (500) square feet of landscaped area.

6. Street trees shall be planted by the developer along each side of all streets. Street trees shall in general be selected and planted so as to a provide for a diverse yet uniform, identifiable, streetscape and not a random planting of a variety of tree types. Tree selection should be consistent in size and type with Tree 'A' from Chapter 16-12, landscape requirements.

7. A landscape and site lighting plan for multifamily or nonresidential development shall be required. All areas of a site not occupied by buildings or other impervious surfaces shall be landscaped with trees, shrubs and other ornamental plant materials. Landscape plans shall to the extent possible be designed to produce a unified, complimentary appearance from one development site to the next.

H. Definitions. In the interpretation of this title, the provisions and rules of this chapter shall be observed and applied, except when the context clearly requires otherwise. In case of any difference of meaning or implication between the text of this title and any caption, illustration or table, the text of this chapter shall control.

"Accessory dwelling" means a year-round housing unit not exceeding five hundred (500) square feet, with cooking facilities, sanitary facilities and an independent means of access, either attached to a single-family unit or located on the same lot as a single-family unit, and requiring one on-site parking space.

"Alley or service drive" means a private street located through the interior providing vehicular and service access to the side or rear of properties.

"Bed and breakfast inn" means an establishment providing lodging and meals, containing not more than seven rooms for let and requiring one and one-half parking spaces per room.

"Buffer" means an area within a property or site, generally adjacent to and parallel with the property line, either consisting of existing natural vegetation or created by the use of trees, shrubs, berms and/or fences, and designed to limit views and sounds from the development tract to adjacent properties and vice versa.

"Caliper" means the diameter of a tree trunk measured in inches, six inches above ground level for trees up to four inches in diameter and measured twelve (12) inches above ground level for trees over four inches in diameter.

"Common open space" means a parcel or parcels of land or an area of water, or a combination of land and water, including floodplain and wetland areas, within a development site and designed and intended for the use and enjoyment of residents of the development and, where designated, the community at large. The area of parking facilities serving the activities in the common open space may be included in the required area computations. Common open space shall not include:

1. The land area of lots allocated for single-family detached dwellings, single-family semi-detached dwellings and duplex dwellings, including front yards, side yards and rear yards, whether or not the dwellings are sold or rented;

2. The land area of lots allocated for apartment and townhouse dwelling construction, including front yards, side yards, rear yards, interior yards within fifteen (15) feet of dwelling structures, and off-street parking facilities whether or not the dwellings are sold or rented;

3. The land area of lots allocated for total commercial use, including front yards, side yards, rear yards and parking facilities whether or not the commercial facilities are sold or rented;

4. Street right-of-way, driveways, off-street parking and service areas, except the landscaped central median of boulevards.

"Elevation" means the exterior facade of a structure, or its head on view or representation.

"Focal point" means a point terminating a vista or view, often at the end of a straight street or coinciding with a bend.

"Front porch" means a front porch is an un-air conditioned roofed structure attached to the front of a house. The front porch will have a minimum depth of five feet and minimum width of six feet. Side and rear porches are not subject to these requirements. A front porch may include ramps for handicapped access.

"Gateway" means a principal point of entrance into a district or neighborhood.

"Gateway building" means a building located at a gateway and which dramatically marks this entrance or transition through massing, extended height, use of arches or colonnades or other distinguishing features.

"Human scale" means the relationship between the dimensions of a building, structure, street, open space, or streetscape element and the average dimensions of the human body.

"Internal open space" means a component of the common open space network, comprising one or more parcels with a minimum area of five hundred (500) square feet, of a distinct geometric shape, and bounded by streets with curb side parking.

"Linkage" means a line of communication, such as a pathway, arcade, bridge, lane, etc., linking two areas or neighborhoods which are either distinct or separated by a physical feature (i.e. a railroad line) or a natural feature (i.e. a river).

"Masonry" means wall building material, such as brick or stone, which is laid up in small units.

"Massing" means the three-dimensional bulk of a structure: height, width and depth.

"Modified grid street pattern" means an interconnected system of streets which is primarily a rectilinear grid in pattern, however, modified in street layout and block shape as to avoid a monotonous repetition of the basic street/block grid pattern.

"Neighborhood motor vehicle service station or garage" means a motor vehicle service station or garage that is limited in the intensity of use to serve primarily the immediately surrounding neighborhood. Such facilities shall be limited to two fuel dispensers serving no greater than four motor vehicles at any one time and shall provide a minimum of one and a maximum of two indoor service bays servicing no greater than two motor vehicles at any one time. Canopy structures shall be architecturally integrated into the design and connected to the principal structure.

"Neotraditional neighborhood" means a pedestrian-oriented neighborhood, with variable lot sizes, a mix of dwelling unit types, on-street parking, and nonresidential uses generally located along or surrounding a main street commercial area or fronting on a community green.

Open Space, Internal. See "internal open space."

"Proportion" means the relationship or ratio between two dimensions, i.e. width of street to height of building wall, or width to height of window.

"Sidewalk" means a paved path provided for pedestrian use and usually located at the side of a road within a right-of-way.

"Street furniture" means functional elements of the streetscape, including but not limited to benches, trash receptacles, planters, telephone booths, kiosks, sign posts, street lights, bollards and removable enclosures.

"Streetscape" means the built and planted elements of a street which define its character. (Ord. 4582 § 1, 5-19-98; Ord. 3707 § 1, 12-8-87; Code 1985 Appx. A § 25 (part); Ord. 3064, 10-7-80)

Sec. 16-96-2 H hospital district.

The purpose of this district is to provide a zoning category devoted to primarily hospital and health-related uses because of the unique problems of scale and intensity of use together with the demand upon community services and infrastructure such uses pose. The hospital district is designed to permit and facilitate the development, expansion, and modernization of major hospital complexes and campuses, in which a diversity of uses, functions, and facilities is necessary to perform a hospital's various services to the public, and further, to permit appropriate land use modifications as necessary to facilitate the highest level of such service, and to provide for a greater degree of notice and assurance with respect to those landowners both inside and outside the district concerning the use of land to be expected therein. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which site plan review and approval are required are listed on Chart 1, set out at the end of this title, unless otherwise regulated in this title. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2, set out at the end of this title, unless otherwise regulated in this title. (Ord. 4582 § 1, 5-19-98; Ord. 3707 § 1, 12-8-87; Code 1985 Appx. A § 25 (part); Ord. 3064, 10-7-80)

Sec. 16-96-3 CU college and university district.

The purpose of this district is to provide a zoning category for the location of colleges and universities and uses attracted thereto and compatible therewith. Segregation of such college and university facilities is appropriate given the unique characteristics of college and university areas,

the variety of uses needed to serve the college and university community and the intensity of land use in such a community. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which site plan review and approval are required are listed on Chart 1, set out at the end of this title, unless otherwise regulated in this title. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2, set out at the end of this title, unless otherwise regulated in this title. (Ord. 4582 § 1, 5-19-98; Ord. 3707 § 1, 12-8-87; Code 1985 Appx. A § 25 (part); Ord. 3064, 10-7-80)

Sec. 16-96-4 FW floodway district.

A. Purpose. The purpose of this district is to provide a zoning category which will allow specified uses that will not create flood hazards and which will not be unduly damaged, if flooded. The uses allowed and regulations thereof shall be consistent with the provisions of federal laws and administrative regulations. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which site plan review and approval are required are listed on Chart 1, set out at the end of this title, unless otherwise regulated in this title. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2, set out at the end of this title, unless otherwise regulated in this title.

B. Applications. Land located in the floodway of the city and county as shown on the zoning map shall be classified in this zoning district.

C. Definitions. For purposes of this section, the following words and terms shall have the following meanings:

1. "Flood, flooded or flooding" means a temporary condition of partial or complete inundation of normally dry land areas from the overflow of a watercourse.

2. "Watercourse" means the Mississippi River, Wolf River, Loosahatchie River, Nonconnah Creek, Big Creek, Horn Lake Creek and other watercourses as determined by the administrator of the federal flood insurance program.

3. "Flood base elevation" means the elevation of a projected one hundred (100) year flood as determined by the respective city and county engineers, or when provided, the one hundred (100) year flood level as determined by the administrator of the federal flood insurance program.

4. "Floodway" means land immediately adjacent to a watercourse which conveys floodwaters exceeding the channels capacity of such watercourse.

D. Prohibition on Development. No new construction, substantial improvements to existing structures or encroachments, including fill, shall be allowed in the floodway if such construction, improvement or encroachment would increase, in the opinion of the city or county division of public works, the flood level within the city or county during the occurrence of the base flood discharge.

E. Prohibition on Dredging or Earth Extraction. No dredging, or earth extraction shall be permitted within the floodway without approval of a special use permit; and no clearing of timber or grading within certain areas of the floodway as specified in Section 16-36-4 shall be permitted without approval of a special use permit in accordance with Chapters 16-32 and 16-36.

Exemptions:

1. Activities conducted solely by local, state, and federal governments or agencies on land owned by the governments or agencies are exempt from this provision. However, no local, state or federal agency may delegate its exemption to any individual, partnership or corporation.

2. The harvest of timber for a sustained yield shall be considered an agricultural use, exempt from the provisions of this section. For the purposes of this section, the harvest of timber shall constitute the cutting and removal of trees greater than six inches in diameter at a height of eighteen (18) inches above the ground and retention of the remaining stump in place. Smaller trees shall not be cut and the disposal of associated debris into a water course shall be prohibited. (Ord. 4582 § 1, 5-19-98; Ord. 3707 § 1, 12-8-87; Code 1985 Appx. A § 25 (part); Ord. 3064, 10-7-80)

Sec. 16-96-5 P parking district.

This district is intended to allow the development of parking areas, lots, structures, and compatible uses at locations where such parking facilities will be complementary to surrounding uses or where they will provide a buffer between nonresidential and residential uses. The uses permitted in this district, the special uses that may be allowed in this district, and the uses for which site plan review and approval are required are listed on Chart 1, set out at the end of this title, unless otherwise regulated in this title. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2, set out at the end of this title, unless otherwise regulated in this title. (Ord. 4582 § 1, 5-19-98;

Ord. 3707 § 1, 12-8-87; Code 1985 Appx. A § 25 (part); Ord. 3064, 10-7-80)

Sec. 16-96-6 RH-O residential home overlay district.

A. Purpose. The purpose of the residential home overlay is to provide for the development of housing in established residential zoning districts while maintaining the overall character of those districts. The intent of the prescribed conditions herein is to ensure compatibility with existing housing stock through aesthetically related standards. The residential home overlay shall be an overlay in the following districts permitting single-family residential development R-E, R-S15, R-S10, R-S8 and R-S6. The residential home overlay supplements the range of uses permitted in the underlying use districts. All other uses and regulations for the underlying district shall continue to remain in effect for properties classified under the residential home overlay except that the residential home overlay (RH-O) district shall supersede the regulations pertaining to manufactured homes.

B. Procedures for District Designation; Additional Application Content Requirements.

1. A residential home overlay district shall only be designated for an approved subdivision or for a contiguous area of at least two acres in size.

2. Property shall be classified under the residential home overlay district only upon a petition filed by a majority of the owners of the property within the subdivision, or anyone else authorized in writing to act on the owner's behalf. The residential home overlay district shall be approved by the city council under the procedures and standards established in Chapter 16-24, Amendments, of these regulations and with the following exceptions:

a. The plot plan and legal description shall illustrate the parcels proposed to be included within the overlay district. Notification in a five hundred (500) foot radius outside this district is not required.

b. The vicinity map shall show all parcels of property located within the proposed overlay district. Such vicinity map shall show any and all streets, roads or alleys and shall indicate the owner's name and dimensions of each parcel of property shown therein.

C. Application of Regulations.

1. Uses in the residential home overlay district shall be subject to those conditions and standards established in this chapter and those conditions and standards in the regulations which apply in the underlying use district. All uses permitted in the underlying district are permitted in the residential home overlay district. Following the city council designation and approval of a residential home overlay district, the area so designated shall be labeled R-HO on the official zoning maps.

2. The residential home overlay (RH-O) district may be designated as an overlay over land located in the R-E, R-S15, R-S-10, R-S8 and R-S6 districts. The regulations contained herein shall apply to the development of such land in addition to the uses permitted and other regulations which apply to the underlying zoning district.

3. Single-family dwellings including manufactured homes and other principal uses permitted within a designated RH-O district shall be subject to administrative site plan review in accordance with the provisions of Chapter 16-28, Site plan review, except an appeal of the building official's decision or conditions imposed by the building official shall be to the city council instead of the board of adjustment. Administrative site plan review shall be in accordance with the following criteria:

a. The setback and orientation of the home shall conform with that of other homes in the subdivision or neighborhood.

b. The home shall provide a driveway similar in length and location adjacent to the home as other existing homes in the subdivision or neighborhood. A carport or parking garage shall be provided if the predominance of other homes in the subdivision or neighborhood.

c. Existing trees on the lot shall be preserved as much as possible and new landscaping shall be added to provide a similar landscaped appearance as existing residential properties in the subdivision or neighborhood.

d. All roof structures will have a minimum nominal 3/12 pitch and must provide an eave projection of no less than six inches, which may include a gutter. The roof must be finished with a type of shingle commonly used in site-built residential construction.

e. Exterior wall materials and finishes must be comparable in composition, appearance and durability to those prevalently used in the subdivision or neighborhood. Vinyl and aluminum lap siding, wood, stucco, brick and similar masonry materials may be used. Reflectivity shall not exceed that of gloss white paint. (Ord. 4582 § 1, 5-19-98; Ord. 3707 § 1, 12-8-87; Code 1985 Appx. A § 25 (part); Ord. 3064, 10-7-80)

Sec. 16-96-7 SMSD South Main special district.

A. District Boundaries. The SMSD (South Main special district) boundaries are described as follows: Beginning at the centerlines of Linden Avenue and South Second Street; thence south along the centerline of South Second Street to the centerline of Calhoun Avenue; thence southwest along the centerline of Calhoun Avenue to the centerline of the north/south alley immediately east of

South Main Street; thence south along the centerline of the north/south alley to the centerline of Webster Avenue; thence west along the centerline of Webster Avenue to the centerline of South Main Street; thence north along the centerline of South Main Street a distance of 557± feet to the south line of the Central Station property projected to the Main Street centerline, located on the southwest corner of South Main Street and Calhoun Avenue; thence southwest along the south boundary of the Central Station property a distance of 210± feet; thence north along the west property line of the Central Station property a distance of 160± feet to a point 120± feet south of the centerline of Calhoun Avenue; thence southwest and parallel to the centerline of Calhoun Avenue a distance of 425± feet to the centerline of the north/south alley immediately west of South Front Street; thence north along the centerline of the north/south alley to the centerline of Calhoun Avenue; thence west along the centerline of Calhoun Avenue and the projection of the Calhoun Avenue centerline to the centerline of Riverside Drive; thence north along the centerline of Riverside Drive to the centerline of Beale Street; thence east along the centerline of Beale Street to the centerline of Wagner Place; thence south along the centerline of Wagner Place a distance of 170± feet; thence east along the centerline of the east/west alley and south boundary of the Central Business District (CBD) a distance of 265± feet to the centerline of South Front Street; thence south along the centerline of South Front Street to the centerline of Linden Avenue; thence east along the centerline of Linden Avenue to the centerline of South Second Street and the point of beginning.

B. Purpose. The purpose of this district is to provide a zoning category consistent with the recommendations of the South Main area plan, and promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:

1. To preserve and strengthen the South Bluff and South Main area, and South Main historic district, and cultural character of the area;

2. To promote a harmonic redevelopment of the area consistent with the scale and character of existing mixed uses in the area;

3. To encourage the development and redevelopment of residential uses, and small scale industrial, commercial and office use, thereby strengthening the city's tax base;

4. To promote the mixed use character of the area and to prohibit or discourage large scale uses and also uses incompatible with residential uses;

5. To preserve and maintain the river bluff views and existing scale of street, buildings and open space features;

6. To provide and encourage amenities, such as public open space and street trees, to improve the physical environment;

The South Main area is unique, containing a mixture of uses including residential, commercial and industrial. To maintain the mixed use and historical character of the area requires a unique zoning district to permit the wide variation of uses, and provide guidelines and requirements for development and redevelopment consistent with the historical and unique character of the area.

C. Permitted Uses.

1. Residential uses:

a. All uses listed in Chart 1, set out at the end of this title, under "Dwellings;"

b. All uses listed in Chart 1, set out at the end of this title, under "Other Housing" except the following uses which may be permitted subject to approval of a special exception by the land use control board:

i. Group shelter,

ii. Pre-release center,

iii. Transitional home.

c. Prohibited uses: mobile homes.

2. Institutional Uses. All uses listed in Chart 1, set out at the end of this title, under "Institutions" shall be permitted subject to approval of a special exception by the land use control board, except for the following uses which shall be permitted by right:

a. Church and church related uses;

b. Family day care home;

c. Museum;

d. Park;

e. Public building;

f. School, public or private.

3. Agricultural Uses. All uses listed in Chart 1, set out at the end of this title, under "Agricultural" shall be permitted subject to approval of special exception by the land use control board, except for the following uses which shall be permitted by right:

a. Commercial fishing;

b. Farm labor and management services.

4. Commercial Uses. All uses listed in Chart 1, set out at the end of this title, under "Commercial" and including arts or crafts studio or gallery, shall be permitted, except the following uses which are subject to approval of a special exception by the land use control board:

a. Amusements, commercial outdoor;

b. Automotive wash;

c. Campground, travel trailer park;

d. Communication towers;

e. Drive-in theaters;

f. Gasoline service stations;

g. Lumberyard;

h. Mobile home sales;

i. Motor vehicle sales, service or repairs;

j. Radio or television tower;

k. Restaurant, drive-in;

l. Restaurant, tavern, night club with greater than one hundred twenty-five (125) seating capacity except within the entertainment area.

m. Undertaking, funeral establishment.

5. Light Industrial Uses.

1. a. The following light industrial uses shall be permitted:

i. Contractor's storage, indoor;

ii. Electrical or electronic equipment, appliances and instruments;

iii. Food and beverage products except animal slaughter, stockyards, rendering and brewery;

iv. Furniture and fixtures;

v. Jewelry, silverware, plated ware, musical instruments, toys, sporting goods, office, art supplies;

vi. Leather and leather products except tanning and finishing;

vii. Paper products except pulp mills;

viii. Printing and publishing;

ix. Textile, apparel products, cotton factoring, grading except cotton gin;

x. Boat dock, storage, repair;

xi. Post office or postal facility;

xii. Railroad terminal;

xiii. Telephone service center;

xiv. Telephone switching center, electric transmission, gas piping, water pumping station;

xv. Taxicab dispatch station;

xvi. Warehouse, self-service, mini-storage;

xvii. Wholesale establishment.

b. The following uses shall only be permitted by special exception:

i. Chemical, cosmetics, drug, soap, paints, fertilizer and abrasive;

ii. Fabricated metal products and machinery;

iii. Primary metal distribution and storage;

iv. Rubber and plastic products;

v. Stone, clay, glass and concrete products;

vi. Transportation equipment;

vii. Gas, electric, water, sewerage; production, treatment facility.

c. The following uses shall only be permitted by special use permit:

Planned development.

6. Additional Requirements.

a. The maximum amount of street frontage shall be one hundred (100) lineal feet. The land use control board may approve a greater amount of street frontage in accordance with the special exception standards set forth in subsection (F)(4)(a) of this section.

In an existing building or in the entertainment area, the maximum street frontage for a use may exceed one hundred (100) lineal feet. However, if the street frontage of a use in an existing building is decreased, the street frontage of the use may not thereafter increase to more than one hundred (100) lineal feet without obtaining a special exception.

b. All existing uses that are not in conformance with the requirements of the SMSD at the time of adoption shall be nonconforming uses and may continue. If a nonconforming use is discontinued or abandoned, only that use may be re-established, regardless of length of time of discontinuance or abandonment. However, if a nonconforming use changes to a use permitted in the SMSD, the nonconforming use may not later be re-established.

c. The land use control board may approve an expansion of an existing nonconforming use in accordance with the special exception requirements.

D. Bulk Regulations.

1. Minimum Yard Requirements: none (see site plan review standards).

2. Height: none (see site plan review standards).

3. Residential Density and Number of Dwelling Units Permitted.

a. Maximum density permitted for new residential construction: forty (40) dwelling units per acre. (Density includes not more than half of abutting dedicated street rights-of-way.)

b. Maximum density for mixed uses new developments: Sixty (60) dwelling units per acre. (Density includes the total property and not more than half of abutting dedicated street rights-of-way.)

c. Maximum density for existing buildings: none.

E. Parking Requirements. All of the off-street parking and loading requirements of Chapter 16-108 are applicable to the SMSD except as specifically specified below:

1. Residential.

a. Existing buildings: one-half space for each dwelling unit.

b. New construction: one space for each dwelling unit.

2. All retail and personal service uses with less than four thousand (4,000) square feet of gross floor area: one space for each one thousand (1,000) square feet of floor area.

3. Office, bank, financial service uses with less than four thousand (4,000) square feet of gross floor area: one space for each six hundred (600) square feet of floor area.

4. Restaurants not containing drive-in windows and with less than two thousand five hundred (2,500) square feet of gross floor area: one space for each three hundred (300) square feet of floor area.

5. Parking lots and garages shall be landscaped with Plate A-2 or an equivalent streetscape approved by the office of planning and development.

6. The land use control board may approve modifications to any parking requirements in accordance with the special exception requirements.

F. Special Exceptions. The land use control board shall have the authority to approve special exceptions as stated in the SMSD (South Main special district) based upon the standards hereinafter set forth.

1. General Standards. The applicant for a special exception shall present evidence at the public hearing:

a. That the exception will not have a substantial or undue adverse effect upon the neighborhood, the character of the South Main special district or any historical district, traffic conditions, parking, public infrastructure, and other matters affecting the public health, safety and general welfare;

b. That the exception will be constructed and operated to be compatible with the neighborhood and with the purpose and intent of the South Main special district and plan;

c. That the proposed exception can be adequately served by public facilities;

d. That the proposed exception will not result in the destruction, loss, or damage of any significant natural, scenic or historical district, site or feature.

2. Conditions. The land use control board may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the special exception with surrounding properties, uses, and the purpose and intent of the South Main special district.

3. Procedures.

a. An owner or other person who has a contractual interest in the property may file an application with the office of planning and development.

b. Information required for submittal shall include all items listed under Section 16-32-4(J), except a three-hundred (300) foot radius vicinity map is required.

c. The land use control board shall hold a public hearing on the application no less than thirty-five (35) days nor more than seventy-five (75) days after an application is filed. Notice of the hearing shall be mailed to all persons within three hundred (300) feet of the property, and to the landmarks commission.

d. The land use control board may by majority vote approve, approve with conditions or reject the application. The board may defer a decision until the next regular board meeting.

e. Any individual appearing at the land use control board public hearing or who submitted written comments to the board may appeal the decision of the board to the city council. Such appeal shall be in writing to the director of planning and submitted within ten (10) working days of the board's decision. The city council shall, after public hearing, approve the appeal, approve with conditions, or deny the appeal.

4. Specific Standards.

a. Continuous Street Frontage Exception. The unregulated location, expansion, or relocation of a use with over one hundred (100) lineal feet of continuous street frontage in a block is detrimental to the goals and objectives of the SMSD. It is appropriate to review applications for greater continuous street frontage to promote the most appropriate use of land, to assure consistency with the purposes and intent of the South Main area plan, to maintain the historic and existing small commercial establishment scale, and to create and maintain an environment that is attractive and conducive to residential use.

Applications for additional continuous street frontage over one hundred (100) feet in length for a single commercial or industrial use shall not be approved unless the application meets and is in conformance with the general special exception standards and the following:

i. Is consistent with the purpose and intent of the South Main area plan;

ii. The proposed extended street frontage use will not detract from the existing, approved or potential residential use of properties within the block;

iii. The proposed extended street frontage is located to not substantially impair the continuity of pedestrian traffic and create excessive distances between commercial nodes of activity.

b. Use Exceptions and Expansion of Nonconforming Uses. Favorable consideration shall be given to a proposed use that will not alter the exterior of an existing building, except for maintenance and repair, and is consistent with the intensity of the previous use.

The unregulated placement of many uses or expansion of nonconforming uses is detrimental to proper development and orderly growth in the South Main special district (SMSD) and to the public health, safety and welfare. In view of the wide range of uses permitted in the district, including residential, commercial, and industrial, it is ap-

propriate to review many specific uses within these general use categories to assure that the proposed use is consistent with the intent and purposes of the South Main area plan, is not detrimental to existing or proposed residential development, is consistent in size and scale with the neighborhood character, will not be detrimental to existing public infrastructure, and that conditions can be imposed that will make the use consistent and compatible with the surrounding uses.

Applications for use exceptions shall not be approved unless the application meets and is in conformance with the general special exception standards and the following:

i. Proposed use will not be detrimental to any existing, approved, or planned residential development that is adjacent or in the same block as the proposed use;

ii. Proposed use is wholly enclosed or provides substantial screening of any outdoor activities;

iii. Proposed use is similar in size and scale to existing establishments that are adjacent or within the same block as the proposed use;

iv. Proposed use will not generate traffic that will reduce the level-of-service below "D" at any immediate surrounding intersection;

v. Proposed use will not generate large volumes of truck traffic;

vi. Proposed use will not generate or emit noise, odor or particulate matter that is incompatible with adjacent residential uses.

5. Site Plan Review.

a. Site plan review shall be required for:

i. Any new construction, or building expansion; or

ii. Any demolition or relocation of any building or site listed on the National Register of Historical Places.

b. Procedures for filing a site plan, standards and approval requirements, shall be the same as for a special exception except that no public notice to surrounding property owners is required.

c. In addition to the above general standards, the land use control board shall consider the following specific guidelines.

i. Height. The review of building height for new construction or expansion of existing buildings is essential to proper development and orderly growth in the South Main special district (SMSD), and to the public health, safety and welfare. The review will assure consistency with the purposes and intent of the South Main area plan, allow flexibility in land use development, promote the most appropriate use of land, protect public scenic view corridors and views from existing buildings of the Mississippi River and downtown, minimize visual impacts on historic and other existing structures, minimize shadows on surrounding properties, and assure that the height of new or expanded buildings is in general proportion to the height of existing or approved structures in the immediate area.

(A) In addition to the filing requirements for a special exception, the following shall be required:

(1) Elevations of the proposed building or building expansion and its relationship to existing buildings within one hundred (100) feet of the site;

(2) A graphic illustration of any views of the Mississippi River, downtown or other scenic views, and relationship to existing and approved surrounding buildings;

(3) An analysis of shadows indicating a shadow cast by surrounding buildings and by the proposed building.

(B) Building heights shall meet the following standards:

(1) The proposed building height shall be consistent with the purpose and intent of the South Main area plan;

(2) The proposed building height shall be in general proportion to the height of existing or approved buildings in the immediate area;

(3) The proposed building protects public scenic view corridors, and views from existing or approved buildings of the Mississippi River, downtown or other scenic views;

(4) The proposed building is sited and designed to minimize shadows on adjacent properties; and

(5) The proposed building minimizes visual impacts on historic and other existing structures.

ii. Scale. The size of a new building; its mass in relation to open spaces; and its windows, doors, openings, and porches should be visually compatible with the surrounding buildings.

iii. Setback and Rhythm of Spacing: The setback from front and side yard property lines established by adjacent buildings should be maintained. When a definite rhythm along a street is established by uniform lot and building width, infill new buildings should maintain the rhythm.

iv. Relationship of Materials, Texture, Details, and Material Color. The relationship and use of materials, texture, details and material color of a new building's principal facades should be visually compatible with and similar to those of adjacent buildings or should not contrast conspicuously.

v. Roof Shape. The roofs of new buildings should be visually compatible, by not contrasting greatly with the roof shape and orientation of surrounding buildings.

vi. Orientation. The site orientation of new buildings should be consistent with that of adjacent buildings and should be visually compatible.

vii. Proportion and Rhythm of Openings. The relationship of width to height of windows and doors, and the rhythm of solids to voids in the new buildings should be visually compatible with the surrounding structures.

viii. Additions to Existing Buildings. New additions to existing buildings should be kept to a minimum and should be visually compatible in scale, materials, and texture; additions should not be visually jarring or contrasting.

Additions should not be made to the principal facades of existing buildings. Additions may be located to the rear of existing buildings in ways which do not disturb the principal facades.

The creation of an addition through enclosure of a front facade porch is inappropriate and should be avoided.

ix. Outbuildings. Garages and storage buildings should reflect the character of the existing house and surrounding buildings and should be compatible in terms of height, scale, roof shape, materials, texture and details.

The location and design of outbuildings should not be visually disruptive to the character of the surrounding buildings.

x. Appurtenances. Appurtenances related to new buildings, including driveways, sidewalks, lighting, fences and walls, shall be visually compatible with the environment of the existing buildings and sites to which they relate.

d. Any person appearing before the land use control board or who submitted written comments to the board may appeal the decision of the board to the city council. The appeal shall be in writing to the director of planning and submitted within ten (10) working days of the board's action.

G. Definitions.

1. "Mixed use" means any principal building containing residential dwelling units, and either an industrial, commercial or office use not directly related to the residential operation such as, but not limited to, an apartment office or registration desk.

2. "Existing building" means any building existing in the special district at the time of district adoption.

3. "New buildings, construction or development" means any building built subsequent to special district adoption.

4. "Building expansion" means any exterior expansion of an existing building that increases the habitable floor area, or increases the amount of commercial or industrial floor area.

5. "Entertainment area" means the boundaries of the entertainment area are described as follows: Beginning at the centerline of Riverside Drive and Beale Street; thence east along the centerline of Beale Street to the centerline of Wagner Place; thence south along the centerline of Wagner Place a distance of 170± feet; thence east along the centerline of the east/west alley and south boundary of the Central Business District (CBD) a distance of 265± feet to the centerline of South Front Street; thence south along the centerline of South Front Street to the centerline of Linden Avenue; thence east along the centerline of Linden Avenue a distance of 310± feet to the centerline of the north/south alley west of South Main Street; thence south along the centerline of the north/south alley to the centerline of Pontotoc Avenue; thence west along the centerline of Pontotoc Avenue and the projection of Pontotoc Avenue centerline to the centerline of Riverside Drive; thence north along the centerline of Riverside Drive to the centerline of Beale Street and the point of beginning.

6. "Street frontage" means the continuous street-level frontage per block of the principal facade of any single commercial or industrial use.

7. "Principal facade" means the major ornamental facade or the primary public entrance. (Ord. 4582 § 1, 5-19-98; Ord. 3707 § 1, 12-8-87; Code 1985 Appx. A § 25 (part); Ord. 3064, 10-7-80)

Chapter 16-100

OVERLAY DISTRICT REGULATIONS

Sections:

16-100-1	**FP floodplain district.**
16-100-2	**AHR airport height regulation district.**
16-100-3	**H-P and H-C historic district overlay zones.**
16-100-4	**Winchester Park—Special pilot district (WIN Park SPD).**
16-100-5	**FCD Fletcher Creek drainage basin district.**
16-100-6	**MO Medical overlay district.**

Sec. 16-100-1 FP floodplain district.

A. Purpose. The purpose of the floodplain district is to establish regulations governing the use of land and the construction of structures located in floodprone areas of the city and county to prevent and minimize the loss of life, property damage, health and safety hazards, pollution, government expenditures, and disruption to the economic and social life of the community brought about by flooding.

B. Application of Regulations.

1. The floodplain district shall overlay over land located in the floodplain in the city and county as shown on the zoning map. The regulations contained herein shall apply to the development of such land in addition to the regulations contained in the underlying zoning district for such land. Where there is a conflict between the provisions of this section and those of the underlying zoning district, the provisions of this section shall apply.

2. The provisions of this section shall apply to any new use and structure and any substantial improvement to an existing structure, when such uses and structures are located on land located in the floodplain in the city and county.

C. Definitions. For purposes of this section, the following words and terms shall have the following meanings:

1. "Flood, flooded or flooding" means a temporary condition of partial or complete inundation of normally dry land from the overflow of a watercourse.

2. "Watercourse" means the Mississippi River, Wolf River, Loosahatchie River, Nonconnah Creek, Big Creek, Horn Lake Creek, and other watercourses as determined by the administrator of the federal flood insurance program.

3. "Flood base elevation" means the elevation of a projected one hundred (100) year flood as determined by the respective city and county engineers, or when provided, the one hundred (100) year flood level as determined by the administrator of the federal flood insurance program.

4. "Floodway" means land immediately adjacent to a watercourse which conveys floodwaters exceeding the channel capacity of such watercourse.

5. "Floodplain" means land which is not in the floodway and which is adjacent to the floodway with an elevation, without fill, equal to or below the flood base elevation.

6. "Floodproofing" means structural and nonstructural additions, changes or adjustments to structures to eliminate or reduce flood damage to such structures and to water and sanitary sewer facilities.

7. "Substantial improvement" means any repair, reconstruction or improvement of a structure the cost of which equals or exceeds fifty (50) percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged, before the damage occurred.

8. "Manufactured home" means 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 floodplain 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.

9. "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before November 23, 1982, (Adoption of Ord. No. 3256, FEMA Floodway Maps).

10. "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 November 23, 1982.

11. "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).

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

13. "Flood insurance rate map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

14. "Flood insurance study" means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

D. Additional Requirements for Permits and Approvals.

1. No permit or approval required by this title, the subdivision regulations or the building code for a building permit, special permit, subdivision approval, site plan approval or amendments to this title shall be granted unless the development, structure or use of land proposed for land located in the floodplain complies with the provisions of this section.

2. An applicant for any such permits or approvals described in subsection (D)(1) of this section shall provide, in addition to any other information required by this title, the subdivision regulations or the building code, the following:

a. The elevation, in relation to mean sea level, of the lowest habitable floor, including the basement, of each structure to be constructed on land located in the floodplain;

b. A detailed statement of the floodproofing methods proposed to be used for such structures;

c. The certification of a registered professional engineer or architect that the floodproofing methods proposed to be used are adequate to withstand the flood depths, pressures, velocities, impact, and unlift forces, and other factors associated with the base flood;

d. A statement that all necessary permits have been received or will be applied for and received from those governmental agencies from which approval is required by federal or Tennessee law;

e. Any other information required by the person or body required to review or make the final decision with respect to the permit or approval requested in order for such person or body to determine whether the proposed development, structure or use of land complies with the provisions of this section and will be adequately floodproofed to prevent or minimize damage to such development, structure or use.

E. Floodplain Zone Established. There is established a floodplain overlay zone to overlay land located in the floodplain as shown on the zoning map.

F. Permitted Uses. The uses permitted shall be those permitted in the underlying zoning district.

G. Special Uses. The special uses allowed are those special uses allowed in the underlying zoning district.

H. Uses Requiring Site Plan Review and Approval. The uses requiring site plan review and approval are those uses requiring such review and approval in the underlying zoning district.

I. Additional Standards. Any development, structure or use located on land located in the floodplain district shall comply with the following standards in addition to any other standards or requirements for such development, structure or use under any of the provisions of this title, the subdivision regulations and the building code:

1. All structures and developments shall be designed to minimize flood damage to the proposed site for such structure or development as well as to other properties.

2. All proposed structures and developments shall provide adequate drainage so as to reduce exposure to flood hazards.

3. Structures shall be constructed with materials and utility equipment resistant to flood damage.

4. Structures shall be constructed by methods and practices that minimize flood damage to other properties.

5. Structures shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwater. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and so far as practicable structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

6. Structures shall be designed or modified and firmly anchored to prevent flotation, collapse or lateral movement.

7. Structures shall be constructed so that the lowest floor, including the basement, shall be at least equal to the flood base elevation. Any portion of a nonresidential structure below the flood base elevation shall be watertight and designed to resist hydrostatic and hydrodynamic loads and the effects of buoyancy.

In the Fletcher Creek drainage basin district, (an overlay district) all new structures or expansions of existing structures shall be constructed so that the lowest habitable floor, including the basement, shall be at least 2.5 feet (thirty (30) inches) above the one hundred (100) year base elevation according to the latest FIRM maps, except as provided in Section 16-100-5(B)(6).

8. All public utilities and facilities, such as sewer, gas, electrical and water systems, shall be located, elevated and/or constructed to minimize or eliminate flood damage.

9. All new and replacement water supply systems shall be designed to eliminate infiltration of floodwaters into the systems.

10. All new and replacement sanitary sewage systems shall be designed to minimize infiltration of floodwaters into the systems and discharges from the systems into the floodwaters.

11. All new and replacement on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

12. All utility and sanitary facilities shall be watertight if any portion of such facilities is located below the flood base elevation and shall be designed to resist hydrostatic and hydrodynamic loads and the effects of buoyancy.

13. Any manufactured home proposed to be located in the floodplain district shall require a building permit to be issued and shall be subject to the following specific requirements:

a. All mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top frame ties to ground anchors.

b. Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations on mobile homes fifty (50) feet or greater in length (a total of eight ties is required) and one additional tie per side on mobile homes less than fifty (50) feet in length (a total of six ties are is required).

c. Frame ties shall be provided at each of the four corners of the mobile homes, with five additional ties per side at intermediate locations on mobile homes fifty (50) feet or greater in length (a total of fourteen (14) ties are required) and four additional ties per side on mobile homes less than fifty (50) feet in length (a total of twelve (12) ties are is required).

d. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

e. Any additions to a mobile home shall be similarly anchored.

f. Manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites: (i) outside of a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; (iii) in an expansion to an existing manufactured home park or subdivision; or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

g. Manufactured homes that are to be placed or substantially improved on sites in existing manufactured home parks or subdivisions within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of subsection (I)(13)(f)of this section be elevated so that either: (i) the lowest floor of the manufactured home is at or above the base flood elevation; or (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

14. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

J. Evaluation of Flood Hazards. The person or body required to review and make recommendations or final decisions on requests for building permits, special permits, subdivisions approvals, site plan approvals or amendments to this title for a development, structure or use of land to be located on land located in the floodplain shall evaluate what, if any, flood hazard could result from such development, construction of a structure or use of land. Such person or body shall consider whether:

1. A proposed development, structure or use of land alone and in conjunction with existing or proposed developments, structures or uses of land will cause an increase in flood heights or velocities which may endanger life or property.

2. The proposed water supply and sanitation systems are adequate to prevent pollution and contamination.

3. A proposed development, structure or use of land is susceptible to flood damage because of its design, siting, use of materials, and location.

4. A proposed development, structure or use of land is compatible with existing, proposed, and anticipated development.

5. A proposed development, structure or use of land will be readily accessible in times of flood.

6. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site of the proposed development, structure or use of land will endanger life and property.

7. A proposed development, structure or use of land alone and in conjunction with other proposed developments, structures or uses of land will have an adverse impact on the health, safety, and welfare of city and county residents by requiring large governmental expenditures for flood control facilities to protect such development, structure or use of land from damage from flooding.

8. A proposed development complies with all other terms, conditions, and standards of the floodplain district and the underlying zoning district.

K. Conditions Attached to Permitted Approvals. Upon consideration of the flood hazards of a proposed development, structure or use of land and its site, the person or body required to review or make a final decision on building permits, special permits, subdivision approvals, site plan approvals, and amendments to this title* may recommend, if the reviewing authority, and may impose, if the final authority, conditions upon the granting of such permits and approvals to further the purposes of this section, which conditions may include:

1. Requirements for waste collection and disposal facilities;

2. Requirements for water supply facilities;

3. Requirements for construction of dikes, levees, and other protective measures;

4. Floodproofing measures required for flood protection taking into consideration the elevation of a site compared to the flood base elevation and the elevation of adjacent sites, and the flood velocities, duration, rates of rise, hydrostatic, and hydrodynamic forces, and any other relevant flood conditions on the site;

5. The floodproofing measures which may be required may include, without limitation:

a. Installation of watertight doors, bulkheads, shutters or similar methods of construction,

b. Reinforcement of walls to resist water pressures,

c. Use of paints, membranes or mortars to reduce seepage of water through walls,

d. Addition of mass or weight to structures to resist flotation,

e. Installation of pumps to lower water levels in structures,

f. Construction of water supply and waste treatment systems for structures to relieve external foundation wall and basement floor pressures,

g. Installation of pumping facilities or comparable practices for subsurface drainage systems for structures to relieve external foundation wall and basement floor pressures,

h. Construction to resist rupture or collapse caused by water pressure or floating debris,

i. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into structures,

j. Location of all electrical equipment, circuits, and installed electrical appliances in a manner which will assure they are not subject to flooding.

* Editor's Note: The reviewing and/or final authorities are set forth in appropriate sections of this title for specified permits and approvals and include the legislative body, the land use control board, the building official, and the office of planning and development.

L. Watercourse Standards. The building official shall notify adjacent communities and the Federal Insurance Administration prior to any alteration or relocation of a watercourse. The flood-carrying capacity within the altered or relocated portion of any watercourse shall be maintained.

M. Reports and Records.

1. The building official shall provide the legislative body and the Federal Insurance Administration with an annual report on forms as provided the city and county by the Federal Insurance Administration.

2. The building official shall maintain the records of first floor elevations, floodproofing certifications, permit applications, and all other records required by the Federal Insurance Administration. (Ord. 5009 § 3, 2004; Ord. 4974 § 1, 10-15-02; Ord. 4917 § III, 1-22-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4873AM §§ 1, 2, 11-20-01; Ord. 4873 §§ 1, 2, 7-24-01; Ord. 4870 §§ 1, 2, 6-19-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4815 § 1, 10-3-00; Ord. 4779 § 1, 6-20-00; Ord. 4715 § 2, 11-2-99; Ord. 4706 § 1, 10-12-99; Ord. 4582 § 1, 5-19-98; Ord. 4552 § 1, 12-2-97; Ord. 4516 § 1, 8-19-97; Ord. 4367 § 2, 12-5-95; Ord. 4350 § 1, 8-1-95; Ord. 4348 § 2, 8-1-95; Ord. 4327 § 2, 5-16-95; Ord. 4209 § 2, 8-31-93; Ord. 4208 § 2A, 8-24-93; Ord. 4115 § 1, 8-25-92; Ord. 4106 § 1, 6-30-92; Ord. 4075 § 2, 12-3-91; Ord. 4045 § 1(IV), 7-23-91; Ord. 3976 § 1, 6-26-90; Ord. 3949 § 1, 3-20-90; Ord. 3742 § 1, 4-12-88; Ord.

3706 § 1(VI, VII), 12-22-87; Ord. 3678 § 1, 6-23-87; Ord. 3645 § 1(2), 4-14-87; Ord. 3623 § 1, 3-17-87; Ord. 3549 § 1(1), (6), (7), 5-13-86; Code 1985 Appx. A § 26 (part); Ord. 3347 § 2, 12-6-83; Ord. 3346 § 2, 12-6-83; Ord. 3273 § 1, 3-29-83; Ord. 3255 § 1, 11-16-82; Ord. 3192 § 1(II), 3-2-82; Ord. 3182 § 1, 1-5-82; Ord. 3140 § 1, 7-28-81; Ord. 3131 § 1, 6-9-81; Ord. 3064, 10-7-80)

Sec. 16-100-2 AHR airport height regulation district.

A. Purpose. The purpose of this district is to establish regulations which will reduce or eliminate hazards to air navigation to minimize or prevent the loss of life, property damage, health and safety hazards, and government expenditures which result from air traffic accidents.

B. Application of Regulations.

1. This district shall overlay land included within the airport hazard zones as shown on the zoning map. The regulations contained in this section shall apply to such land in addition to the regulations contained in the underlying zoning district for such land. Where there is a conflict between the provisions of this section and those of the underlying zoning district, the zone containing the more restrictive height regulations shall apply.

2. Except as provided in subsection F of this section, the provisions of this section shall apply to any new use and any substantial improvement to an existing structure, when such uses and structures are located in the airport hazard zones established by this section.

3. If a structure or a tree is located in more than one of the zones established by this section, the zone containing the more restrictive regulations shall apply to such structure or tree.

C. Definitions. For purposes of this section, the following words and terms shall have the following meanings:

1. "Airport" means the Memphis International Airport, General Dewitt Spain Airport, Charles W. Baker Airport, and Navy Memphis.

2. "Airport elevation" means the highest point of the airport's usable landing area measured in feet from mean sea level, which is as follows:

a. Memphis International Airport: three hundred thirty-two (332) feet.

b. General Dewitt Spain Airport: two hundred twenty-four (224) feet.

c. Charles W. Baker Airport: two hundred forty-seven (247) feet.

d. Navy Memphis: three hundred two (302) feet.

3. "Airport hazard" means any structure or tree or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at an airport, or is otherwise hazardous to such landing or taking off of aircraft.

4. "Airport hazard area" means any area of land or water upon which an airport hazard might be established if not prevented as provided by this title.

5. Height. For the purposes of determining the height limit in all zones set forth in this title and shown on the airport hazard zoning map, the datum shall be mean sea level elevated unless otherwise specified.

6. "Instrument runway" means a runway equipped or designated to be equipped by an approved airport plan, with electronic air navigation aids adequate to permit the landing and takeoff of aircraft under restricted visibility conditions.

7. "Noninstrument runway" means a runway other than an instrument runway.

8. "Obstruction" means any tangible inanimate physical object, natural or artificial, protruding above the surface of the ground.

9. "Runway" means a designated portion of the airport, as herein defined, prepared for landing and takeoff of aircraft along the center line of its longest dimension.

10. "Structure" means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines, and the poles or other structures supporting the same.

11. "Tree" means any object of natural botanical growth.

D. Airport Hazard Zones Established. In order to carry out the purposes of this section, the following airport hazard zones are established and defined:

1. Instrument Approach Zone. An instrument approach zone is established at the end of the existing or proposed instrument runway for instrument landings and takeoffs. The instrument approach zones shall have a width of one thousand (1,000) feet at a distance of two hundred (200) feet beyond each end of the runway, widening thereafter uniformly to a width of two thousand five hundred twenty-four (2,524) feet at a distance of five thousand two hundred eighty (5,280) feet beyond each end of the runway, the center line of the approach zones being a continuation of the runway center line.

2. Noninstrument Approach Zone. A noninstrument approach zone is established at each end of all noninstrument runways at each airport for noninstrument landings and takeoffs. The noninstrument approach zone shall have a width of five hundred (500) feet at a distance of two hundred (200) feet beyond each end of the runway, widening thereafter uniformly to a width of one thousand five

hundred sixteen (1,516) feet at a distance of five thousand two hundred eighty (5,280) feet beyond each end of the runway, the center line of the approach zones being a continuation of the runway center line.

3. Horizontal Zone. A horizontal zone is established being a plane one hundred fifty (150) feet above the established airport elevation for each airport, and the perimeter of which is constructed by swinging arcs at a radius of ten thousand (10,000) feet from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs.

4. Conical Zone. A conical zone is established being a surface extending outward and upward from the periphery of the upper surface of the horizontal zone for each airport at a slope of twenty (20) to one for a horizontal distance of four thousand (4,000) feet.

These zones are shown on the zoning map which is incorporated herein by this reference and made a part hereof.

E. Height Limits. Except as otherwise provided in this section, no structure or tree shall be erected, altered, allowed to grow or be maintained in any airport zone to a height in excess of the height limit established in this subsection for such zone. Such height limitations are computed as follows:

1. Instrument Approach Zone. Height limits are as follows: one foot in height for each fifty (50) feet in horizontal distance beginning at a point two hundred (200) feet from the end of the instrument runway and extending to a distance of five thousand two hundred and eighty (5,280) feet from the end of the runway.

2. Noninstrument Approach Zones. Height limits are as follows: one foot in height for each forty (40) feet in horizontal distance beginning at a point two hundred (200) feet from the end of the noninstrument runway and extending to a point five thousand two hundred eighty (5,280) feet from the end of the runway.

3. Horizontal Zone. Height limits are as follows: one hundred fifty (150) feet above the airport elevation.

4. Conical Zone. Height limits are as follows: one foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone and extending for a distance of four thousand (4,000) feet.

F. Height Exceptions. Nothing in this section shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height of not more than forty-five (45) feet above the surface of the land.

G. Use Restrictions. Notwithstanding any other provisions of this section, no existing or new use may be made of land within any airport hazard zone in such manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of aircraft operators using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, taking off, or maneuvering of aircraft. Any use otherwise permitted in the underlying zoning district is permitted in this district except the following uses which are prohibited in any approach zone:

1. Hospitals;
2. Hotels or motels;
3. Religious, educational, philanthropic, penal or correctional institutions;
4. Multiple-family dwellings;
5. Nursing homes;
6. Places of public assembly;
7. Radio, television or other communication towers;
8. Theatres;
9. Public or Private Schools.

H. Marking and Lighting. The owner of any structure or tree which exceeds the height limits established by this section shall permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the airport manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the owner. (Ord. 4974 § 1, 10-15-02; Ord. 4917 § III, 1-22-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4873AM §§ 1, 2, 11-20-01; Ord. 4873 §§ 1, 2, 7-24-01; Ord. 4870 §§ 1, 2, 6-19-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4815 § 1, 10-3-00; Ord. 4779 § 1, 6-20-00; Ord. 4715 § 2, 11-2-99; Ord. 4706 § 1, 10-12-99; Ord. 4582 § 1, 5-19-98; Ord. 4552 § 1, 12-2-97; Ord. 4516 § 1, 8-19-97; Ord. 4367 § 2, 12-5-95; Ord. 4350 § 1, 8-1-95; Ord. 4348 § 2, 8-1-95; Ord. 4327 § 2, 5-16-95; Ord. 4209 § 2, 8-31-93; Ord. 4208 § 2A, 8-24-93; Ord. 4115 § 1, 8-25-92; Ord. 4106 § 1, 6-30-92; Ord. 4075 § 2, 12-3-91; Ord. 4045 § 1(I—III), 7-23-91; Ord. 3976 § 1, 6-26-90; Ord. 3949 § 1, 3-20-90; Ord. 3742 § 1, 4-12-88; Ord. 3706 § 1(VI, VII), 12-22-87; Ord. 3678 § 1, 6-23-87; Ord. 3645 § 1(2), 4-14-87; Ord. 3623 § 1, 3-17-87; Ord. 3549 § 1(1), (6), (7), 5-13-86; Code 1985 Appx. A § 26 (part); Ord. 3347 § 2, 12-6-83; Ord. 3346 § 2, 12-6-83; Ord. 3273 § 1, 3-29-83; Ord. 3255 § 1, 11-16-82; Ord. 3192 § 1(II), 3-2-82; Ord. 3182 § 1, 1-5-82; Ord. 3140 § 1, 7-28-81; Ord. 3131 § 1, 6-9-81; Ord. 3064, 10-7-80)

Sec. 16-100-3 H-P and H-C historic district overlay zones.

A. General Purposes. The local historic district provisions are established in order that appropriate measures may be taken to ensure preservation of structures of historic value to Memphis and Shelby County pursuant to the authority contained in Section 13-7-401 of the Tennessee Code Annotated. The general intent includes the following specific purposes:

1. To promote the educational and cultural welfare of the people of Memphis;

2. To preserve and protect the historic and architectural value of significant resources;

3. To ensure compatibility and to create an aesthetic atmosphere within local historic districts;

4. To foster civic beauty and community pride;

5. To stabilize and improve property values and to strengthen the local economy;

6. To enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided.

B. Definitions. The following terms are to be used in the interpretation and enforcement of this subsection:

1. "Alter" or "alteration" means any exterior change due to or because of new construction, change of materials, demolition or otherwise to buildings, objects, structures or sites which are located in a local historic district. Alteration shall not include ordinary repair and maintenance.

2. "Applicant" means the record owner of a site and/or buildings located thereon, the lessee thereof (with the written approval of the record owner thereof), or a person holding a bona fide contract to purchase the same.

3. "Building" means any structure, place, or any other construction built for the shelter or enclosure of person, animals, or personal property or any part of such structure when subdivided by division walls or party walls extending to or above the roof and without openings in such separate walls and located within a local historic district. The "building" shall be construed as if followed by the words "or any part thereof."

4. "Certificate of appropriateness" means a document giving approval or approval contingent on meeting certain specified conditions which is issued by the commission for work proposed by an applicant.

5. "Commission" means the Memphis landmarks commission.

6. "Construction" means the erection of any improvements on any parcel of ground located within a local historic district, whether the site is presently improved or unimproved.

7. "Demolition" means the complete or partial removal, except by act of God, of a building, object, structure or site within a local historic district.

8. "Design review guidelines" means standards set forth by this section which are adopted by the commission for a local historic district and which are considered by the commission in granting certificates of appropriateness.

9. "Exterior" means all outside surfaces of any building, object, structure or site.

10. "Historic conservation district" means a local historic district established by the city council requiring architectural design review guidelines for demolition, new construction, or additions to habitable areas of buildings, structures, sites and objects in the public right-of-way and within the boundaries of the historic conservation district.

11. "Historic preservation district" means a local historic district established by the city council requiring architectural design review guidelines for construction, alteration, addition or demolition of buildings, structures, sites and objects in the public right-of-way and within the boundaries of the historic preservation district.

12. "Local historic district" means a geographically definable area which possesses a significant continuity of buildings, sites, structures or objects which are united historically or aesthetically by plan or physical development and which has been designated as a historic preservation district by the city council.

13. "National register of historic places" means a national listing of buildings, sites, districts and objects which are considered worthy of preservation because of their architectural merits or importance in local, regional or national history. Listing on the national register of historic places does not bring a property under provisions of the landmarks ordinance unless the property is designated as local historic district by city council.

14. "Ordinary repairs and maintenance" means any work to correct deterioration, decay or damage to a building, object, structure or site in order to restore the same, as nearly as may be practical, to its condition prior to such deterioration, decay or damage, using materials identical to the original.

C. Classifications of local historic districts:

1. There are created the following classifications of local historic districts, as shown on the official zoning map of the city:

a. Historic Preservation District. In a designated historic preservation district, no building, structure, object or site shall be constructed, altered, repaired, relocated or demolished unless the action meets with the requirements set forth in this section for compliance with the design

review guidelines adopted for the historic preservation district and for issuance of a certificate of appropriateness.

b. Historic Conservation District. In a designated historic conservation district, no building, structure, object or site shall be constructed, relocated, demolished or increased or reduced in a habitable area unless the action meets with the requirements set forth in this section for compliance with the design review guidelines adopted for the historic conservation district for issuance of a certificate of appropriateness.

To indicate the local historic district overlay zone the prefix "H-P" shall be addressed for historic preservation districts and the letters "H-C" shall be added for historic conservation districts on the official zoning map. Any use permitted by the existing zoning classification is also permitted in the local historic districts.

2. Local historic districts shall meet one or more of the following criteria, in that they are:

a. Associated with events which have made a significant contribution to local, state or national history;

b. Associated with persons significant in our past;

c. Comprised of structures or groups of structures that embody the distinctive characteristics of a type, period, or method of construction; or that represent the work of a master or possess high artistic values; or that represent a significant and distinguishable entity whose components may lack individual distinction;

d. Likely to yield archaeological information; or

e. Listed in the national register of historic places.

D. Certificate of Appropriateness.

1. The building official shall not issue any building or other permit in a:

a. Historic preservation (H-P) district for the construction, alteration, demolition or relocation of a building, object, structure or site within any historic preservation district unless a certificate of appropriateness has been issued;

b. Historic conservation (H-C) district for new construction, demolition, relocation or increase in habitable area or a building, object, structure or site within any historic conservation district unless a certificate of appropriateness has been issued.

2. Additionally, the commission is authorized to review the construction, alteration, relocation or demolition of any building, structure, object or site, whether privately or publicly owned, which is located in a local historic district, and for which a building permit is not required, except work undertaken for the purpose of ordinary repair and maintenance.

3. Failure of a property owner or the holder of a building or other permit to construct, demolish, alter or relocate a building or any property in accordance with the requirements of the certificate of appropriateness shall constitute a violation of the zoning ordinances of the city.

E. The Memphis Landmarks Commission.

1. Establishment of Memphis Landmarks Commission. The commission shall serve as a historic zoning commission as provided by T.C.A. 13-7-403, for the city. The commission shall be under the general supervision of the executive office of the city.

2. Powers and Duties.

a. Designation of Local Historic Districts. The commission shall review applications regarding creation of local historic districts. Applications shall be filed in the office of the commission and a public hearing on such applications shall be held at a special or regularly scheduled meeting of the commission.

The commission shall furnish to the land use control board, in writing, its recommendations regarding the creation of any local historic district. Submission for rezoning as a local historic district shall be in accordance with Chapter 16-24. Written notice shall be given to all affected property owners concerning the application as required by the zoning ordinance of the city.

The city council shall review and consider the recommendations of the commission and the land use control board prior to the establishment of any local historic district.

b. Adoption of Design Review Guidelines. Prior to the establishment of any local historic district, the commission shall adopt a set of design review guidelines, which it will apply in ruling upon the granting or denial of a certificate of appropriateness. Such design review guidelines shall be consistent with the purposes of this title and with regulations and standards adopted by the secretary of the interior pursuant to the National Historic Preservation Act of 1966, as amended. Reasonable public notice and opportunity for public comment, by public hearing or otherwise, shall be required before the adoption of any such design review guidelines.

c. Determinations for Certificates of Appropriateness.

i. It shall be the duty of the commission to make the following determinations with respect to any local historic district when application is made for a certificate of appropriateness or whenever any such determination is deemed necessary by the commission.

(A) Appropriateness of altering, constructing or demolishing any building, structure or object within a local historic district;

(B) Appropriateness of exterior architectural features, including signs and other exterior features;

(C) Appropriateness of exterior design of any new extension on any existing building or structure;

(D) Appropriateness of front yard, side yards, off-street parking spaces, location of entrance drives into the property, or sidewalks along the public right-of-way;

(E) Appropriateness of the general exterior design, arrangement, texture, or material of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings; however, the landmarks commission shall not consider work undertaken for the purpose of ordinary repair and maintenance, nor shall it consider interior design or arrangement, and it shall only advise on exterior paint colors.

ii. Upon review of the application for a building permit, the commission shall give prime consideration to:

(A) Historical or architectural value of the present structure;

(B) The relationship of the exterior architectural features of such structure to the rest of the structures in the surrounding area;

(C) The compatibility of exterior design, arrangement, texture, and materials proposed to be used;

(D) To any other factor, including aesthetic, which is deemed pertinent.

d. Research, Education, Planning and Project Funding. The commission shall conduct and encourage research, planning and educational projects for the purpose of protecting historic districts and documenting the historic significance thereof, including the following:

i. Recommend to the mayor and city council designated sites and city council designated sites and districts for loans and grants under the city landmark fund and subject to approval by the mayor and city council, make applications for and administer grants for the purpose of preserving and restoring structures and sites located within local historic districts;

ii. Initiate or assist in surveys, plans and studies and programs designed to identify, list, and evaluate structures, objects, sites, and areas worthy of preservation, and develop strategies and methods for their protection;

iii. Consult with and consider the recommendations of civic groups, public agencies and citizens interested in historic preservation and provide information to the public;

iv. Research historic properties and apply for designation to the national register of historic places and establish a list of properties eligible for designation as local historic districts.

3. Right of Entry Upon Land. The commission, its members or employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this section or by the determination of the commission. There shall be no right of entry into any building without the consent of the owner.

4. Membership and Procedures.

a. Membership. The commission shall consist of nine members who shall have been bona fide residents of the city for not less than three years immediately prior to appointment and who shall continue to be bona fide residents of the city as long as they serve, including: one licensed architect, one historian, one member of the land use control board, one licensed attorney-at-law, one licensed engineer, three members selected from the community who have a demonstrated interest in history or preservation, and one member of the community who belongs to a local historical organization. The present members of the landmarks commission whose terms of office have not expired shall serve for their current terms of office. Thereafter, new members shall be appointed as set out in Section 14-24-5(D)(3).

b. Advisory Members and Staff. Advisory members to the commission may be designated by the following organizations and agencies to provide additional technical expertise and coordination: The Memphis and Shelby County office of planning and development; the Memphis and Shelby County office of construction code enforcement; Memphis Heritage Inc.; center city commission; the department of housing improvement; Memphis park commission; a locally designated member of the Tennessee Historical Commission.

A staff person from the division of housing and community development shall be designated executive secretary, hereinafter called "secretary" and shall handle all business of the commission as required to administer this section.

c. Appointment, Removal and Vacancies. Members of the commission shall be appointed by the mayor of the city, subject to confirmation by the city council.

The members of the commission shall serve for a five-calendar-year term, except that members first appointed shall serve as follows: two members for one year, two members for two years, two members for three years, two members for four years, and one member for five years. All members shall serve without compensation, and may be removed from membership by the appointing authority for just cause. Any member being so removed shall be provided, upon request, a public hearing on the removal decision before the city council.

Commission members shall hold office until their successors are appointed. Vacancies on the commission shall be filled for the unexpired term of those members whose

positions have become vacant in the manner herein provided for the appointment of all members.

d. Election of Officers, Rules and Meetings. The commission shall elect from its members its own chairperson and other officers deemed appropriate to carry out its purposes. The commission shall adopt rules of order and establish regular meeting dates. At least five members shall constitute a quorum for the transaction of business. The concurring vote of five members of the commission shall constitute final action of the commission on any matter before it.

All meetings of the commission shall be open to the public. Notice shall be given of the place, date and time of any public hearings held under the provisions of this subsection by publication in a newspaper of general circulation at least three days prior thereto. The commission shall keep minutes of its procedures showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact.

e. Conflict of Interest. Any member of the commission who shall have a direct or indirect interest in any property which is the subject matter of or affected by a decision of the commission shall be disqualified from participating in the discussion, decision, or proceedings of the commission in connection therewith.

f. Applications for Certificates of Appropriateness. Applications shall be filed in the office of the secretary of the commission, and shall contain all required information, including plans, specifications, drawings and photographs.

The commission shall make a decision on the appropriateness of the proposed development within thirty (30) days of receipt of sufficient data and within ten (10) days shall issue or deny the certificate of appropriateness, stating approval with or without attached conditions or disapproval with the grounds for disapproval stated in writing.

In the event of a determination to deny a certificate of appropriateness, the commission shall request consultation with the applicant for a period not to exceed sixty (60) days for the purpose of considering modifications to the application in keeping with the criteria. If at the end of that time an acceptable solution has not been achieved, the certificate of appropriateness shall be denied. No subsequent application which is substantially the same shall be accepted for at least six months from the date of the final action on the previous proposal.

g. Enforcement. To monitor work in local historic districts the commission staff will conduct routine surveys to ensure that work in progress is undertaken and completed in compliance with the certificate of appropriateness, and to see that the work is not undertaken without permits. If the commission finds that work undertaken is not done in accordance with the requirements for the certificate of appropriateness, it shall notify the owner of record in the following manner:

i. By certified mail to the last know address of the applicant or owner of record; or

ii. By telephone.

If, within seven days, action is not undertaken by the owner to meet the requirements of the certificate of appropriateness, the commission may determine that noncompliance has occurred. The commission shall notify the building official of any such noncompliance. A stop work order may be issued by the building official that all exterior work must stop until the order is lifted.

F. Determination of Economic Hardships. Each application for removal or demolition shall be considered, taking into account economic hardship. The commission may, after reasonable notice, set an application for public hearing and may consider any or all of the following:

1. Estimate of the cost of the proposed redevelopment, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the commission for changes necessary for the issuance of a certificate of appropriateness;

2. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;

3. Estimated market value of the property in its current condition; after completion of the proposed redevelopment, alteration, demolition, or removal; after any changes recommended by the commission; and in the case of a propose demolition, after renovation of the existing property for continued use;

4. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;

5. Amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any between the owner of record or applicant, and the person from whom the property was purchased, and any terms of financing between the seller and buyer;

6. If the property is income-producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

7. Any other information considered necessary by the commission to make a determination as to whether the property does yield or may yield a reasonable return to the owners. Request for consideration shall be taken up at a public hearing with reasonable notice and consideration given to any or all of the factors listed above.

G. Right to Appeal. Appeals from any decision of the landmarks commission may be taken in accordance with statutory certiorari, provided for in Chapter 8, of Title 27 of the Tennessee Code Annotated.

Nothing in this section shall be interpreted as giving the commission any authority to consider, review, examine or control the use of property classified as a local historic district. Use shall be controlled solely by the zoning controlling such property prior to its classification as a local historic district or as may be rezoned by subsequent amendments.

H. Violation and Penalty. Any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined no more than fifty dollars ($50.00) per day plus court costs. Each day's continuance of a violation shall be considered a separate offense.

Where an alteration is undertaken without issuance of a certificate of appropriateness, the owner shall be required to return the property, in as much is reasonably possible, to its state prior to the alteration, or as determined appropriate by the commission based upon the design review guidelines.

In addition to the party determined to be in violation of this section, any other person who may have knowingly assisted in the commission of any such violation shall be guilty of a separate offense.

I. Memphis Landmarks Commission Fund. There is established a city account designated as the "Memphis Landmarks Commission Fund" from which account may be paid costs and expenses incurred by the city in connection with the purchase, repair, alteration, preservation, or improvement of any property within a historic district as defined by this section, and into which fund may be paid:

1. Such sums as may be recovered by the city as reimbursement for costs and expenses of repair, alteration or improvement of local historic district properties found to be substandard;

2. Such other sums as may by this section be appropriated to or designated revenue of such fund; and

3. Such other sums as may by gift, bequest, or grant be deposited in such fund and that the city comptroller is authorized to draw the necessary warrants and make the necessary transfers.

Use of the fund shall include, but not be limited to, facade and property easements, purchase of materials and property and rehabilitation loans. (Ord. 4974 § 1, 10-15-02; Ord. 4917 § III, 1-22-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4873AM §§ 1, 2, 11-20-01; Ord. 4873 §§ 1, 2, 7-24-01; Ord. 4870 §§ 1, 2, 6-19-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4815 § 1, 10-3-00; Ord. 4779 § 1, 6-20-00; Ord. 4715 § 2, 11-2-99; Ord. 4706 § 1, 10-12-99; Ord. 4582 § 1, 5-19-98; Ord. 4552 § 1, 12-2-97; Ord. 4516 § 1, 8-19-97; Ord. 4367 § 2, 12-5-95; Ord. 4350 § 1, 8-1-95; Ord. 4348 § 2, 8-1-95; Ord. 4327 § 2, 5-16-95; Ord. 4209 § 2, 8-31-93; Ord. 4208 § 2A, 8-24-93; Ord. 4115 § 1, 8-25-92; Ord. 4106 § 1, 6-30-92; Ord. 4075 § 2, 12-3-91; Ord. 4045 § 1(I—III), 7-23-91; Ord. 3976 § 1, 6-26-90; Ord. 3949 § 1, 3-20-90; Ord. 3742 § 1, 4-12-88; Ord. 3706 § 1(VI, VII), 12-22-87; Ord. 3678 § 1, 6-23-87; Ord. 3645 § 1(2), 4-14-87; Ord. 3623 § 1, 3-17-87; Ord. 3549 § 1(1), (6), (7), 5-13-86; Code 1985 Appx. A § 26 (part); Ord. 3347 § 2, 12-6-83; Ord. 3346 § 2, 12-6-83; Ord. 3273 § 1, 3-29-83; Ord. 3255 § 1, 11-16-82; Ord. 3192 § 1(II), 3-2-82; Ord. 3182 § 1, 1-5-82; Ord. 3140 § 1, 7-28-81; Ord. 3131 § 1, 6-9-81; Ord. 3064, 10-7-80)

Sec. 16-100-4 Winchester Park—Special pilot district (WIN Park SPD).

A. District Boundaries. The Winchester Park special pilot district (Win Park SPD) contains the following area bounded by the centerline of the following roadways: North Parkway on the north; Ayers Street on the east; Poplar Avenue on the south; and Danny Thomas Boulevard on the west.

B. Purpose. The purpose of this special district is to provide a pilot program to encourage redevelopment of the Winchester Park Area for single-family detached homes on lots or parcels that contain less than the minimum lot area required by the designated conventional zoning classification. The Win Park SPD is intended to preserve and strengthen the single-family character of the area, promote a harmonic redevelopment of the area consistent with the scale and character of existing single-family lots, and encourage single-family redevelopment and home ownership to stabilize the neighborhood, and thereby strengthening the city's tax base.

C. Regulations for Single-Family Detached Dwellings. Not withstanding the provisions for minimum lot size in this title including Section 16-116-4, Nonconforming lots of record, a nonconforming lot of record or parcel of property as identified on the following city and Shelby County, Tennessee, tax maps and incorporated herein:

Map E-7 dated Revised March 15, 1990;

Map E-8 dated Revised March 15, 1990;

Map E-9 dated Revised March 14, 1990;
Map F-7 dated Revised March 16, 1990;
Map F-8 dated Revised March 16, 1990;
Map F-9 dated Revised March 16, 1990;

May be used for single-family dwellings and permitted accessory uses thereto and no other structure provided:

1. The minimum lot or parcel width is twenty-five (25) feet;

2. The minimum lot or parcel area is three thousand (3,000) square feet;

3. The minimum lot depth is seventy (70) feet; and

4. The lot or parcel shall be considered a nonconforming lot or parcel and is subject to the side yard requirements of Section 16-116-4(B). (Ord. 4974 § 1, 10-15-02; Ord. 4917 § III, 1-22-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4873AM §§ 1, 2, 11-20-01; Ord. 4873 §§ 1, 2, 7-24-01; Ord. 4870 §§ 1, 2, 6-19-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4815 § 1, 10-3-00; Ord. 4779 § 1, 6-20-00; Ord. 4715 § 2, 11-2-99; Ord. 4706 § 1, 10-12-99; Ord. 4582 § 1, 5-19-98; Ord. 4552 § 1, 12-2-97; Ord. 4516 § 1, 8-19-97; Ord. 4367 § 2, 12-5-95; Ord. 4350 § 1, 8-1-95; Ord. 4348 § 2, 8-1-95; Ord. 4327 § 2, 5-16-95; Ord. 4258 § 2, 6-7-94; Ord. 4209 § 2, 8-31-93; Ord. 4208 § 2A, 8-24-93; Ord. 4115 § 1, 8-25-92; Ord. 4106 § 1, 6-30-92; Ord. 4075 § 2, 12-3-91; Ord. 4045 § 1(I—III), 7-23-91; Ord. 3976 § 1, 6-26-90; Ord. 3949 § 1, 3-20-90; Ord. 3751 § 1, 5-3-88; Ord. 3742 § 1, 4-12-88; Ord. 3706 § 1(VI, VII), 12-22-87; Ord. 3678 § 1, 6-23-87; Ord. 3645 § 1(2), 4-14-87; Ord. 3623 § 1, 3-17-87; Ord. 3549 § 1(1), (6), (7), 5-13-86; Code 1985 Appx. A § 26 (part); Ord. 3347 § 2, 12-6-83; Ord. 3346 § 2, 12-6-83; Ord. 3273 § 1, 3-29-83; Ord. 3255 § 1, 11-16-82; Ord. 3192 § 1(II), 3-2-82; Ord. 3182 § 1, 1-5-82; Ord. 3140 § 1, 7-28-81; Ord. 3131 § 1, 6-9-81; Ord. 3064, 10-7-80)

Sec. 16-100-5 FCD Fletcher Creek drainage basin district.

A. Purpose. The purpose of the Fletcher Creek drainage basin district is to establish regulations governing the use of land and the construction of structures located in the Fletcher Creek drainage basin in Memphis and unincorporated Shelby County to prevent and minimize the loss of life, property damage, health and safety hazards, pollution and disruption to the economic and social life of the community brought about by flooding.

B. Application of Regulations.

1. The Fletcher Creek drainage basin district (FCD) shall overlay land located in the drainage basin shown on the zoning map. The regulations contained herein shall apply to the development of such land in addition to the regulations contained in the underlying zoning district for such land.

2. The provisions of this section shall apply to any new structure or expansion of an existing structure on a standard subdivided lot as well as on all otherwise exempt lots, planned developments and C-P districts including lots which meet exemption criteria established in the subdivision regulations, and lots of record and any other land exempted from providing storm water discharge improvements located within the Fletcher Creek drainage basin.

3. Notwithstanding anything to the contrary, the provisions of this section shall not apply to any building that has been issued a building permit or use and occupancy certificate on or before the effective date of the ordinance codified in this section.

4. If a property is located within the Fletcher Creek basin west of Raleigh-LaGrange Road, it is exempt from the detention requirements of this section. Such properties are still subject to the detention requirements of the city Drainage Design Manual.

5. If a development has an existing recorded final plat or has been issued a final plan/plat memorandum of conformance by the office of planning and development as of the effective date of the ordinance codified in this section, the development will only be subject to the requirement for the lowest habitable floor elevations, including a basement, to be at least 2.5 feet above the one hundred (100) year base flood elevation according to the latest FIRM maps.

6. The only exception to the 2.5 feet above the one hundred (100) year base flood elevation minimum floor elevation for issuance of a building permit is for an expansion of a single-family home which existed as of the effective date of the ordinance codified in this chapter, which requires the lowest habitable floor elevation to be 1.0 foot above the one hundred (100) year base flood elevation according to the latest FIRM maps.

C. Additional Requirements for Permits and Approvals.

1. No permit or approval required by this title, the subdivision regulations or the building code for a building permit, special use permit, planned development, subdivision approval, site plan or C-P development approval or amendments to this title shall be granted unless the development, structure or use of land proposed for construction located in the area complies with the provisions of this section.

2. An applicant for any such permits or approvals described in subsection(C)(1) of this section shall be required to:

a. Ensure the proposed development or construction will not increase the peak discharge rate from pre-development levels to post-development levels, based on a ten (10) and twenty-five (25) year, twenty-four (24) hour storm as described in the city Drainage Design Manual. An hydrologic study prepared by a registered professional engineer, licensed in the state of Tennessee will be required to be submitted to the city and/or county engineering departments which will show how the proposed development or construction will prevent any increase in the peak discharge rate from pre- to post-development levels, based on a ten (10) and twenty-five (25) year, twenty-four (24) hour storm as described in the city Drainage Design Manual;

b. Prepare and submit a maintenance plan, signed by the owner/developer, for any storm water management improvements proposed or required. The owner is also responsible for maintaining any required storm water detention to ensure storage capacity is maintained and the system is functioning properly. In the event that improper maintenance of private drainage facilities leads to situations which may impact on public safety, the city/county shall have the right where necessary to protect the public safety to enter onto private property for the purposes of repairing those facilities and restoring them to proper operation. The cost of the repairs are the responsibility of the property owner. The city/county shall bear no responsibility for repairs to private roads, parking areas, planting materials, etc. The city/county will bill the owner and if not paid within a reasonable time period, may place a lien on this property.

c. A maintenance plan signed by the owner/developer that provides the property owner agrees to the following actions:

i. Upon completion of improvements, the owner/developer shall submit or cause to be submitted to the appropriate city or county engineer the following:

(A) As built surveys of storm water management structures,

(B) A letter signed by the design engineer certifying that improvements were built in substantial conformance with approved plans and will perform as intended,

ii. A description of the type and frequency of maintenance activities that will ensure functioning of the structure(s) and no reduction in storage capacity from silt or other debris.

3. There shall be no net loss of storage within the one hundred (100) year floodplain as defined and depicted on the 1982 FEMA Flood Insurance Rate Maps (FIRM). Any filling of a building site within this portion of the Fletcher Creek flood hazard area will provide an equal amount of replacement of the floodplain capacity reduced by the fill. In-kind replacement of lost storage shall be provided by each development.

4. Building permits for new structures or building expansions in the Fletcher Creek district (FCD) Overlay zone will require an affidavit of floor elevation showing the lowest habitable floor at least 2.5 feet above the one hundred (100) year base flood according to the latest FIRM maps and the required drainage improvements for the Fletcher Creek district (FCD) signed by a licensed engineer or registered land surveyor submitted to code enforcement with a copy to the appropriate city or county engineering department.

The only exception to the 2.5 feet minimum above one hundred (100) year base flood for issuance of a building permit is for an expansion of an existing single-family home, which requires the lowest habitable floor elevation of the expansion be at least 1.0 foot above the one hundred (100) year base flood elevation.

D. Administrative Site Plan Review. Administrative site plan review through the office of construction code enforcement shall be required prior to the issuance of any building permit (except for single-family residences) for any new building or building expansion or replacement on lots of record or exempt lots in the Fletcher Creek district (FCD) overlay zone.

1. Procedures. Applications shall be considered administratively by the office of construction code enforcement, with review by the office of planning and development and the storm water requirements review made by the appropriate city or county engineering department within the administrative review process. Information required for submittal is contained in Section 16-32-4(J) in addition to supplemental information required elsewhere in this chapter.

The administrative review process of complete applications shall be concluded within fourteen (14) days. If the office of construction code enforcement does not approve the application, the applicant may appeal to the appropriate legislative body, the city council or the Shelby County board of commissioners.

2. In addition to filing requirements in Section 16-32-4(J), the following shall be required:

a. An hydrologic study performed by a registered professional engineer, licensed in the state of Tennessee which will indicate how the development or construction proposed will prevent any increase in the peak discharge rate from pre to post development levels, based on a ten (10) and twenty-five (25) year, twenty-four (24) hour storm as described in the city Drainage Design Manual;

b. A maintenance plan signed by the owner/developer that provides the property owner agrees to the following actions:

i. Upon completion of improvements, the owner/developer shall submit or cause to be submitted to the appropriate city or county engineer the following: as built surveys of storm water management structures. A letter signed by the design engineer certifying that improvements were built in substantial conformance with approved plans and will perform as intended,

ii. A description of the type and frequency of maintenance activities that will ensure functioning of the structure(s) and no reduction in storage capacity from silt or other debris;

c. Elevation of proposed buildings or expansions. If in or within five hundred (500) feet of a flood hazard area, then the one hundred (100) year base flood elevation must also be indicated. All structures built within the Fletcher Creek drainage basin district must be at least 2.5 feet above the one hundred (100) year base flood elevation according to the latest FIRM maps, except as provided in subsection (B)(3) and (6) of this section;

d. Location of existing streams, channels or other drainage ways on the property and proposed storm water improvements to ensure handling the ten (10) and twenty-five (25) year storm on site.

e. Location of all other required improvements including but not limited to roads, sidewalks, landscaping and buffer areas. (Ord. 5009 § 2, 2004; Ord. 4974 § 1, 10-15-02; Ord. 4917 § III, 1-22-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4873AM §§ 1, 2, 11-20-01; Ord. 4873 §§ 1, 2, 7-24-01; Ord. 4870 §§ 1, 2, 6-19-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4815 § 1, 10-3-00; Ord. 4779 § 1, 6-20-00; Ord. 4715 § 2, 11-2-99; Ord. 4706 § 1, 10-12-99; Ord. 4582 § 1, 5-19-98; Ord. 4552 § 1, 12-2-97; Ord. 4516 § 1, 8-19-97; Ord. 4367 § 2, 12-5-95; Ord. 4350 § 1, 8-1-95; Ord. 4348 § 2, 8-1-95; Ord. 4327 § 2, 5-16-95; Ord. 4209 § 2, 8-31-93; Ord. 4208 § 2A, 8-24-93; Ord. 4115 § 1, 8-25-92; Ord. 4106 § 1, 6-30-92; Ord. 4075 § 2, 12-3-91; Ord. 4045 § 1(I—III), 7-23-91; Ord. 3976 § 1, 6-26-90; Ord. 3949 § 1, 3-20-90; Ord. 3742 § 1, 4-12-88; Ord. 3706 § 1(VI, VII), 12-22-87; Ord. 3678 § 1, 6-23-87; Ord. 3645 § 1(2), 4-14-87; Ord. 3623 § 1, 3-17-87; Ord. 3549 § 1(1), (6), (7), 5-13-86; Code 1985 Appx. A § 26 (part); Ord. 3347 § 2, 12-6-83; Ord. 3346 § 2, 12-6-83; Ord. 3273 § 1, 3-29-83; Ord. 3255 § 1, 11-16-82; Ord. 3192 § 1(II), 3-2-82; Ord. 3182 § 1, 1-5-82; Ord. 3140 § 1, 7-28-81; Ord. 3131 § 1, 6-9-81; Ord. 3064, 10-7-80)

16-100-6 MO Medical overlay district.

A. Purpose. The purpose of the medical overlay district is to support the investment efforts of the various institutional uses located within the district by providing restrictions on those uses deemed incompatible with the future land uses anticipated in the area. The area is also intended to have a more urban, pedestrian-friendly, walkable character in the future, and therefore replacement standards that support this vision are included in the overlay district. Finally, mapped limitations on height will help reduce the impact of large-scale uses on the surrounding neighborhoods.

B. Applicability. The standards of this chapter shall apply to the medical overlay district as designated on the map below.

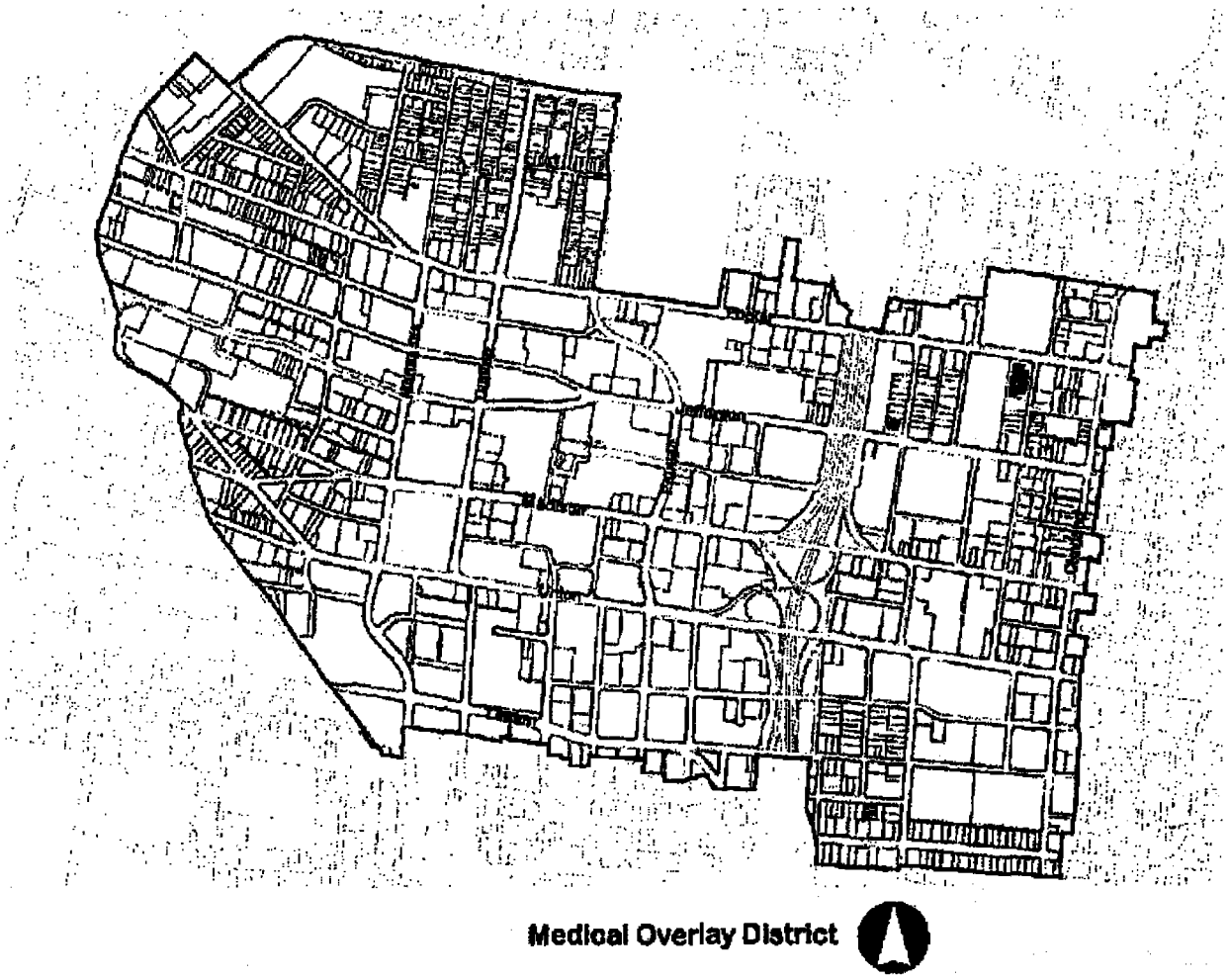
C. Administration.

1. All new construction shall be subject to site plan review in accordance with the SCBID site plan review process and criteria in section 16-92-8.

2. The land use control board shall have the authority to review special exceptions in the medical overlay district in accordance with section 16-92-9.

3. No planned developments (Chapter 16-52) shall be allowed within the medical district overlay.

4. All existing uses that are not in conformance with the requirements of the underlying district or this overlay district at the time of adoption shall be governed by chapter 16-116 (nonconformities). (Ord. 5188, 2-15-07)


Medical Overlay District

Chapter 16-104

ACCESSORY STRUCTURES AND USES

Sections:

16-104-1	**Authorization.**
16-104-2	**Particular permitted accessory structures and uses.**
16-104-3	**Prohibited accessory structures and uses.**
16-104-4	**Bulk and location regulations.**
16-104-5	**Use limitations.**

Sec. 16-104-1 Authorization.

Accessory structures and uses are permitted in any zoning district in connection with any lawfully existing principal structure and use. (Ord. 4974 § 1, 10-15-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4873AM §§ 1, 2, 11-20-01; Ord. 4873 §§ 1, 2, 7-24-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4637 § 1, 12-15-98; Ord. 4516 § 1, 8-19-97; Ord. 4348 § 2, 8-1-95; Ord. 4455 § 1(1)—(3), 12-3-96; Ord. 4258 § 2, 6-7-94; Ord. 4115 § 1, 8-25-92; Ord. 4075 § 1, 12-3-91; Ord. 3706 § 1(11), 12-22-87; Ord. 3505 § 1, 10-29-85; Code 1985 Appx. A § 27(A); Ord. 3130 § 1, 6-9-81; Ord. 3064, 10-7-80)

Sec. 16-104-2 Particular permitted accessory structures and uses.

Accessory structures and uses include, but are not limited to, the following; provided, however, that each structure or use shall comply with the standards and requirements of Sections 16-104-3 through 16-104-5:

A. Private residential garages and carports;

B. A structure for storage incidental to a permitted use, provided no such structure that is accessory to a residential building shall exceed two hundred fifty (250) square feet in gross floor area and provided that no such structure which is accessory to any other type of principal building shall exceed twenty-five (25) percent of the volume of such principal building;

C. Tennis courts, lighted or unlighted, accessory to a residential building and limited to use by the occupants thereof and their guests;

D. A private swimming pool and bathhouse accessory to a residential building and limited to use by the occupants thereof and their guests; provided that such swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access to such swimming pool from the street or from adjacent properties. Such swimming pool shall not be located in any required front or side yard. All in-ground pools shall have at least a three-foot-wide deck area around the pool, and a patio and other similar facilities can be used to meet this requirement;

E. Fences, walls, and hedges;

F. Outdoor storage of no more than one boat and boat trailer and no more than one camping trailer or recreational vehicle per dwelling unit; provided no part of such storage area shall be located in a front yard and provided such boat and camping trailer or vehicle shall not be used for living, sleeping or housekeeping purposes;

G. Radio and television antennas, subject to the height restrictions of the district in which they are located;

H. Off-street parking subject to the provisions of Chapter 16-108;

I. Signs, except advertising signs, subject to the provisions of Chapter 16-112;

J. Guardhouse and gates;

K. CMCS antennas and related equipment may be permitted on any existing or approved structure except on single-family residential structures as accessory to the principal structure or use. They shall not exceed the height required to accomplish their intended function, but in no circumstances can they extend more than twenty (20) feet above the height of the supporting structure upon which the antenna is attached or affixed. In addition, the antennae and equipment are required to be finished to be as closely compatible as reasonable with the color of the supporting structure upon which the antenna is attached or affixed, and in such a manner to make the antenna as visually unobtrusive as possible. (Ord. 4974 § 1, 10-15-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4873AM §§ 1, 2, 11-20-01; Ord. 4873 §§ 1, 2, 7-24-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4637 § 1, 12-15-98; Ord. 4516 § 1, 8-19-97; Ord. 4348 § 2, 8-1-95; Ord. 4455 § 1(1)—(3), 12-3-96; Ord. 4258 § 2, 6-7-94; Ord. 4115 § 1, 8-25-92; Ord. 4075 § 1, 12-3-91; Ord. 3706 § 1(11), 12-22-87; Ord. 3505 § 1, 10-29-85; Code 1985 Appx. A § 27(B); Ord. 3130 § 1, 6-9-81; Ord. 3064, 10-7-80)

Sec. 16-104-3 Prohibited accessory structures and uses.

Outdoor storage is prohibited, except as expressly permitted. (Ord. 4974 § 1, 10-15-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4873AM §§ 1, 2, 11-20-01; Ord. 4873 §§ 1, 2, 7-24-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4637 § 1, 12-15-98; Ord. 4516 § 1, 8-19-97; Ord. 4348 § 2, 8-1-95; Ord. 4455 § 1(1)—(3), 12-3-96; Ord. 4258 § 2, 6-7-94; Ord. 4115 § 1, 8-25-92; Ord. 4075 § 1, 12-3-91; Ord. 3706 § 1(11), 12-22-87; Ord. 3505 § 1, 10-29-85; Code 1985 Appx. A § 27(C); Ord. 3130 § 1, 6-9-81; Ord. 3064, 10-7-80)

Sec. 16-104-4 Bulk and location regulations.

Accessory structures and uses, except parking and parking areas and lots and signs which are subject, respectively, to the provisions of Chapters 16-108 and 16-112, shall be subject to the bulk and location regulations hereinafter set forth:

A. 1. In all residential districts, detached accessory structures and uses, except fences, walls, hedges, guardhouses, gates, and access devices, shall be located between the rear lot line and the nearest principal building or permitted projection therefrom, shall not be less than sixty (60) feet from the front lot line, or for a corner lot not less than sixty (60) feet from the front lot line that has the least dimension and shall be located at least thirty (30) feet from the front lot line having the longest dimension or forty (40) feet if located on a major road or parkway; and, shall not be less than ten (10) feet from the principal structure on the zoning lot except for swimming pools, and tennis courts, and not less than five feet from any side and rear lot lines with the following exceptions.

a. In the R-S6 and less restrictive districts, a side yard of three feet shall be permitted for detached garages.

b. A zero setback shall be permitted from an alley or rear service drive.

2. Fences and walls may be located at or within five feet of the property line provided they are constructed eight feet or less in height. Such fences shall not require a building permit except as otherwise required by the building code. All fences, walls and any landscaping shall not be located within the vision triangle at public street or private drive/driveway intersections, or within the clear site area as established in Section 16-120-5(B).

B. In all residential districts, attached accessory structures and uses shall maintain the same front yard as required for the principal structure, shall project no more than ten (10) feet from the principal structure into the required rear yard and may be located no closer than five feet to any side lot line.

C. No accessory building in any residential district shall occupy more than twenty-five (25) percent of the required rear yard with the following exception: detached accessory garages shall be permitted to occupy not more than twenty-five (25) percent of the actual rear yard. The actual rear yard shall be defined in the same manner as the required rear yard except it shall be measured to the actual location of the farthest projection of the rear elevation of the principal residence.

D. No accessory structure shall exceed the height limitations of the district in which such structure is located.

E. In commercial and industrial districts, detached accessory structures and uses, except fences, walls, hedges, guardhouses, gates and access devices, shall maintain the same front, side, and rear yard as is required for the principal structure.

1. Any fence or wall may require a building permit in accordance with the requirements of the building code.

2. Any fence or wall constructed in a manner to be greater than seventy-five (75) percent visually opaque shall require a building permit prior to construction and shall be subject to the following additional standards:

a. The maximum height shall be eight feet excluding gates or similar appurtenances.

b. The location shall not extend within the vision triangle at public street or private drive/driveway intersections or within the clear sight area as established in Section 16-120-5(B).

c. The location of any fence or wall shall not conflict with required landscaped areas.

d. Fences shall be constructed of naturally resistant wood, or wood preservative, pressure treated lumber. Wood fencing applied to metal posts and/or frame is permitted.

e. Walls shall be constructed of brick, stone or masonry and shall include a required footing.

f. Materials other than those specified above may be permitted provided that such materials shall be specifically designed and manufactured for the purpose of fence or wall construction and shall be so recognized by the International Fence Industry Association (IFIA).

F. On corner lots, in addition to principle structures, no accessory structures or use of more than three feet in height, shall be established or maintained within the area of the vision triangle; and no planting or other obstacle which obstructs sight lines at a height between two and six feet above the curb height shall be established or maintained within the area of the vision triangle.

G. Guardhouses, gates and/or card readers may be permitted provided they satisfy the following requirements:

1. Residential uses:

Queue Space Depth
(Based on Number of Housing Units Behind Gate)

Street Type	20 feet	40 feet	60 feet
Local	0 to 30 units	More than 30 units	Not applicable
Collector	Not applicable	0 to 150 units	More than 150 units

Street Type	20 feet	40 feet	60 feet
Major	Not applicable	0 to 30 units	More than 31 units

2. All Other Uses.

a. Major Road. Adequate queuing spaces for two cars (minimum forty (40) feet) shall be provided between the back of the curb or edge of pavement and any proposed gate/access device located on any major road included in the major road plan.

b. All Other Roads. Adequate queuing spaces for one car (minimum twenty (20) feet) shall be provided between the back of the curb or edge of pavement and any proposed gate/access device.

3. Adequate maneuvering room shall be provided for vehicles to exit in a forward motion subject to approval of the building official and city or county fire official.

4. Exit only gates and emergency entrance gates shall be exempt from the queuing requirements of subsection (G)(1) of this section. Gate openings shall provide a minimum clear width of twenty (20) feet.

5. In addition to the requirements set forth by fire official's automatic safety bulletin No. 149, the fire official will require a siren operated system (SOS) or other approved device that allows remote activation of the gate from the emergency vehicle.

6. No queuing spaces shall be located with public right-of-way.

7. No gate shall swing out over public right-of-way.

8. Queuing spaces shall be measured from the back of the sidewalk or the back of curb if there is no sidewalk.

9. The building official for Memphis and Shelby County shall have the authority to approve a variation from the queue space requirement set out in subsection (G)(1) through (8) of this section subject to the advice and consent of the city and/or county engineer.

H. When a commercial use or zoning district abuts an existing or proposed residential use or residential zoning district, accessory uses such as dumpsters, and/or HVAC equipment shall be screened from the view of the public streets and the abutting residential use or zoning district. The method of screening, when the above mentioned accessory use is located on the ground, shall include sightproof fencing and/or landscaping subject to the review of the building official. If the HVAC equipment is to be roof-mounted, then an architectural feature such as a parapet shall be required to screen the HVAC equipment from the residential use or district. (Ord. 4974 § 1, 10-15-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4873AM §§ 1, 2, 11-20-01; Ord. 4873 §§ 1, 2, 7-24-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4637 § 1, 12-15-98; Ord. 4516 § 1, 8-19-97; Ord. 4348 § 2, 8-1-95; Ord. 4455 § 1(1)—(3), 12-3-96; Ord. 4258 § 2, 6-7-94; Ord. 4115 § 1, 8-25-92; Ord. 4075 § 1, 12-3-91; Ord. 3706 § 1(11), 12-22-87; Ord. 3505 § 1, 10-29-85; Code 1985 Appx. A § 27(D); Ord. 3130 § 1, 6-9-81; Ord. 3064, 10-7-80)

Sec. 16-104-5 Use limitations.

A. All accessory structures and uses shall comply with the use limitations applicable in the zoning district in which they are located.

B. No accessory structure or use shall be constructed or established on any lot prior to the time of the substantial completion of the construction of the principal structure to which it is accessory.

C. The use of property for the purpose of outdoor display and sale of merchandise as an accessory use to the principal use of the property shall be limited to a maximum area not greater than fifteen (15) percent of the total building area occupied by the principal use. Such accessory outdoor display and sales shall conform to the location and design standards set forth in Section 16-36-4(B)(21). (Ord. 4974 § 1, 10-15-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4873AM §§ 1, 2, 11-20-01; Ord. 4873 §§ 1, 2, 7-24-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4637 § 1, 12-15-98; Ord. 4516 § 1, 8-19-97; Ord. 4348 § 2, 8-1-95; Ord. 4455 § 1(1)—(3), 12-3-96; Ord. 4258 § 2, 6-7-94; Ord. 4115 § 1, 8-25-92; Ord. 4075 § 1, 12-3-91; Ord. 3706 § 1(11), 12-22-87; Ord. 3505 § 1, 10-29-85; Code 1985 Appx. A § 27(E); Ord. 3130 § 1, 6-9-81; Ord. 3064, 10-7-80)

Chapter 16-108

OFF-STREET PARKING AND LOADING

Sections:

16-108-1	**Purpose.**
16-108-2	**Application of regulations.**
16-108-3	**Regulations of general applicability—Off-street parking.**
16-108-4	**Parking—Design and maintenance.**
16-108-5	**Number of parking spaces.**
16-108-6	**Regulations of general applicability—Off-street loading.**
16-108-7	**Loading—Design and maintenance.**
16-108-8	**Required number of loading spaces.**

Sec. 16-108-1 Purpose.

The off-street parking and loading requirements and the regulations of such parking and loading set forth in this chapter are designed to alleviate and prevent congestion in the streets. (Ord. 4668 § 2, 5-4-99; Ord. 4004 § 1, 10-23-90; Ord. 3706 § 1(III—V), 12-22-87; Ord. 3549 § 1(2—4), 5-13-86; Code 1985 Appx. A § 28(A); Ord. 3347 §§ 1(3), 3, 12-6-83; Ord. 3222 § 1, 7-6-82; Ord. 3064, 10-7-80)

Sec. 16-108-2 Application of regulations.

A. Existing, New, Changed, and Expanded Uses.

1. No building, structure or use lawfully established prior to the effective date of this title shall be required to comply with the provisions of this chapter except as hereinafter provided.

2. All buildings and structures erected and uses established after the effective date of this title shall comply with the provisions of this chapter; provided, however, that if a building permit was issued prior to the effective date of this title and construction is begun within one year of the date of such permit, the parking and loading regulations in effect on the date such permit was issued shall apply.

3. If the intensity of use of any building, structure or use is increased by the addition of dwelling units, gross floor area, seating capacity or any other measure of increased intensity, the provisions of this chapter shall only apply to the extent of such increase in intensity of use.

4. If the existing use of a building or structure shall be changed to a new use, such new use shall comply with the provisions of this title; provided, however, that if the existing use is located in a building or structure existing on the effective date of this title, additional parking and loading requirements shall be required only in the amount by which the requirements for the new use exceed the amount required for the existing use if such existing use were subject to the provisions of this chapter.

5. Any conforming or legally nonconforming building, structure or use which is in existence on the effective date of this title, which is subsequently damaged or destroyed and thereafter reconstructed, reestablished or repaired may maintain the same amount of parking and loading which existed on the date of the damage or destruction; provided, however, if such damage or destruction exceeds seventy-five (75) percent of the value of such building, structure or use, then the parking and loading requirements of this chapter shall apply.

6. No existing parking spaces on the effective date of this title shall be reduced in number or size below the requirements of this chapter.

B. CBD District Exemption. The provisions of this chapter shall not apply to any building, structure or use located in the CBD zoning district; provided, however, that if off-street parking and loading are provided, they shall comply with the provisions of this chapter. (Ord. 4668 § 2, 5-4-99; Ord. 4004 § 1, 10-23-90; Ord. 3706 § 1(III—V), 12-22-87; Ord. 3549 § 1(2—4), 5-13-86; Code 1985 Appx. A § 28(B); Ord. 3347 §§ 1(3), 3, 12-6-83; Ord. 3222 § 1, 7-6-82; Ord. 3064, 10-7-80)

Sec. 16-108-3 Regulations of general applicability—Off-street parking.

A. Location of Required Parking Spaces. Except as may otherwise be provided in this title, the off-street parking spaces required by this chapter shall be located as provided in this section. Where a distance is specified, such distance shall be measured from the nearest point of the parking lot to the nearest point of the building structure or uses served by such parking lot.

1. Single-Family and Duplex Uses. Required parking spaces shall be located on the same lot.

2. Multiple dwellings and Nonresidential Uses. Required parking spaces shall be located on the same lot or on land within three hundred (300) feet of the building, structure or use served; provided that such off-site parking complies with the following requirements:

a. Such off-site parking spaces are located within a zoning district which would permit the use to which such parking is accessory;

b. Such off-site parking spaces are in the same ownership as the use served, or if not in the same ownership, the building official determines that such off-site parking spaces are reasonably likely to remain available for use

during the life of the use to be served. The owner of the use requesting the use of off-site parking spaces to fulfill required off-street parking requirements shall submit legal instruments to the building official for review by the city or county attorney who shall submit a report to the building official indicating the length of time the owner may use such off-street parking spaces under such legal instruments and any other information the attorney considers relevant to the building official's determination.

B. Computation of Required Parking Spaces.

1. When computation of the number of required parking spaces results in a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.

2. When parking spaces are computed on the basis of the number of employees or students, the maximum number present at any one time shall govern.

C. Collective Provision of Required Spaces. The collective provision of required off-street parking spaces for two or more uses located in the same or different buildings or structures shall be permitted subject to the following conditions:

1. Except as provided in subsection D of this section, the total off-street parking spaces provided collectively shall not be less than the sum of the requirements for each of the uses if computed separately.

2. The location requirements of subsection A of this section are met as to each such use.

D. Joint Use of Required Parking Spaces.

1. Joint use of up to one hundred (100) percent of required off-street parking spaces shall be permitted for two or more uses located in the same or different buildings subject to the following conditions:

a. The location requirements of subsection A of this section are met;

b. The persons proposing the joint use of required off-street parking spaces file a joint written application with the building official setting forth the following information:

i. The names, addresses, and telephone numbers of the applicants,

ii. The ownership and location of the off-street parking spaces proposed to be jointly used,

iii. The uses which will jointly use the required off-street parking spaces, the hours of operation of each such use, the number of required parking spaces for each such use and number of parking spaces proposed to be jointly used,

iv. Any other information required by the building official in rules published from time to time.

Within ten (10) days after such application is filed, the building official shall determine whether such joint use of required off-street parking spaces will be permitted, and shall in writing notify the applicants thereof.

E. Location of Parking on Site. No required parking spaces for multifamily or townhouse dwellings located in the R-TH, R-ML, R-MM or R-MH districts shall be permitted in any required front yard except such parking shall be permitted in the front yard of townhouse dwellings when they are located on individual lots. In single-family districts and the R-D district, one required parking space may be within the required front yard.

F. Regulations Applicable to Parking Voluntarily Established. Any parking spaces, parking areas or parking lots established, whether required by this chapter or not, shall comply with the provisions of this chapter.

G. Prohibition on using Parking Spaces for Another Use. Any land used for required off-street parking shall not be used for another purpose until required off-street parking spaces are established for the building, structure or use served by the parking spaces located on such land. (Ord. 4668 § 2, 5-4-99; Ord. 4004 § 1, 10-23-90; Ord. 3706 § 1(III—V), 12-22-87; Ord. 3549 § 1(2—4), 5-13-86; Code 1985 Appx. A § 28(C); Ord. 3347 §§ 1(3), 3, 12-6-83; Ord. 3222 § 1, 7-6-82; Ord. 3064, 10-7-80)

Sec. 16-108-4 Parking—Design and maintenance.

A. Dimensions of Off-Street Parking and Queuing Spaces. Off-street parking spaces shall be of dimensions as shown on Chart 3, set out at the end of this title. Off-street queuing spaces shall be at least ten (10) feet in width and at least twenty (20) feet in length.

B. Design Standards. Parking lots shall be designed, constructed, and maintained in accordance with the following minimum standards and requirements:

1. The design requirements for parking spaces and aisles located within a parking lot are set forth on Chart 3, set out at the end of this title. The applicant for permits and approvals required by this title shall choose any one of the parking angles and stall widths for such spaces as are indicated on Chart 3, set out at the end of this title. The regulations opposite such parking angle and stall widths shall apply to the development of the parking lot.

2. Parking lots shall be surfaced with asphalt, concrete, or other hard-surface dustless material and be so constructed to provide for adequate drainage and prevent the release of dust.

C. Screening (refer to Chapter 16-12).

D. If a parking lot abuts landscaping or screening required by this title, continuous curbing or individual

wheel stops shall be provided between the parking lot area and the landscaping and/or screening.

E. Any lighting used to illuminate off-street parking lots shall be so arranged to prevent direct glare onto any public or private property or streets.

F. All parking areas for multifamily dwellings and nonresidential uses shall be designed to provide vehicular egress in a forward motion to a public street.

G. For any institutional, commercial or industrial use, a minimum of two percent of the total parking spaces provided, but not less than a minimum of one parking space, shall be a handicapped parking space with a minimum dimension of twelve and one-half (12½) feet wide by twenty (20) feet in length. (Ord. 4668 § 2, 5-4-99; Ord. 4004 § 1, 10-23-90; Ord. 3706 § 1(III—V), 12-22-87; Ord. 3549 § 1(2—4), 5-13-86; Code 1985 Appx. A § 28(D); Ord. 3347 §§ 1(3), 3, 12-6-83; Ord. 3222 § 1, 7-6-82; Ord. 3064, 10-7-80)

Sec. 16-108-5 Number of parking spaces.

A. The number of parking spaces required for specified uses is set forth on Chart 4, set out at the end of this title.

B. In single-family residential and duplex zoning districts, no more than four parking spaces shall be permitted on a zoning lot.

C. For uses not expressly listed on Chart 4, set out at the end of this title, parking spaces shall be provided on the same basis as required for the most similar listed use, as determined by the building official pursuant to the building official's authority to interpret the provisions of this title. (Ord. 4668 § 2, 5-4-99; Ord. 4004 § 1, 10-23-90; Ord. 3706 § 1(III—V), 12-22-87; Ord. 3549 § 1(2—4), 5-13-86; Code 1985 Appx. A § 28(E); Ord. 3347 §§ 1(3), 3, 12-6-83; Ord. 3222 § 1, 7-6-82; Ord. 3064, 10-7-80)

Sec. 16-108-6 Regulations of general applicability—Off-street loading.

A. Location of Required Loading Spaces. Loading spaces shall be located on the same lot as the building or structure to which they are accessory. No loading space shall be located in a required front yard.

B. Designation and Use. Each required loading space shall be designated as such and shall only be used for loading purposes.

C. Computation of the Number and Length of Required Loading Spaces.

1. In the computation of the number and length of required loading spaces, floor area shall be deemed to include the gross area of the floor area devoted to a particular use and any use incidental thereto, which floor area shall be measured along the interior faces of the walls or partitions which surround the perimeter of the space the use occupies.

2. If a building is devoted to more than one use, the number and length of loading spaces required shall be computed separately on the basis of the floor area occupied by each such use. (Ord. 4668 § 2, 5-4-99; Ord. 4004 § 1, 10-23-90; Ord. 3706 § 1(III—V), 12-22-87; Ord. 3549 § 1(2—4), 5-13-86; Code 1985 Appx. A § 28(F); Ord. 3347 §§ 1(3), 3, 12-6-83; Ord. 3222 § 1, 7-6-82; Ord. 3064, 10-7-80)

Sec. 16-108-7 Loading—Design and maintenance.

A. Dimensions. Required off-street loading spaces shall not be less than ten (10) feet in width and shall have an unobstructed vertical clearance of not less than fourteen (14) feet. The minimum length of loading spaces shall be fifty (50) feet.

B. Screening (refer to Chapter 16-12).

C. Surfacing and Drainage. Loading spaces and maneuvering areas related thereto shall be surfaced with asphalt, concrete or other hard-surface dustless material and be so constructed to provide for adequate drainage and prevent the release of dust. (Ord. 4668 § 2, 5-4-99; Ord. 4004 § 1, 10-23-90; Ord. 3706 § 1(III—V), 12-22-87; Ord. 3549 § 1(2—4), 5-13-86; Code 1985 Appx. A § 28(G); Ord. 3347 §§ 1(3), 3, 12-6-83; Ord. 3222 § 1, 7-6-82; Ord. 3064, 10-7-80)

Sec. 16-108-8 Required number of loading spaces.

The number of loading spaces required for specified categories of uses is set forth on Chart 5, set out at the end of this title. (Ord. 4668 § 2, 5-4-99; Ord. 4004 § 1, 10-23-90; Ord. 3706 § 1(III—V), 12-22-87; Ord. 3549 § 1(2—4), 5-13-86; Code 1985 Appx. A § 28(H); Ord. 3347 §§ 1(3), 3, 12-6-83; Ord. 3222 § 1, 7-6-82; Ord. 3064, 10-7-80)

Chapter 16-112

SIGNS

Sections:

16-112-1	**Purpose and scope.**
16-112-2	**Registration, permits and decals required.**
16-112-3	**Definitions.**
16-112-4	**Classification of signs.**
16-112-5	**Signs prohibited.**
16-112-6	**General standards.**
16-112-7	**Permanent on-premise sign regulations.**
16-112-8	**Permanent off-premises sign regulations.**
16-112-9	**Temporary off-premises sign regulations.**
16-112-10	**Real estate sign regulations.**
16-112-11	**Violations.**
16-112-12	**Enforcement and penalties.**

Sec. 16-112-1 Purpose and scope.

These regulations are designed to protect and promote the public health, safety and welfare by controlling the type, number, location and physical dimensions of signs, to prevent the disruptions, obstructions and hazards to vehicular and pedestrian traffic that signs may cause, and to enhance the quality of the environment in residential and nonresidential districts.

The purpose of this chapter is to regulate signs that are intended to be read at ground level from any public right-of-way.

A. The following signs or sign elements are exempt from the provisions of this chapter but are subject to any other applicable laws and regulations:

1. Government signs required by federal or state law;
2. Flags or emblems of any nation, state or local government unit, organization of nations, fraternal, religious or civic organizations;
3. Window graphics, except if such graphics are located in the central business improvement district, in which case they shall be subject to the provisions of Chapters 12-32 and 12-36;
4. Vending machines; including depositories;
5. Merchandise or the display of merchandise;
6. Works of art which in no way identify a product;
7. Graffiti;
8. Scoreboards located on athletic fields;
9. The content or copy of a sign, except that a copy or content will be regulated under this chapter to the extent necessary to distinguish between off-premises and on-premises signs;
10. Gravestones;
11. Historical site plaques;
12. The display of street numbers;
13. Holiday decorations;
14. Temporary political campaign or referendum signs including their supporting structures are permitted, provided they are erected no longer than ninety (90) days prior to any election, and are not placed upon utility poles or within public rights-of-way;
15. Menu boards, provided they do not exceed twenty-five (25) square feet in area and are located within ten (10) feet of the point at which orders are taken from motor vehicles.

B. Signs located in the central business improvement district shall be subject only to the provisions of Chapters 12-32 and 12-36.

C. Intent. It is the intent of this section of the zoning ordinance to recognize that there are over twenty-five hundred off-premise advertising signs or billboards estimated to be located within the city limits of Memphis. Accordingly:

1. Such billboards are typically much larger than other signs, and thus more intrusive into the streetscape and other parts of the urban geography;
2. Billboards, while along the U.S. Interstate Highways, which are the major travel routes through the area, provide useful information for tourists and are wayfinding aids for tourists and local residents alike.
3. The relatively high speed of travel along such interstate highways justifies the use of signs larger than those in other parts of the community.
4. Many of the existing billboards are located in neighborhood and community commercial areas, along streets and roads that serve local traffic at lower speeds than those on the U.S. Interstate Highways. In these locations the billboards are particularly intrusive and their size is not necessary for any purpose. Their size is distracting to drivers on roads with lower speed limits, where they expect to read signs in much closer proximity than they would on the U.S. Interstate Highways.
5. These amendments are adopted under authority of private acts that grant zoning authority to the City of Memphis and Shelby County. The governing body adopts these amendments with full knowledge of the provisions of Tenn. Code § 13-7-208 regarding the enforcement of zoning ordinances; to the extent that the provisions of these amendments are inconsistent with various parts of

§ 13-7-208, the governing body acts under its authority under the private acts, as reinforced by Tenn. Code §§ 13-7-115, 13-7-210, and 13-7-208(j).

It is thus the intent, and long has been the intent, of the city council of Memphis and Shelby County board of commissioners to reduce the number of billboards in the community, focusing on the reduction of the numbers of such signs in locations that are not along the U.S. Interstate Highway. (Ord. 5136 § 3, 6-2-06; Ord. 4963 § 1, 10-1-02; Ord. 4917 § II, 1-22-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4750 § 2, 3-7-00; Ord. 4723 § 1, 11-16-99; Ord. 4711 § 1, 10-26-99; Ord. 4208 § 2C, 8-24-93; Ord. 4037 § 1, 5-21-91; Ord. 4010 § 1, 12-11-90; Code 1985 Appx. A § 29(I); Ord. 3266 § 1, 3-1-83; Ord. 3237 § 1, 9-14-82; Ord. 3186 § 1, 1-26-82; Ord. 3064, 10-7-80)

Sec. 16-112-2 Registration, permits and decals required.

A. Registration of Signs. Except for signs listed in Section 16-112-1(A), directional signs and real estate signs, any sign existing prior to the effective date of this title shall be registered with the building official within one hundred twenty (120) days of the effective date. However, all illuminated signs and all portable signs shall be registered. Any applicant for a permit must provide all information that the building official may from time to time require in order to determine whether the sign is illegal, nonconforming or conforming. The building official shall provide the owner of the sign with a written determination of whether the sign is illegal, nonconforming or conforming within a reasonable time after receipt of the registration form.

The building official shall maintain the original or a copy of every registration form filed for every sign existing prior to the effective date of this title and all documents accompanying the registration form in his or her office and make the registration forms and all the documents available for public inspection during regular business hours.

The building official also shall maintain a log of all registered signs that includes at least the following information: the name, address and telephone number of the owner of the sign; the street address of the property where the sign is located; whether the sign is illegal, nonconforming or conforming; and the date of the last inspection of the sign. The building official shall make the log available for public inspection during regular business hours.

B. Permits Required. Except for the signs listed in Section 16-112-1(A), directional signs and real estate signs, no sign shall be constructed, erected, relocated, expanded or altered unless the owner thereof obtains a sign permit from the building official. However, all illuminated signs shall obtain a permit. The applicant for a sign permit shall provide the building official with such information as the building official requires in rules published from time to time.

The building official shall not be required to issue a sign permit unless such sign complies with the provisions of this chapter, and all other applicable ordinances and regulations of the city or county.

C. Decals Required.

1. On-Premise Signs. A numbered identification decal shall be issued for each existing sign and shall accompany each permit issued for a new sign. The decal shall be displayed on the sign to which it has been assigned.

When the building official determines that a numbered identification decal has not been posted on a sign, the building official shall notify the owner of the sign in writing by certified mail that unless the numbered identification decal is posted on the sign within thirty (30) days after the date such notice is mailed, the sign shall be considered illegal and the building official shall initiate the necessary proceedings to secure removal of the sign.

2. Off-Premise Signs. Each existing sign shall be issued, and each sign permit issued shall be accompanied by two identification decals. The decal on the board shall include the name of the current owner. The decal on the pole shall be at eye level and shall include the meter box address of the sign. Twelve (12) months after the passage of the ordinance codified in this chapter all existing boards will be required to conform to this chapter. Any new boards must comply prior to final inspection. When the building official determines that the identification decals have not been posted on the sign within the required amount of time, the sign shall be considered illegal and the building official shall initiate the necessary proceedings to secure removal of such sign. (Ord. 4963 § 1, 10-1-02; Ord. 4917 § II, 1-22-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4750 § 2, 3-7-00; Ord. 4723 § 1, 11-16-99; Ord. 4711 § 1, 10-26-99; Ord. 4208 § 2C, 8-24-93; Ord. 4037 § 1, 5-21-91; Ord. 4010 § 1, 12-11-90; Code 1985 Appx. A § 29(II); Ord. 3266 § 1, 3-1-83; Ord. 3237 § 1, 9-14-82; Ord. 3186 § 1, 1-26-82; Ord. 3064, 10-7-80)

Sec. 16-112-3 Definitions.

The following words and terms shall have the following meanings when used in this chapter. Words and phrases not defined in this chapter but defined in Chapter 16-8 shall be given meanings set forth therein. Principles for

computing sign area and sign height are contained in Section 16-112-6. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this chapter.

"Abandoned sign" means a sign or sign structure which has not been utilized for a period of one hundred eighty (180) days or more, or a sign, the contents of which pertain to a place, time, event or purpose which no longer exists, applies or which has occurred. However, such sign may be used by the current landlord for its leasing and management and shall be available for use by its new tenant so long as the structure of the sign is not modified. Any sign used for leasing and management rather than a tenant must be removed after three hundred sixty-five (365) days.

"A-Frame or sandwich board sign" means a type of detached sign in which the back bracing is in the shape of an "A."

"Animated sign" means a sign which uses movement or change of lighting to deposit action or create a special effect or scene.

"Area of copy" means the area which fully encloses the extreme limits of the message, copy, announcement or decoration on a sign. Any cutouts or extensions shall be included in the area of the sign, but supports and bracing which are not intended as part of the sign shall be excluded.

"Attached sign" means a sign permanently attached to a building, awning, canopy, marquee, wall or roof.

"Awning" means a roof-like structure that serves as a shelter, as over a storefront, window, door or deck.

"Awning sign" means any sign constructed of fabric-like nonrigid material which is a part of a fabric or flexible plastic awning and which is framed and attached to a building.

"Background area" means the entire surface of a sign on which copy is placed provided, however, only the rectangular block formed by the outermost points of the actual letters shall be considered if placed upon the permanent surface of a building.

Any pictorial element that is part of a sign and extends outside of the rectangular block shall be treated as an irregularity rather than an extension of the lettering. Logos shall be blocked separately and considered as part of the total sign area.

"Bench sign" means any sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

"Central business improvement district (CBID and CBIDII)" means the area, more particularly described in Chapters 12-32 through 12-44.

Center, Integrated. "Integrated center" means a group or assemblage of two or more establishments served by common immediate off-street parking and/or shared access.

Changeable Copy Sign, Automatic. "Automatic changeable copy sign" means a type of sign on which the copy changes automatically by means of intermittent lighting.

Changeable Copy Sign, Manual. "Manual changeable copy sign" means any sign on which copy is changed manually and copy is shown on the same sign face such as reader boards with changeable letters or changeable pictorial panels but not limited to the above. All changeable copy shall be included within the allotted face of sign square footage.

"Collector street" means streets having a right-of-way of between sixty (60) and sixty-eight (68) feet which penetrate neighborhoods, collecting traffic from local streets and channeling it to the arterial street system.

"Complex" means a group of a specific number of lots or number of dwelling units.

"Complex sign" means an on-premise sign which identifies the name of a complex.

"Controlled access road" means a street or highway with the sole purpose of carrying through traffic with the highest degree of mobility and safety, providing no driveway access to abutting properties.

"Copy (permanent and temporary)" means the wording or pictorial graphics on a sign surface either in permanent or removal form, excluding numerals identifying a street address only.

"Depositories" means outdoor containers for the receipt of mail or parcels for delivery by the United States Postal Service or a private parcel service.

"Detached sign" means a sign not attached to or forming part of a building or as otherwise defined herein.

"Directional sign" means an on-premise sign limited to directions for pedestrian or vehicular traffic including, but not limited to, signs to entrances, exits, parking areas or one-way drives.

"Double-faced sign" means a sign with two faces which are usually parallel and back-to-back.

"Establishment" means a principal business or activity including institutional uses.

"Face of sign" means the entire area of sign upon, against or through which copy could be placed, and in the instance of where a double face sign is utilized, the area of

only one face shall be included to determine face square footage.

"Flashing sign" means a sign which contains an intermittent or sequential flashing light source used to attract attention.

"Foot lambert" means a unit of luminance equal to one, divided by 3.14 candela per square foot.

"Freestanding sign" means any detached sign supported by one or more upright poles, columns, or braces placed in, upon or supported by the ground and not attached to any building or structure. Freestanding signs are generally categorized as having two classes: pole, post or pylon signs, and ground signs of which monument signs are a subclass.

"Frontage" means the distance along a zoning lot line which abuts a public street or private drive, other than an alley.

"Ground sign" means a class of freestanding sign, which is anchored to the ground similar to a pole, post or pylon sign, but which has a monolithic or columnar line and which maintains essentially the same contour from grade to top of the sign. Height and setbacks are to be the same as for freestanding signs.

"Governmental sign" means a sign erected and maintained by or for an agency of government pursuant to and in discharge of any governmental function, or a sign required by law, ordinance or governmental regulation.

"Holiday decorations" means signs in the nature of decorations, clearly incidental to, and customarily and commonly associated with any national, local or religious holiday.

"Integrated center sign" means an on-premise sign which identifies the name of an integrated center and/or the establishments in the center.

"Interstate highway" means highways which extend into adjacent states but which are not federal highways. These include highways 51, 61, 64, 70, 72, 78 and 79.

"Lot" means a tract of land with at least sixteen (16) feet of road frontage, occupied by, or designed to be developed for a building and its accessory buildings, or a principal use, together with such open space and yards as are designed and arranged to be used with such buildings or use.

Lot, Zoning. "Zoning lot" means a lot of record as recorded in the Shelby County register's office, or a parcel of land of at least four acres in area with independent frontage of at least fifty (50) feet on a dedicated road.

"Luminance" means the luminous intensity per unit of projected area of a given surface viewed from a given direction.

"Maintenance," for the purpose of this chapter, means the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

"Mansard" means an inclined decorative roof-like projection that is attached in an exterior building facade.

"Marquee" means any hood, awning or canopy of permanent construction, projecting from the wall of a building above an entrance or projecting over walkways.

"Minor street" means local streets of less than sixty (60) feet in right-of-way, offering the lowest level of mobility with through traffic deliberately discouraged.

"Monument sign" means a sign which is anchored to the ground similar to a pole, post or pylon sign, but which is mounted on a low or small dressed base or platform which encloses the structural members that support the sign with brick, decorative masonry, natural and decorative stone, masonry with a stucco finish, or painted metal with the bottom of the sign face at or within a few feet of the base at grade and not exceeding ten (10) feet in overall height.

"Nonconforming sign" means any sign, including signs approved by the board of adjustment, which was lawfully erected and maintained before the action making them nonconforming takes effect and which currently fails to meet one or more applicable regulations, standards or restrictions of this chapter.

"On-premise sign" means any sign or structure, pictorial or otherwise, regardless of size or shape which directs attention to a business, profession, commodity, attraction, service or entertainment conducted, offered, sold, manufactured, existing or provided at a location on the premises where the sign is located or to which it is affixed.

"Outdoor advertising display" means any letter, figure, character, mark, plane, point, marquee sign, design, poster, pictorial, picture, stroke, strip, line, trademark, reading matter, or illuminated service, which shall be so constructed, placed, attached, painted, erected, fastened, or manufactured in any manner whatsoever, so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise, whatsoever, which is displayed in any manner whatsoever outdoors. Every outdoor display shall be classified and conform to the requirements of that classification as set forth in this title.

"Parapet" means the extension of a false front or wall above a roof line.

"Permanent signs" means a sign whose removal within a specified period of time is not required by this chapter and which otherwise complies with the provisions of this chapter.

"Pole cover or jacket" means a cover or jacket consisting of painted metal, brick, decorative masonry, natural and decorative stone, or masonry with a stucco finish which encloses and is permanently attached to the sign pole, post or pylon that supports the sign. No additional copy or lettering is permitted on the pole cover, except for street address numbers.

"Pole sign, post or pylon" means an on-premise free-standing sign that is supported by one or two uprights upon the ground, exceeding ten (10) feet in height, which are not attached or braced by any other structure, but which by reason of height, width or other characteristic does not qualify as a "ground sign."

"Projecting sign" means a sign that is wholly or partly dependent upon a building for support and which projects more than eighteen (18) inches horizontally from a building at the point of basic attachment. A projecting sign shall be regulated as a detached sign.

"Real estate sign" means a sign advertising the sale, lease or rental of real property.

Road, Major Arterial. "Major arterial road" means streets providing unity throughout contiguous urban area; usually form boundaries for neighborhoods characterized as having minor access control, channelized intersections with parking generally prohibited having between sixty-nine (69) and one hundred sixty (160) feet of right-of-way.

"Roof line" means the top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of the facade or parapet.

"Roof sign" means a sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building, the highest point of the sign being no more than ten (10) feet above the highest point of such building, of which the supporting structure shall not be visible. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs. For a visual reference example of a roof sign, and a comparison of differences between roof and fascia (wall) signs, see Figure 1.

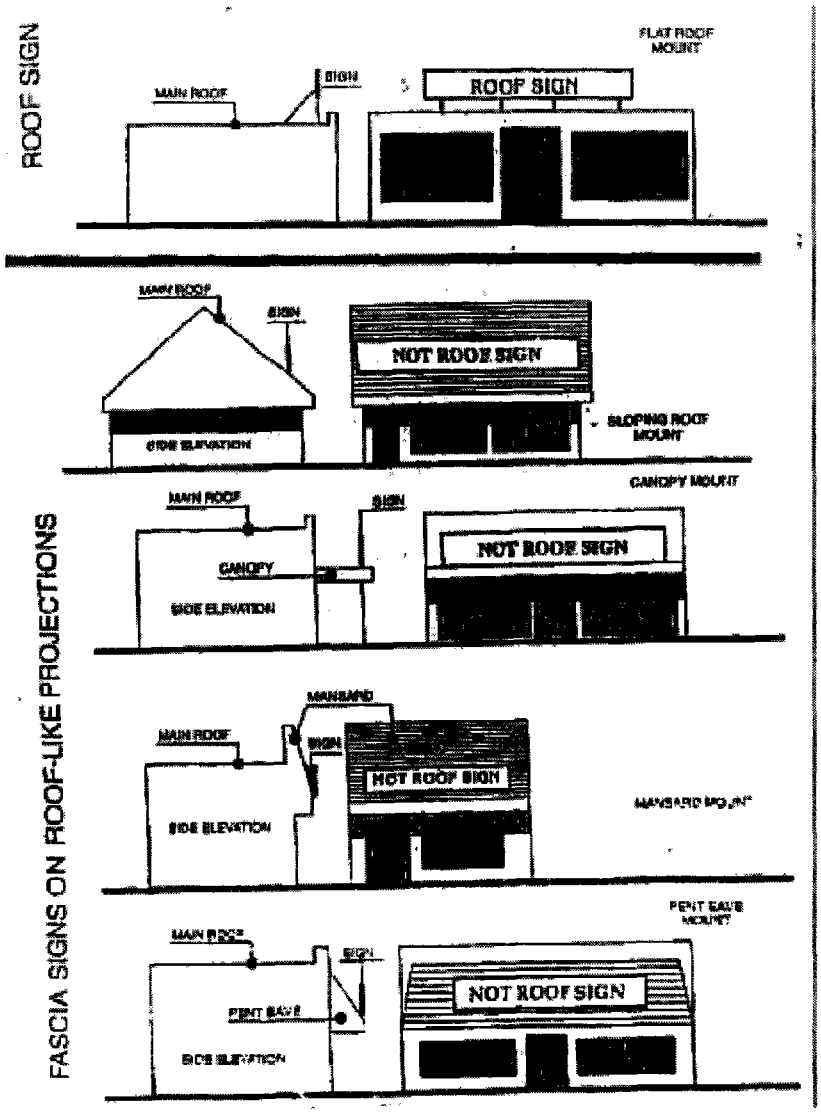


Figure 1
Comparison—Roof and Wall or Fascia Signs

"Setback" means a continuous line on a property that is parallel to a right-of-way line that is a designated distance from the right-of-way line.

"Sidewalk sign" means a freestanding sign all or part of which is located on a sidewalk.

"Sign" means any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

"Signable area" means an area on the facade of a building, located in one of the uptown Memphis zoning districts, below the roof line which is free of windows, doors or major architectural details and not higher than the lowest of the following: twenty-five (25) feet above the adjoining sidewalks, the bottom window sills of the second story or the highest part of the building between the head of the top story window and the underside of the roof.

"Temporary sign" means a sign whose removal within a specific period of time is required by this chapter and which otherwise complies with the provisions of this chapter.

"Traveling message center" means a type of sign which, by means of electronic changeable canopy, is primarily, but not exclusively, used to convey a message related to a business on the premises where the sign is located.

"U.S. Interstate Highway" means federal highways including Interstate 40, Interstate 55 and Interstate 240.

"Vending machine" means a device which dispenses one or more commodities.

"Vision triangle" means an area up to ten (10) feet in height above the ground, bounded by the right-of-way lines of two intersecting roads and a line connecting two points that are twenty (20) feet from the intersection along each right-of-way.

"Wall sign" means a sign which is painted on or attached to a wall, not to exceed five hundred (500) feet in gross surface area and is within the perimeters of the wall.

"Window graphic" means a sign which is attached to or which can be seen by looking into a window.

Removal of an Off-Premise Sign. Sign removal will include removal of the sign face or faces, sign pole and the footing not less than six inches below the ground surface, filled and capped with a like surface. (Ord. 5136 § 4, 6-2-06; Ord. 5028AM § 3, 2004: Ord. 5028 § 3, 2003: Ord. 4963 § 1, 10-1-02; Ord. 4917 § II, 1-22-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4750 § 2, 3-7-00; Ord. 4723 § 1, 11-16-99; Ord. 4711 § 1, 10-26-99; Ord. 4208 § 2C, 8-24-93; Ord. 4037 § 1, 5-21-91; Ord. 4010 § 1, 12-11-90; Code 1985 Appx. A § 29(III); Ord. 3266 § 1, 3-1-83; Ord. 3237 § 1, 9-14-82; Ord. 3186 § 1, 1-26-82; Ord. 3064, 10-7-80)

Sec. 16-112-4 Classification of signs.

A. Signs shall be classified as on-premise or off-premise signs, as temporary or permanent signs, and as real estate signs, which are all defined in Section 16-112-3.

B. Signs shall be classified as follows, according to structure and as defined in Section 16-112-3.

1. Attached signs:
a. Awning, canopy or marquee signs;
b. Wall sign;
c. Window graphic;
d. Roof sign.
2. Detached signs:
a. A-frame sign;
b. Ground sign;
c. Pole, post or pylon sign;
d. Portable sign;
e. Projecting sign;
f. Sidewalk sign. (Ord. 5028AM § 4, 2004: Ord. 5028 § 4, 2003: Ord. 4963 § 1, 10-1-02; Ord. 4917 § II, 1-22-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4750 § 2, 3-7-00; Ord. 4723 § 1, 11-16-99; Ord. 4711 § 1, 10-26-99; Ord. 4208 § 2C, 8-24-93; Ord. 4037 § 1, 5-21-91; Ord. 4010 § 1, 12-11-90; Code 1985 Appx. A § 29(IV); Ord. 3266 § 1, 3-1-83; Ord. 3237 § 1, 9-14-82; Ord. 3186 § 1, 1-26-82; Ord. 3064, 10-7-80)

Sec. 16-112-5 Signs prohibited.

A. Signs on bus benches shall be prohibited.

B. Portable signs are prohibited in the AG, R-E, R-S, R-D, R-TH, R-M, O and FW districts.

C. Permanent off-premise signs are prohibited in the R-E, R-S, R-D, R-TH and R-M districts. (Ord. 5028AM § 5, 2004: Ord. 5028 § 5, 2003: Ord. 4963 § 1, 10-1-02; Ord. 4917 § II, 1-22-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4750 § 2, 3-7-00; Ord. 4723 § 1, 11-16-99; Ord. 4711 § 1, 10-26-99; Ord. 4208 § 2C, 8-24-93; Ord. 4037 § 1, 5-21-91; Ord. 4010 § 1, 12-11-90; Code 1985 Appx. A § 29(V); Ord. 3266 § 1, 3-1-83; Ord. 3237 § 1, 9-14-82; Ord. 3186 § 1, 1-26-82; Ord. 3064, 10-7-80)

Sec. 16-112-6 General standards.

A. Gross Surface Area.

1. The gross surface area of a sign, except wall signs, is the entire area contained within a single continuous perimeter enclosing the extreme limits of such sign. For detached signs composed of more than one sign cabinet or module, the gross surface area shall include the sum of the area in each cabinet or module only. If a sign has more than one face, the gross surface area shall be equal to the maximum area of the sign face or faces visible from any ground position along any public right-of-way at any one time.

The perimeter of a sign will not include lighting fixtures, pole covers, landscaping, framing, decorative roofing, moldings or aprons or other architectural or decorative embellishments, provided they contain no written copy, logos or symbols.

2. The gross surface area of a wall sign is the entire area contained within a single continuous perimeter composed of any straight line geometric figure(s) which encloses the extreme limits of the advertising message(s). If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, color or embellishment, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined area of the individual figures shall be considered the total sign area.

3. Computation of Area of Multifaced Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.

4. Computation of Maximum Total Permitted Detached Sign Area for a Zoning Lot. The permitted sum of the area of all individual detached signs on a zoning lot shall be computed by multiplying the zoning lot foot frontage (F) times (x) the appropriate multiplier (M) shown in Table 1, Detached Sign Area and Height and Table 2, Integrated Center Sign Area and Height, set out at the end of this chapter, for the type of street on which the lot is located. When a particular lot abuts two or more streets, the area for a sign(s) shall be computed on a basis of a single street frontage calculated from the intersection of the two street right-of-way lines.

B. Height of Sign. Sign height shall be measured from the elevation of the crown of the road from the base of the sign to the highest point of the highest element of the sign, excluding any incidental structural element, such as an uplift cable for a projecting sign.

C. Sign Setback. No sign greater than six square feet in area shall be erected in a nonresidential zoning district or in the nonresidential portion of an approved planned development closer than ten (10) feet to any right-of-way line. No sign shall extend into any right-of-way except projecting signs where a building is located within six feet of the right-of-way.

D. Illuminated Signs.

1. Externally illuminated signs shall be shaded wherever necessary to avoid casting a direct beam of light upon property located in any residential district and the residential portion of an approved planned development.

2. No sign intended to be viewed from any public right-of-way shall utilize:

a. Any exposed incandescent lamp with a wattage of more than sixty (60) watts unless a dimmer or sun screen is attached;

b. Any revolving beacon light;

c. A luminance in excess of three hundred fifty (350) foot lamberts measured at the sign face;

d. Any flashing exposed lamp with a level of illuminance greater than that of an incandescent lamp, unless the flashing is coordinated to create the illusion of continuous movement.

3. The requirement in subsection (D)(2)(d) of this section shall not apply to traveling message centers.

4. Signs in the AG, R-E, R-S, R-D, R-TH, R-M and O districts may be illuminated but not flash, revolve, oscillate, be animated or create an illusion of continuous movement.

E. Traffic Safety.

1. No sign shall be maintained at any location where by reason of its position, size or shape, may obstruct, impair, obscure, interfere with the view of or be confused with any traffic control sign, signal or device or where it may interfere with, mislead or confuse traffic.

2. No detached sign, except directional signs, shall be located in any vision triangle on a corner lot, except no individual structural element shall extend more than eighteen (18) inches inside of any vision triangle or in the vision triangle of a private drive entrance/exit with an intersecting public street or private drive.

3. No sign or sign structure obstructing an area between two feet and six feet above grade shall be located within ten (10) feet of the public right-of-way.

F. Obstruction of Access Ways. No sign or sign structure shall obstruct free ingress to or egress from a fire escape, door or other required access way.

G. Obstruction of Window Surface. No sign shall project over, occupy or obstruct any window surface required by code for light or ventilation.

H. Sign Maintenance. The sign owner shall be liable to maintain such sign, including its illumination sources, in neat and orderly condition and good working order at all times and to prevent the development of any deterioration in the safety of such sign.

Nothing in this chapter shall prohibit the routine maintenance of any nonconforming sign or the changing of the copy or content of any nonconforming sign, except where such maintenance or change in copy would increase the degree of its nonconformity.

I. Projecting Sign. A projecting sign shall be regulated as a detached sign and may project to within two feet of the curb line of a public street, provided however that no projecting sign shall project more than six feet into any required front yard. All projecting signs shall maintain a minimum clearance of eight feet above the right-of-way or sidewalk.

J. Awning, Canopy and Marquee Signs. These signs shall be regulated as attached signs if they project eighteen (18) inches or less from the awning, canopy or marquee; and they shall be regulated as detached signs if they project more than eighteen (18) inches from the awning, canopy or marquee.

K. Portable signs shall conform to the following requirements:

1. Signs, if illuminated, shall meet the Underwriters Laboratories, Inc. Standards and the city/county electrical code;

2. Signs must be so designed, built and located so that they will not be tipped over by wind velocities of less than eighty (80) miles per hour;

3. Signs shall have affixed the number and date of issuance of the permit authorizing its use; and

4. No sign shall be permitted to locate in a required parking space.

L. Directional Signs. Directional signs are permitted in all districts with a maximum height of eight feet except that no sign shall be permitted between four and six feet above grade, within five feet of any public right-of-way.

M. Detached On-Premise Signs. The following elements shall be a requirement for all detached on-premise signs:

1. The colors and materials of which the sign structure is constructed shall be of similar materials and complementary to the principal structure.

2. A landscaped area, containing a maximum area equivalent to two times the area of the permitted sign, should be installed around the immediate base area of the sign. The maximum requirement for landscaped area shall be five hundred (500) square feet. Landscaping, provided at the around the immediate base of a sign, which is located within a required A-1, A-2, A-3 or A-4 landscape plate, along public or private street frontage, shall be construed as meeting the landscaping requirements of the required landscape plate.

3. The landscape area should be irrigated with an underground sprinkler system.

N. Pole, Post or Pylon Signs. All pole, post or pylon signs with support poles having a diameter (width) of less than eighteen (18) inches (1.5 feet) shall be constructed with a pole cover or jacket around the support pole(s). The minimum dimension (depth or width) of the pole cover or jacket shall be twelve (12) inches. (Ord. 5028AM § 6, 2004: Ord. 5028 § 6, 2003: Ord. 4963 § 1, 10-1-02; Ord. 4917 § II, 1-22-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4750 § 2, 3-7-00; Ord. 4723 § 1, 11-16-99; Ord. 4711 § 1, 10-26-99; Ord. 4208 § 2C, 8-24-93; Ord. 4037 § 1, 5-21-91; Ord. 4010 § 1, 12-11-90; Code 1985 Appx. A § 29(VI); Ord. 3266 § 1, 3-1-83; Ord. 3237 § 1, 9-14-82; Ord. 3186 § 1, 1-26-82; Ord. 3064, 10-7-80)

Sec. 16-112-7 Permanent on-premise sign regulations.

A. Districts permitted: AG, R-E, R-S, R-D, R-TH, R-ML, R-MM, O-L, and FW.

1. Structural types permitted: attached and detached signs, except for pole and roof signs, and except as regulated by the central business improvement district I and II as contained in Chapters 12-32 through 12-44.

2. Maximum gross surface area: twelve (12) square feet, or twelve (12) square feet per acre whichever is greater, up to a maximum of thirty-two (32) square feet.

3. Minimum setback: no portion of a sign shall be located within ten (10) feet of a right-of-way, and no sign greater than twelve (12) square feet in area shall be located within fifty (50) feet of an adjacent residential district or a residential portion of a planned development unless the sign is attached.

4. Maximum Number Permitted.

a. Residential uses: either one attached or one detached sign per frontage per zoning lot. Attached signs shall be limited to the name of the establishment only.

b. Nonresidential uses: one attached and one detached sign per frontage per zoning lot. Attached signs shall be limited to the name of the establishment only.

5. Maximum height: five feet for signs twelve (12) square feet in area or less, and twelve (12) feet for signs greater than twelve (12) square feet in area.

6. Illumination: external or internal.

7. Lettering size of nonresidential attached signs:

a. Maximum of eighteen (18) inches in height if sign is located less than or equal to one hundred (100) feet from the street.

b. Maximum of thirty (30) inches in height if sign is located more than one hundred (100) feet from the street.

B. District permitted: O-G and R-MH.

1. Structural types permitted: attached and detached signs except for roof signs except as regulated by the central business improvement district I and II as contained in Chapters 12-32 through 12-44.

2. Maximum gross surface area: thirty-five (35) square feet per sign.

3. Minimum Setback. No portion of a sign shall be located within ten (10) feet of a right-of-way, and no sign greater than twelve (12) square feet in area shall be located within fifty (50) feet of an adjacent residential district or a residential portion of a planned development unless the sign is attached.

4. Maximum Number Permitted.

a. Attached: one per ground floor establishment plus one for those with multiple establishments.

b. Detached: one per frontage per zoning lot.

5. Maximum Height.

a. Attached: as permitted by the district in which the sign is located.

b. Detached: sixteen (16) feet.

6. Illumination: external or internal.

C. Districts permitted: C-P, C-L, P, H, CU, C-H, CBD, I-L and I-H districts.

1. Structural types permitted: attached and detached except as regulated by the central business improvement district I and II as contained in Chapters 12-32 through 12-44.

2. Maximum Gross Surface Area.

a. Attached: not regulated.

b. Detached:

i. In accordance with Table 1, Detached Sign Area and Height, set out at the end of this chapter.

ii. Signs which are not in conformance with the required elements of Section 16-112-6(M) shall be reduced in size from the maximum area permitted, in accordance with the following:

(A) A ten (10) percent reduction shall be required when the sign structure is not constructed with the same or substantially the same or similar materials of the building.

(B) A mandatory reduction of twelve (12) percent shall be required when an irrigated landscaped area equivalent to two times the sign area is not provided.

3. Minimum Setback.

a. Attached: not regulated.

b. Detached:

i. As regulated above, and no sign shall be located within fifty (50) feet of a R-TH, R-D, R-S, R-E or AG district or equivalent residential portion of a planned development.

ii. All signs shall have a minimum setback of ten (10) feet from the roadway which fronts the property.

4. Maximum Number Permitted.

a. Attached: five per establishment and no more than two of the five may be located on any awning, canopy or marquee.

b. Detached: one sign per road frontage up to two hundred (200) feet of the zoning lot, plus one additional sign for each additional two hundred (200) feet of road frontage, to a maximum of three signs. After three signs an additional sign may be added for each additional three hundred (300) feet of frontage. If installed an integrated center sign shall be considered as one of the detached signs.

5. Maximum Height.

a. Attached: as permitted by the district in which the sign is located.

b. Detached:

i. In accordance with Table 1, Detached Sign Area and Height (see Map 1 for zone) set out at the end of this chapter.

ii. Interstate Highways 40, 55, 240, TN State Highways 300 and 385 controlled access road interchange maximum height.

If a property has frontage on a controlled access roadway (I-40, I-55, I-240, TN 300 and 385 - Map 2) within one thousand five hundred (1,500) feet of a controlled access interchange measured from the centerpoint of the interchange, the height of one sign shall be governed by the height permitted by the zoning district if the sign is oriented to and visible from the controlled access road travel lanes.

iii. For properties located within a radius of one thousand five hundred (1,500) feet from a controlled access road/arterial road interchange which do not have controlled access roadway frontage, the height of one sign shall be governed by the height of the zoning district in which the property is located, subject to administrative site plan review if the property conforms to the following criteria:

(A) The sign is oriented to and visible from the controlled access road travel lanes;

(B) The sign is located more than five hundred (500) feet from property which is utilized for single-family residences or R-S zoning; and

(C) The sign will not be incompatible with immediately surrounding development.

If the administrative site plan is rejected, the property owner may appeal the decision of the office of planning and development to the land use control board and subsequently to the appropriate governing body.

6. Illumination permitted: external or internal.

D. HDR, MDR, MU, UH, ULI and SNS Districts. Signs shall be in accordance with this title.

E. BR, GC, RR, SDBP, SDR, SE, and SME Districts. Signs shall be in accordance with Chapter 16-92.

F. Complex Sign. In addition to the above permitted signage, a complex sign is permitted if the following standards and requirements are met:

1. Permitted districts: AG, R-E, R-S, R-D, R-TH, R-M.

2. Standards. The sign can only identify the name of the subdivision, project or complex containing a minimum of thirty-five (35) zoning lots or ten (10) dwelling units.

3. Maximum gross surface area:

a. Local street (<60 feet ROW)	30 square feet.
Collector street (60-68 feet ROW)	30 square feet.

Major arterial street (69-160 feet ROW)	50 square feet.
Limited access road (>161 feet)	100 square feet.

b. Signs which are not in conformance with the required elements of Section 16-112-6(M) shall be reduced in size from the maximum area permitted, in accordance with the following:

i. A ten (10) percent reduction shall be required when the sign structure is not constructed with the same or substantially the same or similar materials of the building.

ii. A mandatory reduction of twelve (12) percent shall be required when an irrigated landscaped area equivalent to two times the sign area is not provided.

4. Minimum setback: ten (10) feet or unless attached to a wall or fence.

5. Maximum height:

Local street (<60 feet ROW)	10 feet.
Collector street (60-68 feet ROW)	10 feet.
Major arterial road(69-160 feet ROW)	16 feet.
Controlled access road (>161 feet ROW)	24 feet.

6. Illumination: direct or indirect.

7. Structural types permitted: detached or attached to a wall or fence.

8. Maximum number permitted: one per frontage on the periphery of the complex.

G. Integrated Center Sign. In addition to the above permitted signage, an integrated center sign is permitted if the following standards and requirements are met:

1. Permitted districts: O-G, C-P, P, H, C-U, C-H, I-L and I-H districts.

2. Structural types permitted: detached.

3. Standards.

a. The sign can only identify the name of the integrated center and/or the center's establishments. If the sign is to contain the establishments of the center it must contain at least two establishments. An integrated center may contain more than one zoning lot, however, in this instance the permanent detached on-premise sign requirements (this section) shall be calculated as if the integrated center was one zoning lot. Otherwise an integrated center sign is not permitted.

b. An integrated center sign shall also be permitted in the O-G district, if the center contains three or more zoning lots, has a total of two or more acres, and has shared parking or shared access; or meets the requirements of subsection (G)(3)(a) of this section.

4. Maximum gross surface area:

a. In accordance with Table 2, Integrated Center Sign Area and Height, set out at the end of this chapter.

b. Integrated center signs which are not in conformance with the required elements of Section 16-112-6(M) shall be reduced in size from the maximum area permitted, in accordance with the following:

i. A ten (10) percent reduction shall be required when the sign structure is not constructed with the same or substantially the same or similar materials of the building.

ii. A mandatory reduction of twelve (12) percent shall be required when an irrigated landscaped area equivalent to two times the sign area is not provided.

5. Minimum Setback. No sign shall be located within fifty (50) feet of a R-TH, R-D, R-S or AG district, or equivalent residential portion of a planned development.

6. Maximum number permitted: one per frontage up to six hundred (600) feet of the integrated center, plus one additional integrated center sign for each additional four hundred (400) feet of each road frontage.

7. Maximum Height.

a. In accordance with Table 2, Integrated Center Sign Area and Height (See Map 1 for zone), set out at the end of this section.

b. Interstate Highways 40, 55, 240 and TN State Highways 300 and 385 controlled access road interchange maximum height.

If a property has frontage on a controlled access roadway (I-40, I-55, I-240, TN 300 and 385 - Map 2) within one thousand five hundred (1,500) feet of a controlled access interchange measured from the centerpoint of the interchange, the height of one sign shall be governed by the height permitted by the zoning district if the sign is oriented to and visible from the controlled access road travel lanes.

c. For properties located within a radius of one thousand five hundred (1,500) feet from a controlled access road/arterial road interchange which do not have controlled access roadway frontage, the height of one sign shall be governed by the height of the zoning district in which the property is located, subject to administrative site plan review if the property conforms to the following criteria:

i. The sign is oriented to and visible from the controlled access road travel lanes;

ii. The sign is located more than five hundred (500) feet from property which is utilized for single-family residences or R-S zoning; and

iii. The sign will not be incompatible with immediately surrounding development.

If the administrative site plan is rejected, the property owner may appeal the decision of the office of planning and development to the land use control board and subsequently to the appropriate governing body.

8. Illumination: external or internal.

H. Other Requirements.

1. The minimum permissible horizontal distance between freestanding signs on the same property is seventy-five (75) feet.

2. Where a freestanding sign is located in a vehicular parking or circulation area, a base or barrier of concrete or steel, not less than thirty (30) inches high, shall be provided to protect the base of the sign from damage by vehicles.

3. All detached signs shall provide the address and street of the building served, with minimum four-inch text. The address shall be posted in a color contrasting that of the marquee/signboard/pole cover jacket/base. When the building utilizes multiple addresses, such as multiple occupant mercantile tenants, the address range shall be posted.

4. Construction Signs. One sign per street frontage provided the area of such sign shall not exceed sixteen (16) square feet in residential districts or thirty-two (32) square feet in other districts and not exceeding ten (10) feet in height, and provided it is immediately removed upon the issuance of a certificate of occupancy or abandonment of work. (Ord. 5136 § 5, 6-2-06; Ord. 5028AM § 7, 2004: Ord. 5028 § 7, 2003: Ord. 4963 § 1, 10-1-02; Ord. 4917 § II, 1-22-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4750 § 2, 3-7-00; Ord. 4723 § 1, 11-16-99; Ord. 4711 § 1, 10-26-99; Ord. 4208 § 2C, 8-24-93; Ord. 4037 § 1, 5-21-91; Ord. 4010 § 1, 12-11-90; Code 1985 Appx. A § 29(VII); Ord. 3266 § 1, 3-1-83; Ord. 3237 § 1, 9-14-82; Ord. 3186 § 1, 1-26-82; Ord. 3064, 10-7-80)

Sec. 16-112-8 Permanent off-premises sign regulations.

A. Districts permitted: C-H, CBD outside CBID, I-L, I-H; and in the AG district with a special use permit.

1. Maximum gross surface area: six hundred seventy-two (672) square feet.

a. Structural type permitted:

i. Attached wall signs (See definition of wall sign, Section 16-112-3);

ii. Detached signs.

b. Minimum setback: for supporting columns the minimum required front yard for the district in which the sign is located (See Chart II of zoning ordinance, set out at the end of this title), or no closer than the setback of the closest nonresidential principal building on the same side of the road that is within two hundred (200) feet of the proposed sign, whichever is less. In no instance shall any portion of the sign, or column be setback less than twenty (20) feet.

c. Maximum number permitted: one sign (either attached or detached) with one thousand (1,000) foot spacing between such signs (measured from the center of the pole) located along the same side of the same road, or on any road which intersects or is parallel to that road if the sign is intended to be viewed from those roads.

B. Other Permanent Off-Premise Sign Requirements. In addition to the above, the following requirements shall apply to all off-premises signs in all districts:

1. No portion of a detached sign, if it can be read from the U.S. Interstate Highway, shall be closer than ten (10) feet from the U.S. Interstate Highway right-of-way or one hundred (100) feet from any emergency stopping shoulder lane.

2. No detached sign shall be permitted where the sign face or back of the sign is located within one hundred (100) feet of any property zoned residential or the residential portion of a planned development at the time the sign permit is secured.

3. No portion of a detached sign, pole or other supporting structure shall be located within one hundred (100) feet of any property zoned residential or the residential portion of a planned development.

4. The maximum gross surface area of a sign is as follows:

a. On all U.S. Interstate Highways in Memphis and Shelby County: six hundred seventy-two (672) square feet.

b. All U.S. Interstate Highway signs will be excluded from the CBID and CBIDII.

c. All other properly zoned arteries in Memphis and Shelby County: five hundred (500) square feet.

5. Signs may be externally or internally illuminated.

6. Signs shall not exceed the maximum height permitted in the district where the sign is located.

7. a. Off-premises signs shall not be permitted to be erected at any location within the City of Memphis and Shelby County except within those zoning districts that expressly allow off-premise signs, in locations where each portion of the installed sign is within three hundred (300) feet of U.S. Interstate Highways and the sign face is oriented toward such Interstate Highway.

b. Any off-premise sign which was a legal nonconforming sign prior to the adoption of this amendment shall remain a legal nonconforming sign and shall be treated as

such, regardless of the fact that the passage of this amendment may create an additional characteristic of nonconformity because of its location other than along or within three hundred (300) feet of an U.S. Interstate Highway. (Ord. 5136 § 5, 6-2-06; Ord. 4963 § 1, 10-1-02; Ord. 4917 § II, 1-22-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4750 § 2, 3-7-00; Ord. 4723 § 1, 11-16-99; Ord. 4711 § 1, 10-26-99; Ord. 4208 § 2C, 8-24-93; Ord. 4037 § 1, 5-21-91; Ord. 4010 § 1, 12-11-90; Code 1985 Appx. A § 29(IX); Ord. 3266 § 1, 3-1-83; Ord. 3237 § 1, 9-14-82; Ord. 3186 § 1, 1-26-82; Ord. 3064, 10-7-80)

Sec. 16-112-9 Temporary off-premises sign regulations.

A. Permitted districts:

1. AG, R-S, R-D, R-TH, R-M, O-L;

2. O-G, C-P, C-L, P, H, CU, C-H, CBD outside CBID, I-L and I-H.

B. Structural types permitted: detached signs where prohibited by the zoning district.

C. Maximum gross surface area: thirty-two (32) square feet.

D. Minimum setback: fifteen (15) feet.

E. Maximum number permitted:

1. For districts specified in subsection (A)(1) of this section: one per frontage per zoning lot.

2. For districts specified in subsection(A)(2) of this section: one per frontage per zoning lot, except a detached temporary sign shall only be permitted if there is no detached sign(s) on the property or the permanent on premises sign requirements (Section 16-112-7) would permit another detached sign.

F. Maximum height: twelve (12) feet.

G. Illumination: not permitted.

H. Permitted Location.

1. For districts specified in subsection (A)(1) of this section:

a. The sign shall only advertise a business, product or service permitted in the district where the sign is located, or that is permitted in any more restrictive district.

b. The sign shall only be located at an intersection and on a road with at least sixty (60) feet of right-of-way, or on a designated major road or freeway on the Memphis Urban Area Transportation Study.

c. The sign shall only be located on a vacant zoning lot where a building permit has not been issued.

2. For districts specified in subsection (A)(2) of this section: no sign shall be permitted on a road with less than sixty (60) feet of right-of-way.

I. Removal Provision. A sign shall be removed within one year of the date of issuance of a permit. (Ord. 4963 § 1, 10-1-02; Ord. 4917 § II, 1-22-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4750 § 2, 3-7-00; Ord. 4723 § 1, 11-16-99; Ord. 4711 § 1, 10-26-99; Ord. 4208 § 2C, 8-24-93; Ord. 4037 § 1, 5-21-91; Ord. 4010 § 1, 12-11-90; Code 1985 Appx. A § 29(X); Ord. 3266 § 1, 3-1-83; Ord. 3237 § 1, 9-14-82; Ord. 3186 § 1, 1-26-82; Ord. 3064, 10-7-80)

Sec. 16-112-10 Real estate sign regulations.

A. Districts permitted: all.

B. Structural Types Permitted.

1. Attached: not regulated.

2. Detached: regulated as set forth in subsections C through H of this section.

C. Maximum gross surface area: twelve (12) square feet on a minor road, thirty-two (32) square feet on a major road, and sixty-four (64) square feet on a major interstate road, per zoning lot per frontage, or twelve (12) square feet per acre, whichever is greater, up to a maximum of thirty-two (32) square feet on a minor road, sixty-four (64) square feet on a major road, and one hundred sixty (160) square feet on an interstate freeway.

D. Minimum Setback. A sign greater than six square feet in area located in a residential district shall have a minimum setback of fifteen (15) feet. In other districts, the minimum setback shall be as regulated by the permanent detached on-premises sign setback requirements (Section 16-112-7).

E. Number permitted: one detached sign per frontage per zoning lot.

F. Maximum height: five feet for signs twelve (12) square feet in area or less; and, for signs greater than twelve (12) square feet in area: twelve (12) feet on a minor road, sixteen (16) feet on a major road, and twenty-four (24) feet on an interstate freeway.

G. Illumination: none.

H. Removal Provision. Signs shall be removed within thirty (30) days after the date of the sale, lease or rental of real property. (Ord. 4963 § 1, 10-1-02; Ord. 4917 § II, 1-22-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4750 § 2, 3-7-00; Ord. 4723 § 1, 11-16-99; Ord. 4711 § 1, 10-26-99; Ord. 4208 § 2C, 8-24-93; Ord. 4037 § 1, 5-21-91; Ord. 4010 § 1, 12-11-90; Code 1985 Appx. A § 29(XI); Ord. 3266 § 1, 3-1-83; Ord. 3237 § 1, 9-14-82; Ord. 3186 § 1, 1-26-82; Ord. 3064, 10-7-80)

Sec. 16-112-11 Violations.

Any of the following shall be a violation of this chapter and shall be subject to the enforcement remedies and penalties provided by this title:

A. To install, create, or erect any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located;

B. To install, create, or erect, any sign requiring a permit without such permit;

C. To install, create, or erect any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which sign is located;

D. To fail to remove any sign that is installed, created, erected, or maintained in violation of this chapter, or for which the sign permit has lapsed;

E. To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this title. (Ord. 5028AM § 8, 2004: Ord. 5028 § 8, 2003: Ord. 4963 § 1, 10-1-02; Ord. 4917 § II, 1-22-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4750 § 2, 3-7-00; Ord. 4723 § 1, 11-16-99; Ord. 4711 § 1, 10-26-99; Ord. 4208 § 2C, 8-24-93; Ord. 4037 § 1, 5-21-91; Ord. 4010 § 1, 12-11-90; Code 1985 Appx. A § 29(XII); Ord. 3266 § 1, 3-1-83; Ord. 3237 § 1, 9-14-82; Ord. 3186 § 1, 1-26-82; Ord. 3064, 10-7-80)

Sec. 16-112-12 Enforcement and penalties.

A. Any violation or attempted violation of this chapter or of any condition or requirement adopted pursuant hereto may be restrained, corrected or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. A violation of this chapter shall be considered a violation of the joint zoning ordinance/resolution of the city and county. The remedies of the city and/or county shall include, but not be limited to the following:

1. Issuing a stop-work order for any and all work on any signs on the same zoning lot;

2. Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity;

3. Imposing any penalties that can be imposed directly by the city and/or county under the joint zoning ordinance/resolution;

4. Seeking in court the imposition of any penalties that can be imposed by such court under the joint zoning ordinance/resolution; and

5. In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the city and county under the applicable provisions of the joint zoning ordinance/resolution and building code for such circumstances.

B. All such remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation. (Ord. 5028AM § 9, 2004: Ord. 5028 § 9, 2003: Ord. 4963 § 1, 10-1-02; Ord. 4917 § II, 1-22-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4750 § 2, 3-7-00; Ord. 4723 § 1, 11-16-99; Ord. 4711 § 1, 10-26-99; Ord. 4208 § 2C, 8-24-93; Ord. 4037 § 1, 5-21-91; Ord. 4010 § 1, 12-11-90; Code 1985 Appx. A § 29(XIII); Ord. 3266 § 1, 3-1-83; Ord. 3237 § 1, 9-14-82; Ord. 3186 § 1, 1-26-82; Ord. 3064, 10-7-80)

Table 1
Detached Sign Area and Height

	Zone 1* Inside East, North, South Parkway and Interstate 240 Loop Frontage Multiplier (ft.)	Zone 1* Inside East, North, South Parkway and Interstate 240 Loop Maximum Square Feet	Zone 1* Inside East, North, South Parkway and Interstate 240 Loop Maximum Height (ft.)	Zone 2* Inside Interstate 40 / Interstate 55 / Interstate 240 Loop Frontage Multiplier (ft.)	Zone 2* Inside Interstate 40 / Interstate 55 / Interstate 240 Loop Maximum Square Feet	Zone 2* Inside Interstate 40 / Interstate 55 / Interstate 240 Loop Maximum Height (ft.)	Zone 3* Outside Interstate 40 / Interstate 55 / Interstate 240 Loop Frontage Multiplier (ft.)	Zone 3* Outside Interstate 40 / Interstate 55 / Interstate 240 Loop Maximum Square Feet	Zone 3* Outside Interstate 40 / Interstate 55 / Interstate 240 Loop Maximum Height (ft.)	Zone 4** Interchange Maximum Height
Minor Street (≤59' ROW)	0.0	25	6	0.2	35	6	0.2	35	15	As Permitted By District
Collector Street (60—70' ROW)	0.2	35	10	0.3	50	10	0.4	50	30	As Permitted By District
Major Arterial Road (71—160' ROW)	0.7	200	20	0.9	250	25	0.9	300	35	As Permitted By District
Controlled Access Road (≥161' ROW)	0.7	200	25	0.9	250	35	0.9	300	50	As Permitted By District

Notes:

1) Frontage that is counted to permit any detached sign, including an integrated center sign, shall not be counted to permit any other detached or integrated center sign.
2) Minimum 40 feet of frontage required, except that 100 feet is required for pole signs along controlled access roads.

* As shown on Map #1.

** As shown on Map #2.

Chart I
Detached Sign Area Calculations

(Lot Frontage In Feet)

Multiplier (feet)	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**	**20**	**30**	**40**	**50**	**60**	**70**	**80**	**90**	**100**
0.2	0.2	0.4	0.6	0.8	1.0	1.2	1.4	1.6	1.8	2	4	6	8	10	12	14	16	18	20
0.3	0.3	0.6	0.9	1.2	1.5	1.8	2.1	2.4	2.7	3	6	9	12	15	18	21	24	27	30
0.4	0.4	0.8	1.2	1.6	2	2.4	2.8	3.2	3.6	4	8	12	16	20	24	28	32	36	40
0.7	0.7	1.4	2.1	2.8	3.5	4.2	4.9	5.6	6.3	7	14	21	28	35	42	49	56	63	70
0.9	.9	1.8	2.7	3.5	4.5	5.4	6.3	7.2	8.1	9	18	27	36	45	56	63	72	81	90

Table 2
Integrated Center Sign Area and Height

	Zone 1* Inside East, North, South Parkway and Interstate 240 Loop Frontage Multiplier (ft.)	Zone 1* Inside East, North, South Parkway and Interstate 240 Loop Maximum Square Feet	Zone 1* Inside East, North, South Parkway and Interstate 240 Loop Maximum Height (ft.)	Zone 2* Inside Interstate 40 / Interstate 55 / Interstate 240 Loop Frontage Multiplier (ft.)	Zone 2* Inside Interstate 40 / Interstate 55 / Interstate 240 Loop Maximum Square Feet	Zone 2* Inside Interstate 40 / Interstate 55 / Interstate 240 Loop Maximum Height (ft.)	Zone 3* Outside Interstate 40 / Interstate 55 / Interstate 240 Loop Frontage Multiplier (ft.)	Zone 3* Outside Interstate 40 / Interstate 55 / Interstate 240 Loop Maximum Square Feet	Zone 3* Outside Interstate 40 / Interstate 55 / Interstate 240 Loop Maximum Height (ft.)	Zone 4** Interchange
Local Street (≤59' ROW)	0.0	35	8	0.2	50	8	0.2	50	20	As Permitted By District
Collector Street (60—70' ROW)	0.2	100	15	0.3	150	15	0.4	200	35	As Permitted By District
Major Arterial Road (71—160' ROW)	0.8	300	20	1.0	350	35	1.0	400	40'	As Permitted By District
Controlled Access Road (≥161' ROW)	0.8	300	25	1.0	350	40	1.0	400	55'	As Permitted By District

Notes:

1) Frontage that is counted to permit any detached sign, including an integrated center sign, shall not be counted to permit any other detached or integrated center sign.
2) Minimum 40 feet of frontage required, except that 100 feet is required for pole signs along Controlled Access Roads.

* As shown on Map #1.

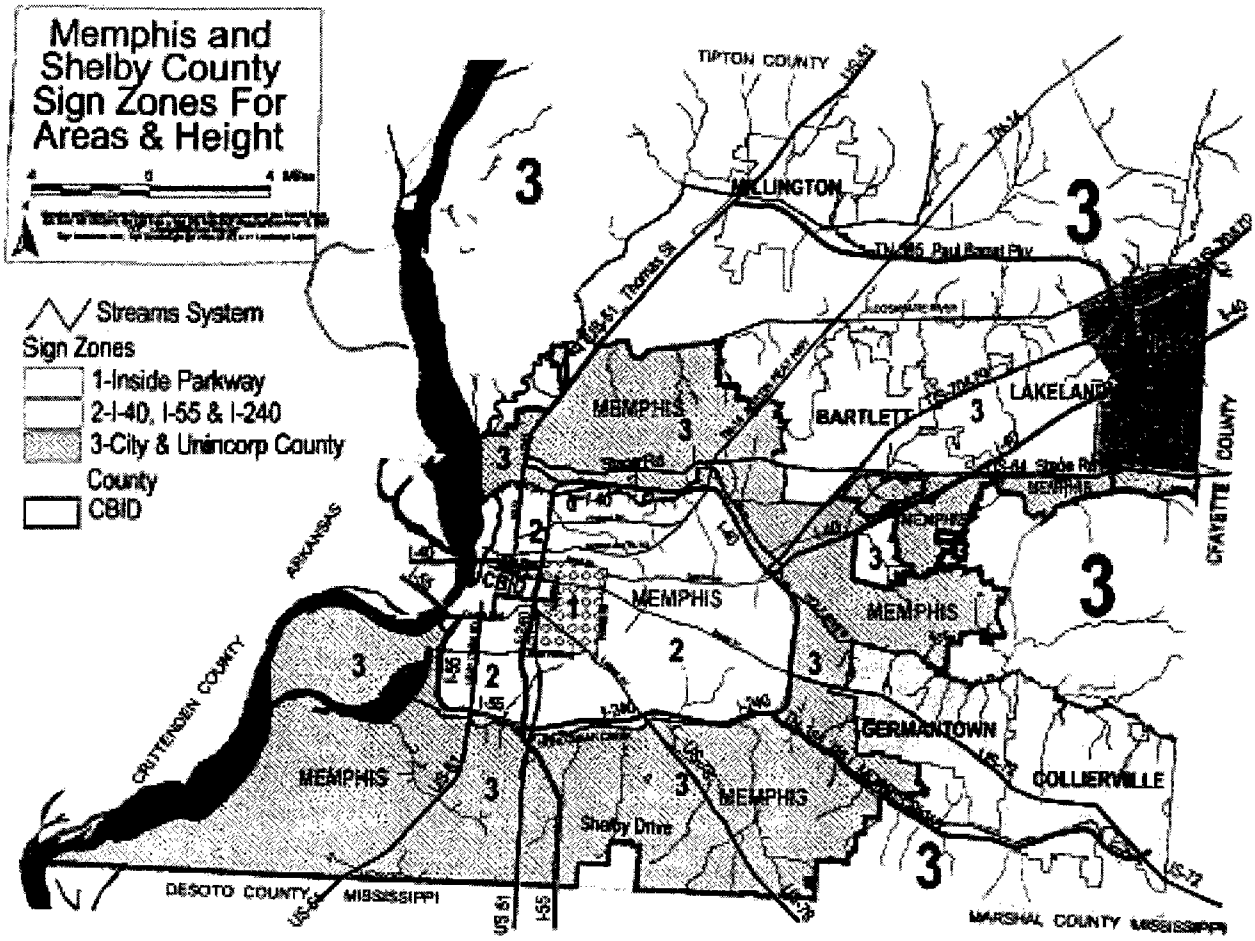
** As shown on Map #2.

Chart II
Sign Area Calculations

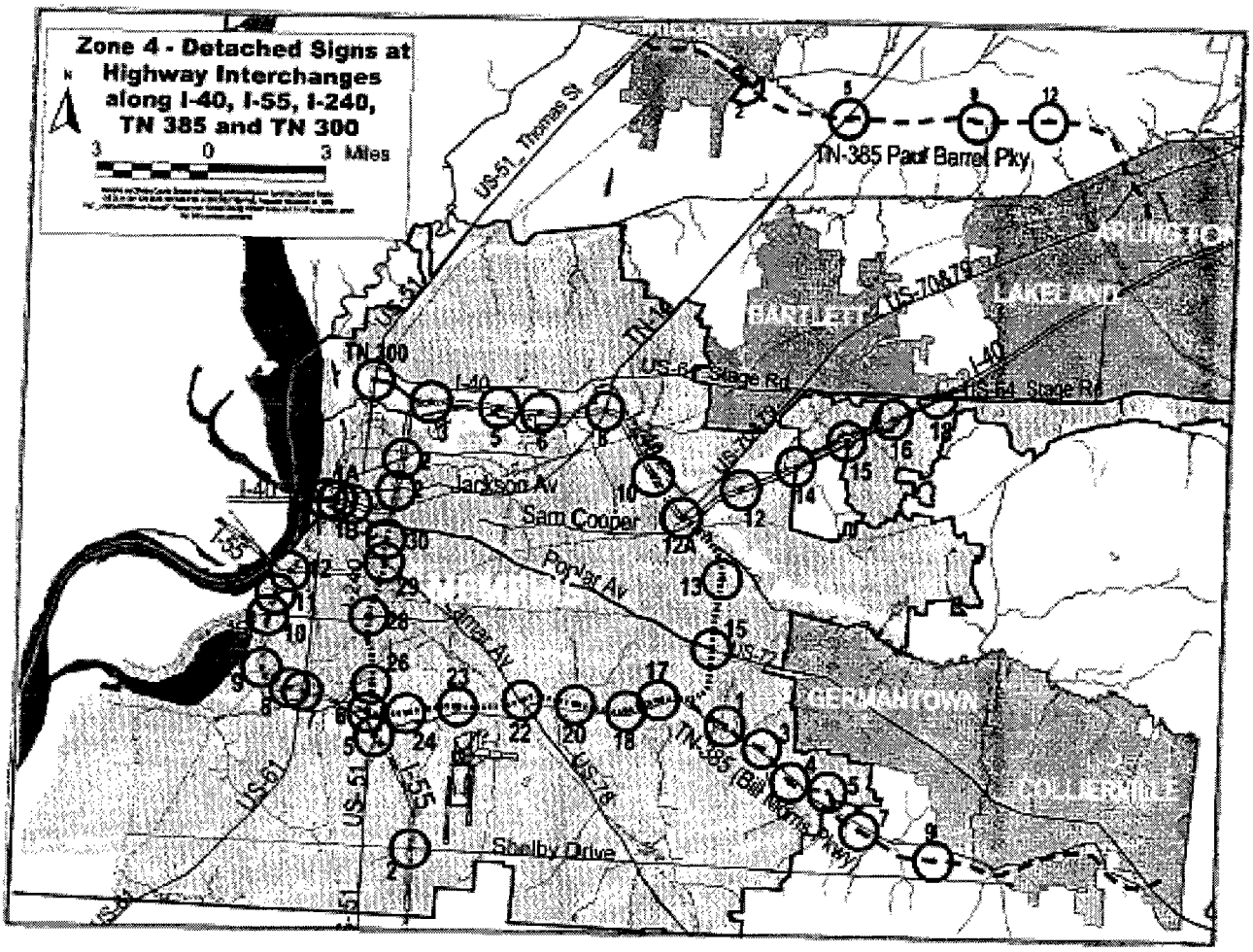
(Lot Frontage In Feet)

Multiplier (feet)	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**	**20**	**30**	**40**	**50**	**60**	**70**	**80**	**90**	**100**
0.2	0.2	0.4	0.6	0.8	1.0	1.2	1.4	1.6	1.8	2	4	6	8	10	12	14	16	18	20
0.3	0.3	0.6	0.9	1.2	1.5	1.8	2.1	2.4	2.7	3	6	9	12	15	18	21	24	27	30
0.4	0.4	0.8	1.2	1.6	2	2.4	2.8	3.2	3.6	4	8	12	16	20	24	28	32	36	40
0.8	0.8	1.6	2.4	3.2	4	4.8	5.6	6.4	7.2	8	16	24	32	40	48	56	64	72	80
1.0	1	2	3	4	5	6	7	8	9	10	20	30	40	50	60	70	80	90	100

Map 1


Memphis and Shelby County Sign Zones For Areas & Height
Streams System
Sign Zones
1-Inside Parkway
2-I-40, I-55 & I-240
3-City & Unincorp County
County
CBID
TIPTON COUNTY
MILLINGTON
MEMPHIS
BARTLETT
LAKELAND
FAYETTE COUNTY
ARKANSAS
CRITTENDEN COUNTY
GERMANTOWN
COLLIERVILLE
Shelby Drive
DESOTO COUNTY
MISSISSIPPI
MARSHAL COUNTY MISSISSIPPI

Map 2


Zone 4 - Detached Signs at Highway Interchanges along I-40, I-55, I-240, TN 385 and TN 300
3 0 3 Miles
TN-385 Paul Barrel Pky
US-51, Thomas St
ARLINGTON
LAKELAND
BARTLETT
US-70&79
TN-14
TN 100
I-40
US-64 Stage Rd
Jackson Av
Sam Cooper
Poplar Av
Lamar Av
GERMANTOWN
COLLIERVILLE
TN-385 (Bill Morris Pkwy)
US-61
US-51
I-55
US-78
Shelby Drive

Chapter 16-116

NONCONFORMITIES

Sections:

16-116-1	**Purpose.**
16-116-2	**Nonconforming uses of land and structures.**
16-116-3	**Nonconforming structures.**
16-116-4	**Nonconforming lots of record.**
16-116-5	**Nonconforming on-premise and off-premise signs.**
16-116-6	**Exception for repairs pursuant to public order.**
16-116-7	**Nonconforming accessory uses and structures.**

Sec. 16-116-1 Purpose.

The purpose of this chapter is to establish regulations and limitations on the continued existence of uses, lots, structures and signs established prior to the effective date of this title which do not conform to the provisions of this title. Many such nonconformities may continue, but the provisions of this chapter are designed to curtail substantial investment in such nonconformities and to bring about their eventual elimination, where appropriate, in order to preserve the integrity of the zoning districts and the regulations established by this title. (Ord. 4723 § 1, 11-16-99; Ord. 4208 § 2D, 8-24-93; Code 1985 Appx. A § 30(A); Ord. 3266 § 2, 3-1-83; Ord. 3237 § 2, 9-14-82; Ord. 3064, 10-7-80)

Sec. 16-116-2 Nonconforming uses of land and structures.

A. Authority to Continue. Any lawfully existing nonconforming use of part or all of a structure, or any lawfully existing nonconforming use of land not involving a structure or involving a structure which is accessory to such use of land, may be continued, so long as it remains otherwise lawful, subject to the provisions of subsections B through G of this section.

B. Ordinary Repair Maintenance. Normal maintenance and incidental repair or replacement, and installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use; provided, however, that this subsection shall not be deemed to authorize any violation of subsections C through G of this section.

C. Extensions. A nonconforming use shall not be extended, expanded, enlarged or increased in intensity. Such prohibited activity shall include, without being limited to:

1. Extension of such use to any structure or land area other than that occupied by such nonconforming use on the effective date of this title, or any amendment hereto which causes such use to become nonconforming;

2. Extension of such use within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of this title, or any amendment hereto which causes such use to become nonconforming;

3. Operation of such nonconforming use in such a manner as to conflict with, or to further conflict with, if already conflicting on the effective date of this title, or in the amendments hereto, any use limitations established for the district in which such use is located;

4. New construction, reconstruction or structural alteration.

D. Relocation. No structure that is devoted in whole or in part to a nonconforming use shall be relocated in whole or in part to any other location on the same or any other lot, unless the entire structure and the use thereof shall thereafter conform to all the regulations of the zoning district in which such structure and use are located after being so relocated. No nonconforming use of land shall be relocated in whole or in part to any other location on the same or any other lot, unless such use shall thereafter conform to all the regulations of the zoning district in which such use of land is located after being so relocated.

E. Change in Use. A nonconforming use of land or of a structure shall not be changed to any use other than a use permitted in the zoning district in which such land or structure is located. When such nonconforming use has been changed to a permitted use, it shall only be used thereafter for a use permitted in the zoning district in which it is located. For purposes of this subsection, a use shall be deemed to have been so changed when an existing nonconforming use shall have been terminated and the permitted use shall have commenced and continued for a period of seven days.

F. Abandonment or Discontinuance. When a nonconforming use of land or a nonconforming use of part or all of a structure is discontinued or abandoned for a period of three hundred sixty-five (365) consecutive days (regardless of any reservation of an intent not to abandon and to resume such use), such use shall not thereafter be reestablished or resumed. Any subsequent use or occupancy of such land or structure shall comply with the regulations of the zoning district in which such land or structure is located.

G. Damage or Destruction. In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than seventy-five (75) percent of the fair market value of such structure immediately prior to such damage, such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which such structure and use are located. When such damage or destruction is seventy-five (75) percent or less of the fair market value of the structure immediately prior to such damage, such structure may be repaired and reconstructed and used for the same purposes as it was before the damage or destruction, provided that such repair or reconstruction is commenced and completed within twelve (12) months of the date of such damage or destruction. (Ord. 4723 § 1, 11-16-99; Ord. 4208 § 2D, 8-24-93; Code 1985 Appx. A § 30(B); Ord. 3266 § 2, 3-1-83; Ord. 3237 § 2, 9-14-82; Ord. 3064, 10-7-80)

Sec. 16-116-3 Nonconforming structures.

A. Authority to Continue. Any nonconforming structure which is devoted to a use which is permitted in the zoning district in which such structure is located may be continued so long as it remains otherwise lawful, subject to the provisions of subsections B through D of this section.

B. Enlargement or Repair of Alterations. Any nonconforming structure may be enlarged, maintained, repaired or altered; provided, however, that no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure.

C. Damage or Destruction. In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than seventy-five (75) percent of the fair market value of such structure immediately prior to such damage, such structure shall not be restored unless it shall thereafter conform to the regulations of the zoning district in which it is located unless restoration or reconstruction is authorized under the provisions of Chapter 16-44. When such nonconforming structure is damaged or destroyed, by any means, by seventy-five (75) percent or less of the fair market value of such structure, immediately prior to such damage, such structure may be repaired or reconstructed, provided that the repairs or restorations begin and are diligently pursued to completion within one year of the date of such damage.

D. Relocation. No nonconforming structure shall be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which such structure is located after being relocated. (Ord. 4723 § 1, 11-16-99; Ord. 4208 § 2D, 8-24-93; Code 1985 Appx. A § 30(C); Ord. 3266 § 2, 3-1-83; Ord. 3237 § 2, 9-14-82; Ord. 3064, 10-7-80)

Sec. 16-116-4 Nonconforming lots of record.

A. Authority to Utilize for Single-Family Residence. In any district in which single-family detached dwellings are a permitted use, notwithstanding the regulations imposed by any other provisions of this title, a single-family detached dwelling which complies with the restrictions of subsection B of this section may be erected on a nonconforming lot that is not less than twenty-five (25) feet in width, and which:

1. Has less than the prescribed minimum lot area, width and depth, or any of them;

2. Is shown by a recorded plat or deed to have been a lot of record owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size, depth and width at such location would not have been prohibited by any zoning or other ordinance; and

3. Has remained in separate and individual ownership from adjoining tracts of land continuously since March 6, 1956.

B. Regulations for Single-Family Use of Nonconforming Lots. A nonconforming lot authorized to be used pursuant to subsection A of this section may be used for single-family dwellings and permitted accessory uses thereto and no other structures. Construction of such single-family dwellings shall comply with all the regulations (except lot area, width and depth) applicable to single-family dwellings in the zoning district in which such lot is located, except that the following side yard requirements shall apply in place of the side yard requirements otherwise applicable:

1. The dwellings shall be placed on the lots as to provide a yard on each side of the dwelling;

2. The sum of the widths of the two side yards on such lots shall not be less than the smaller of:

a. Twenty-five (25) percent of the width of the lot; or

b. The minimum total for both side yards prescribed by the bulk regulations of the zoning district; and

3. No side yard shall be less than three feet.

(Ord. 4723 § 1, 11-16-99; Ord. 4208 § 2D, 8-24-93; Code 1985 Appx. A § 30(D); Ord. 3266 § 2, 3-1-83; Ord. 3237 § 2, 9-14-82; Ord. 3064, 10-7-80)

Sec. 16-116-5 Nonconforming on-premise and off-premise signs.

A. The provisions of this section shall not apply to signs located in the central business district within the CBID I and II.

B. Removal of Illegal Signs. Any sign in existence on the effective date of this amendment which was constructed, erected or maintained in violation of the requirements of ordinances/resolutions or regulations as previously existing, or any sign erected after the effective date of this amendment which does not conform to the requirements of Chapter 16-112 shall be deemed illegal and removed, or otherwise made to conform with the current requirements of Chapter 16-112 within thirty (30) days of written notification by the building official.

C. Signs Granted a Variance. Any sign granted a variance by the board of adjustment may be continued after the effective date of this chapter regardless of any nonconformity with these provisions.

D. Nonconforming Signs Defined. Any sign in existence on the effective date of this amendment which violates or does not conform to the current provisions of Chapter 16-112, but was constructed, erected or maintained in accordance with the requirements of previously existing ordinances/resolutions or regulations, shall be regarded as a nonconforming sign.

E. Alteration, Expansion or Moving. No nonconforming sign shall be changed or altered in any manner which would increase the degree of its nonconformity; be expanded; structurally altered to prolong its useful life; or removed in whole or in part to any other location where it would be nonconforming. Replacing the support structure of the sign shall be structurally altering the sign to prolong its useful life.

F. Alteration, Expansion, Replacement, Moving.

1. Off-Premise Signs.

a. No nonconforming off-premise sign shall be changed or altered in any manner which would increase the degree of its nonconformity, increase its size, or prolong its useful life. Replacing the support structure of the sign shall be considered as prolonging its useful life.

b. No nonconforming off-premise sign which has been removed voluntarily shall be replaced. This restriction is not intended to prevent the future erection of other signs on the site that conform fully with the provisions of this chapter.

2. All Signs.

a. If a nonconforming sign is damaged or destroyed by a force of nature or other action beyond the control of the sign owner, then it may be replaced with a sign of identical size in the same location or by a conforming sign provided that a complete application for a permit for the replacement is filed within sixty (60) days of the date of the damage or destruction, and the replacement or repair is completed before the expiration of the permit or any valid extension thereof. The repaired or replacement sign shall be considered a legal nonconforming sign.

b. If a nonconforming sign is voluntarily removed or damaged or destroyed through the actions of the sign owner, then such sign shall not be replaced except with a sign that fully conforms with the requirements of this chapter. If such sign is an off-premise sign that is located more than three hundred (300) feet from a U.S. Interstate Highway, it shall not be replaced with an off-premise sign.

c. No nonconforming sign shall be moved or relocated except to a location where it would become a conforming sign.

3. Signs Other than Off-Premise. Any nonconforming sign other than an off-premise sign shall be removed or brought into compliance with this section immediately upon a change in the principal use of the site, in accordance with Chart I — Uses Permitted.

G. Removal of Nonconforming Signs.

1. Removal by Abandonment and/or Change of Business.

a. Any nonconforming off-premise sign, the use or copy of which is discontinued or removed for a period of six months regardless of any intent to resume or not to abandon such sign shall be deemed to be abandoned and shall not thereafter be reestablished. Abandonment or obsolescence of a nonconforming sign shall terminate immediately the right to maintain such sign.

b. Any nonconforming on-premise sign, the use or copy of which is discontinued or removed for a period of three hundred sixty-five (365) days regardless of any intent to resume or not to abandon such sign shall be deemed to be abandoned and shall not thereafter be reestablished. Abandonment or obsolescence of a nonconforming sign shall terminate immediately the right to maintain such sign.

c. Any period of such discontinuance caused by government actions, strikes or acts of God, without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for the purposes of this subdivision.

2. Removal by Damage or Destruction. Any nonconforming off-premise sign which is partially damaged or destroyed by any means, to beyond fifty percent (50%) of its current market value, that is nonconforming to the requirements of Chapter 16-112, shall not be restored, but shall be removed or reconstructed in conformance with the provisions of Chapter 16-112.

3. Removal of Certain Nonconforming Signs. All nonconforming off-premise signs not otherwise removed in accordance with the provisions of subsections (G)(1) through (G)(2) of this section shall be removed within five years after the effective date of this chapter unless such signs are made to comply with the provisions of Chapter 16-112 of this title within such five year period, in which case, they may remain.

Removal provisions of this subsection (G)(3) shall not apply to permanent off-premise signs that do not conform to the one hundred fifty (150) foot spacing requirement of section 16-112-8(B); and shall not apply to permanent off-premise signs greater than seventy (70) square feet in area.

Permanent off-premise signs located in the AG District shall be removed within five years.

a. Ten (10) years if the sign is located within the unincorporated area of Shelby County but more than five miles from the corporate limits of the City of Memphis; or

b. Five years if the sign is located within the corporate limits of the City of Memphis, or within five miles of the corporate limits of the city and within the unincorporated area of Shelby County.

H. Enforcement of Removal.

1. Annual Sign Inspection Required. The building official shall conduct an inspection of every sign at least once each year to determine whether the sign conforms with the provisions of this title, make a written record of each such inspection and make all such reports available for public inspection during regular business hours.

2. Building Official to Initiate Proceedings. If any sign is not removed as required by subsection (B) and subsections (G)(1) through (G)(3) of this section, the building official shall initiate the necessary proceedings to secure removal of such illegal or nonconforming sign, or secure compliance with the provisions of this title.

3. Illegal Sign Owner to be Fined for Failure to Remove Sign. Any owner who fails to remove an illegal sign within thirty (30) days of written notification by the building official, shall be fined one hundred dollars ($100.00) per day until the sign is removed. In the event that an illegal sign is not removed within ninety (90) days of written notification of the owner by the building official, the City of Memphis and/or County of Shelby are authorized to remove; but are not required to remove, such sign with all reasonable costs associated therewith to be paid by the owner. The City of Memphis or County of Shelby shall have a lien on the property where the illegal sign was located for all reasonable costs that they incur in removing the sign.

4. Citizenry Authorized to Initiate Proceedings to Remove Illegal Sign. Any resident of the City of Memphis or the County of Shelby is authorized and empowered to initiate the necessary proceedings in environmental court to secure removal of an illegal sign if, but only if, the building official fails to initiate proceedings against the owner of the illegal sign to secure removal of the sign within ninety (90) days of written notification of the owner by the building official as set forth in the preceding paragraph.

5. Nonconforming Sign Owner to be Fined for Failure to Remove Sign. Any owner who fails to remove a nonconforming sign within the applicable time set forth in subsection (G)(3) of this section, shall be fined one hundred dollars ($100.00) per day until the sign is removed. In the event that a nonconforming sign is not removed within the time set forth in subsection (G)(3) of this section, the City of Memphis and/or County of Shelby are authorized to remove; but are not required to remove, the sign with all reasonable costs associated therewith to be paid by the owner. The City of Memphis or County of Shelby shall have a lien on the property where the nonconforming sign was located for all reasonable costs that they incur in removing the sign.

6. Citizenry Authorized to Initiate Proceedings to Remove Nonconforming Sign. Any resident of the City of Memphis or the County of Shelby is hereby authorized and empowered to initiate the necessary proceedings in environmental court to secure removal of a nonconforming sign if removal of the sign is required under subsections (G)(1) through (G)(3) of this section and if, but only if, the building official fails to initiate proceedings against the owner of the nonconforming sign to secure removal of the sign within ninety (90) days of the applicable time set forth in subsection (G)(3) of this section.

7. Thirty (30) Day Removal Period for Nonconforming Signs. Upon the determination of the building official that a sign remains nonconforming after termination of the allowable time periods provided for herein above, the building official shall notify the sign owner and/or the owner of the land on which the nonconforming sign is located and such owner shall have thirty (30) days after such written notice within which to remove the sign. At the end of the thirty (30) day period, if the sign has not been removed or brought into compliance or properly appealed before the Memphis and Shelby County board of adjustment, the building official shall issue a summons into environmental court.

8. Removal Expense May be Made Lien Upon Real Property. The removal expense may be made a lien upon such real property by the building official sending by certi-

fied mail to the owner of such real property, a notice of lien for the cost of such removal. The cost of all such mailing and the cost of obtaining the name and address of the owners shall be part of the cost of such removal.

I. Forfeiture. Any private sign installed or placed on public property shall be forfeited to the public and subject to confiscation, unless it conforms to the requirements of this chapter. In addition to other remedies granted to it by this chapter, the building official shall have the right to recover from the owner or person placing the sign, the full costs of removal and disposal of the sign in a civil action. (Ord. 5136 § 6, 6-2-06; Ord. 5028AM § 10, 2004: Ord. 5028 § 10, 2003: Ord. 4723 § 1, 11-16-99; Ord. 4208 § 2D, 8-24-93; Code 1985 Appx. A § 30(E); Ord. 3266 § 2, 3-1-83; Ord. 3237 § 2, 9-14-82; Ord. 3064, 10-7-80)

Sec. 16-116-6 Exception for repairs pursuant to public order.

Nothing in this chapter shall be deemed to prevent the strengthening or restoration to a safe condition of a building, structure or sign in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders it to be restored to a safe condition provided such restoration is not otherwise in violation of the various provisions of this chapter prohibiting the repair or restoration of partially damaged or destroyed buildings, structures or signs. (Ord. 4723 § 1, 11-16-99; Ord. 4208 § 2D, 8-24-93; Code 1985 Appx. A § 30(F); Ord. 3266 § 2, 3-1-83; Ord. 3237 § 2, 9-14-82; Ord. 3064, 10-7-80)

Sec. 16-116-7 Nonconforming accessory uses and structures.

No use or structure which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless such accessory use or structure shall thereafter conform to all the regulations of the zoning district in which it is located. (Ord. 4723 § 1, 11-16-99; Ord. 4208 § 2D, 8-24-93; Code 1985 Appx. A § 30(G); Ord. 3266 § 2, 3-1-83; Ord. 3237 § 2, 9-14-82; Ord. 3064, 10-7-80)

Chapter 16-120

LANDSCAPE AND SCREENING REGULATIONS

Sections:

16-120-1	**Introduction.**
16-120-2	**Purpose.**
16-120-3	**Submittal and approval process.**
16-120-4	**Landscape/screening requirements.**
16-120-5	**Other requirements.**
16-120-6	**Substitution of existing trees and plants.**
16-120-7	**Alternative streetscape treatment.**
16-120-8	**Installation and maintenance.**
16-120-9	**Quality standards.**
16-120-10	**Existing tree cover suggestions.**
16-120-11	**Landscape plan.**
16-120-12	**Approved plant list.**
16-120-13	**Definitions.**

Sec. 16-120-1 Introduction.

The mature hardwood forests which occur within and around Memphis are a prime and valuable asset. Few American cities of any size are graced with such stately and mature oak trees as Memphis. This chapter seeks to preserve these forest trees where possible and established new plantings of a complementary nature.

In a recent survey in which Memphians were asked to rank our natural amenities, trees were listed second only to the Mississippi River in order of importance. The quality of life in our city is directly related to the conservation and stewardship of this natural resource.

This chapter is intended as a minimum standard for landscape treatment. Owners are encouraged to exceed this standard in seeking more creative solutions, both for the enhanced value of their land, and for the collective health and enjoyment of all Memphians. (Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4337 § 2, 7-18-95; Ord. 4208 § 2B, 8-24-93; Ord. 3706 § 1(VIII), 12-22-87; Code 1985 Appx. A § 32(A); Ord. 3064, 10-7-80)

Sec. 16-120-2 Purpose.

The purpose of this chapter is to utilize landscape elements, particularly plant material, in an organized and harmonious fashion that will enhance the physical environment of Memphis and Shelby County for the comfort, safety and enjoyment of its citizens:

A. To preserve natural vegetation, particularly tree cover, and encourage design solutions with this foremost in mind;

B. To provide new planting in concert with natural vegetation and careful grading;

C. To provide an overall planting scheme which will:

1. Reduce soil erosion,
2. Provide visual screens and buffers thereby preserving the appearance, character and value of existing neighborhoods,
3. Provide shade, comfort and seasonal color,
4. Reduce glare, noise and heat,
5. Enhance spatial relationships and in general provide character and structure to the built environment,
6. Provide greater perceptual clarity along major roads and transit ways by more consistent planting of properly sized street trees. (Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4337 § 2, 7-18-95; Ord. 4208 § 2B, 8-24-93; Ord. 3706 § 1(VIII), 12-22-87; Code 1985 Appx. A § 32(B); Ord. 3064, 10-7-80)

Sec. 16-120-3 Submittal and approval process.

A. Submittal. The applicable landscape and screening plates, and required internal landscaping to be used on the property shall be submitted in the initial building permit application. The site plan or plat shall show the landscape and screening plates required, required parking lot landscaping, if applicable, and the specific plant materials to be installed for the proposed use of the property. The required landscaping and screening provision are provided in Section 16-120-4. The applicant may submit a site plan or plat indicating the use of existing tree cover, substitution or alternative treatment in accordance with the requirements of this chapter.

B. Approval. Approval of the building permit shall constitute approval of the proposed landscaping. A signature block shall be affixed to the site plan or plat to provide for the date of approval and signature of the building official.

C. Side and Rear Screening Requirement. The planning director or designee may approve an equivalent alternative to the requirements herein. If such alternative is requested a signature block shall also be affixed to the site plan or plat to indicate the approval of the planning director. (Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4337 § 2, 7-18-95; Ord. 4208 § 2B, 8-24-93; Ord. 3706 § 1(VIII), 12-22-87; Code 1985 Appx. A § 32(C); Ord. 3064, 10-7-80)

Sec. 16-120-4 Landscape/screening requirements.

The landscape plates (Section 16-120-11) illustrate planting alternatives for three site conditions. These conditions and their respective landscape requirements are indicated below:

A. Streetscape: the perimeter of a parcel adjacent to streets and other public thoroughfares exclusive of driveway curb cuts. Species and placement shall be uniform within the parcel except under alternative treatment described in Section 16-120-7.

Refer to subsection D of this section for required landscaping for various land use types.

B. Edge screening: the perimeter of a parcel adjacent to property other than streets or public thoroughfares.

Refer to subsection D of this section for required landscaping for various land use types.

C. Interior Landscaping. The following landscape requirements shall apply for parking lots of one hundred (100) vehicles or larger (excluding single-family and duplex housing):

A minimum of three hundred (300) square feet of required landscaping for every twenty (20) vehicles and one shade tree (Tree "A") shall be planted for every twenty (20) parking spaces or fraction thereof. It is suggested that required planting occur within interior planting islands of at least fifty (50) square feet in area. However, it is acceptable for required planting to be located adjacent to required streetscape, edge screening or along fronts of buildings.

D. Required Landscaping/Screening. The following chart outlines the required landscaping (streetscape) and screening (edge screening) requirements by zoning and/or use. To use the chart first determine the zoning and/or proposed principal use of the property according to the following general classifications listed in the chart:

1. Industrial;
2. Commercial;
3. Office;
4. Apartments;
5. Single-family.

After determining the appropriate use classification refer to the right-hand column of the chart for the choice of landscape required for both streetscape, and screening of adjacent property.

The letter designations in the right hand column of the chart correspond to typical landscape or screening illustrations (plates). The plates, located in Section 16-120-11, specify plant location criteria and the types of trees and shrubbery required. Following the plates is a list of approved trees and shrubbery, Section 16-120-12. For easy reference each plant category is designated by a letter that correspond to the letter designation of plant types illustrated on the landscape plates.

For each land use, as defined in the zoning ordinance, the minimum landscape standard is required. Streetscape treatment requires the use of one species and uniform placement except as provided herein. Alternative solutions are encouraged including optional landscape plates included herein, as well as more creative solutions proposed by the project landscape architect.

Special information regarding landscaping at street intersections and within utility easements is located in Section 16-120-5.

Zoning District or Uses	Plates
1. Industrial (Principal Use or Zone):	
Streetscape (frontage):	
Without parking in front yard	A-1
With parking in front yard[1]	A-2, A-3 or A-4
Screening (adjacent to):	
Office	B-1, B-3, B-4 or B-5
Multifamily	B-3, B-4 or B-5
S.F., R-D, R-TH (zone or uses)	B-3, B-4 or B-5
2. Commercial (Principal Use or Zone):	
Streetscape (frontage):	
Without parking in front yard	A-1
With parking in front yard[1]	A-2, A-3 or A-4
Screening (adjacent to):	
Office	B-1, B-3, B-4 or B-5
Multifamily	B-1, B-3, B-4 or B-5
S.F., R-D, R-TH (zone or uses)	B-1, B-3, B-4 or B-5
3. Office (Principal Use or Zone):	
Streetscape:	
Without parking in front (yard)	A-1
With parking in front yard[1]	A-2, A-3 or A-4

Zoning District or Uses	Plates
Screening (adjacent to):	
Multifamily	B-1, B-3, B-4 or B-5
S.F., R-D, R-TH (zone or uses)	B-1, B-3, B-4 or B-5
4. Apartments (Principal Use or Zone):	
Streetscape:	
Without parking in front yard	A-1
With parking in front yard[1]	A-2, A-3 or A-4
Screening (adjacent to):	
Multifamily	B-1, B-3, B-4 or B-5
S.F., R-D, R-TH (zone or uses)	B-1, B-3, B-4 or B-5
5. Single-family (R-S, R-D, R-TH Zones and Uses):	
Streetscapes:	
With frontage on major road	A-1
Nonresidential uses with parking in front yard	A-2, A-3 or A-4
Reverse frontage lots	RV-1, RV-2 or RV-3
Screening (adjacent to):	
For nonresidential uses in R-S, R-D, R-TH Zones	B-1, B-3, B-4 or B-5

[1] Parking in the front yard must meet the geometric requirements of Chart 3, set out at the end of this title, exclusive of the areas required for streetscape and edge screening as set forth in this chapter.

Streetscape plates shall be provided and maintained along all public streets as indicated above. All references to "front yard" shall be the front yard area as required by the zoning district in which the property is located. Screening plates shall be provided and maintained on the property as zoned or used (letter designation) when adjacent to property zoned or used as indicated above. Zoning districts shall be designated in the following major use categories:

Single-family zones	AG, R-S, R-D, R-TH
Multifamily (apartment) zones	R-M
Office zones	O-L, O-G
Commercial zones	C-P, C-L, C-H, C-U, H, P, FW
Industrial zones	I-L, I-H

E. Central Business District (CBD) Landscaping. Surface parking lots shall be required to provide and maintain such landscaping and screening as required by subsections A through D of this section. (Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4337 § 2, 7-18-95; Ord. 4208 § 2B, 8-24-93; Ord. 3706 § 1(VIII), 12-22-87; Code 1985 Appx. A § 32(D); Ord. 3064, 10-7-80)

Sec. 16-120-5 Other requirements.

A. Nonconformity:

1. No building, structure, or use lawfully established prior to the effective date of the ordinance codified in this chapter shall be required to comply with the provisions of this chapter except as hereinafter provided.

2. All buildings and structures erected, and uses established after the effective date of said ordinance shall comply with the provisions of this chapter; provided, however that if a building permit was issued prior to the effective date of said ordinance and construction is begun within one year of the date of such permit, the landscaping and screening regulations in effect on the date such permit was issued shall apply.

3. Any additional residential dwelling units resulting in an increase in ground floor area, an increase in ground floor area of other uses, an expansion of a parking area, or other use expansion at ground level shall comply with the requirements of this chapter only to the extent of the increases specified above.

4. If the existing use of a property is changed to a new use requiring additional landscaping or screening than would be required by the former use under these requirements, the requirements of this chapter shall apply to the new use.

5. Any conforming or nonconforming building, structure, or use in existence on the effective date of said ordinance that is subsequently damaged or destroyed and thereafter reconstructed, re-established or repaired may maintain the same amount and type of landscaping and screening existing on the date of the damage or destruction; provided, however, if such damage or destruction exceeds seventy-five (75) percent of the value of such building, structure or use the landscaping and screening requirements of this chapter shall apply.

6. No existing landscaping or screening provided on a property as of the effective date of said ordinance

shall be reduced in amount or size below the requirements of this chapter.

B. Traffic Visibility. All new planting must be located so as not to interfere with traffic movement and visibility. A clear sight area will be established at the intersection of any streets, and a sight triangle will be established at the intersection of a street and private drive. The only planting permitted within a clear sight area or sight triangle is grass ground cover, or shrubs which are easily maintained at a height of two feet or less (shrub "A" selective, see Section 16-120-12). No trees shall be permitted within the sight triangle. Trees are permitted in the clear sight area at the intersection of two streets if they meet the requirements of subsection (B)(2)(b) of this section.

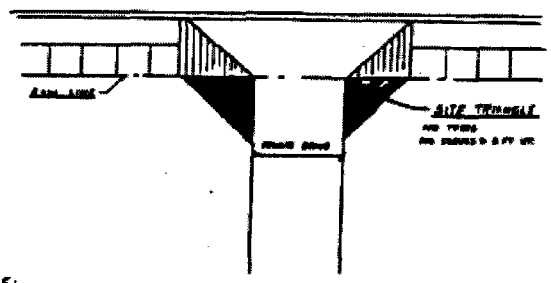


Figure A. PRIVATE DRIVE INTERSECTION SIGHT TRIANGLE

1. Private Drive Intersection Sight Triangle. At the intersection of a private drive and a street, a sight triangle will be established beginning at the point of intersection of each private drive edge of pavement with the street right-of-way line. The sight triangle will extend ten (10) feet in two directions from this point.

2. Street Intersection Sight Distance. At the intersection of two public streets a clear sight area will be established as described below:

a. The table below provides the minimum intersection sight distances required for the various street classifications:

Street Classification	Intersection Sight Distance
Minor local	225
Major local	285
Minor collector	340
Major collector	400
Arterial	680

Intersection sight distance is measured along the centerline of the through roadway as shown in Figure B. To determine the clear sight area, a line must be constructed from the stopped vehicle driver's eye located fifteen (15) feet (ten (10) feet on local streets) from the face of the curb of the through street at a height of three and five-tenths feet above the pavement to the center of the lane of the approaching vehicle at a height of four and twenty-five-hundredths feet. All of the through roadway within the limits of the required minimum intersection sight distance shall remain clear.

b. The area between the clear sight line and the right-of-way line shall be designated as the clear sight area. No structure, and no fence, wall, hedge, shrub, planting or other obstacle which obstructs sight lines at a height between two and six feet above the curb height shall be placed or permitted to remain on any lot within the clear sight area formed by the street right-of-way lines and a sight line as shown on the site plan. No tree shall be permitted to remain within the clear sight area unless the foliage level is maintained at a height of not less than six feet above curb height to permit unobstructed vision across the clear sight area.

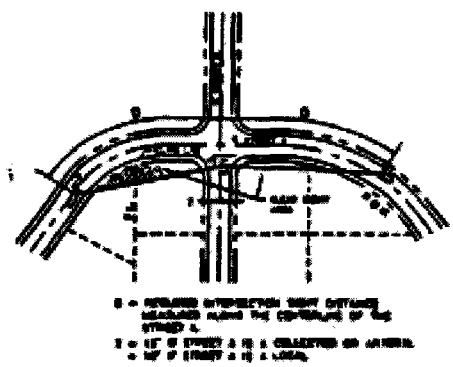


Figure B. STREET INTERSECTION SIGHT DISTANCE

C. Utility Clearance. All new planting shall be located so as not to interfere with existing or planned utilities, as follows:

1. Overhead Electric Transmission Lines. All trees and. shrubs are prohibited from being planted in the easement within which these lines are located without prior approval by the agency which control the easements, be it Memphis light gas and water division or Tennessee Valley Authority.

2. Overhead Electric Distribution, Telephone or Cable Television Pole Lines. For use of trees in proximity to such pole lines, the following horizontal setbacks shall apply, measured from the centerline of the pole line to the centerline of the trunk of tree:

a. Tree "A" (major deciduous tree)	25 feet
b. Tree "B" (intermediate deciduous tree under forty (40) foot height)	25 feet
c. Tree "C" (understory deciduous, tree, height up to fifteen (15) feet)	0 feet
d. Tree "D" (evergreen tree with mature height over thirty (30) feet)	20 feet
e. Tree "E" (evergreen tree with mature height of fifteen (15) to thirty (30) feet)	20 feet
f. Tree "E" (evergreen tree with mature height up to fifteen (15) feet)	0 feet

3. Street Lights. The following horizontal setbacks shall apply, measured from the centerline of the street light post to the centerline of the trunk of tree, for various classes of trees:

a. Tree "A"	15 feet
b. Tree "B"	12 feet
c. Tree "C"	8 feet
d. Tree "D"	12 feet
e. Tree "E"	8 feet

4. Underground Electric Distribution, Telephone or Cable Television Lines. All trees and shrubs shall be planted a minimum of three feet horizontally from these lines.

5. Underground Collection and/or Distribution Water Lines. All trees and shrubs are prohibited from being planted in the easements within which these lines are located.

6. Underground Transmission and/or Distribution Gas Lines. All trees and shrubs are prohibited from being planted in the easements within which these lines are located.

7. Underground Electric Service Lines or Gas Service Lines. All trees and shrubs shall be planted a minimum of three feet horizontally from these lines.

8. Switch Gears, Padmounted Transformers or Cable Junction Enclosures. All trees and shrubs are prohibited from being planted within fifteen (15) feet in front of the door(s) of the above-cited electrical equipment.

9. Underground Storm Drain Lines or Sanitary Sewer Lines. All trees and shrubs shall be planted a minimum of five feet horizontally from the easements of these lines.

10. Public Sidewalks. All streetscape landscaping plates shall be located and dimensioned exclusive of and not in conflict with any sidewalk/pedestrian easement behind the right-of-way line except as outlined in Section 16-120-7.

The above standards are included as general requirements. The branching habit and root growth will vary widely from tree to tree in each group. The intent of this standard is to avoid any interference or hazard with existing or planned utilities. The landscape architect or designer, as well as the installation contractors are advised to exercise competent judgment in this regard. (Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4337 § 2, 7-18-95; Ord. 4208 § 2B, 8-24-93; Ord. 3706 § 1(VIII), 12-22-87; Code 1985 Appx. A § 32(E); Ord. 3064, 10-7-80)

Sec. 16-120-6 *Substitution of existing trees and plants.*

Any existing tree with a trunk in excess of ten (10) inches in diameter twelve (12) inches above ground may be substituted for one required street tree if the following measures are met:

A. No more than twenty-five (25) percent of the ground under the tree's canopy shall be disturbed by construction. In meeting this test, the tree's canopy shall be computed as a circle whose center point is the trunk diameter and whose radius is equal to one foot per inch of tree caliper. Neither cut nor fill shall be allowed on an area in excess of twenty-five (25) percent of the ground within the circle and a grading plan submitted to the Memphis and Shelby County building department shall reflect the exact location of trunk, canopy limits and disturbance zone, if any.

B. No disturbance of the ground within the theoretical canopy shall be closer than eight feet of the trunk.

C. The tree designated for substitution shall be fenced prior to the commencement of grading, foundation work or other construction in a manner satisfactory to prevent the leaning of equipment or material or the storage or disposal of waste or building materials or the intrusion of vehicles or machinery. Such fencing shall consist, at a minimum, of posts ten (10) feet on center connected by heavy wire with flagging tied a minimum of five feet on center. Cyclone fencing is recommended.

Existing plants equal in specification may be substituted for that required for edged screening. (Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4337 § 2, 7-18-95; Ord. 4208 § 2B, 8-24-93; Ord. 3706 § 1(VIII), 12-22-87; Code 1985 Appx. A § 32(F); Ord. 3064, 10-7-80)

Sec. 16-120-7 Alternative streetscape treatment.

The requirement for a uniform placement of street trees of the same species along roads may be modified when a landscape treatment meeting all of the following criteria is substituted:

A. A landscape buffer the depth of the required front yard is provided (excluding entry and exit drives).

B. The area landscaped contains the same or greater number of trees as that required by the normal street tree formula. When this substitution is made, the property owner is permitted to randomly place the trees, vary the species, and meander the sidewalk location.

C. If meandering public sidewalks are reflected on the landscape/site plan, the owner shall grant a sidewalk/pedestrian easement to the city/county, subject to the approval of the city/county engineer, prior to the approval of the site plan by the building official. (Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4337 § 2, 7-18-95; Ord. 4208 § 2B, 8-24-93; Ord. 3706 § 1(VIII), 12-22-87; Code 1985 Appx. A § 32(G); Ord. 3064, 10-7-80)

Sec. 16-120-8 Installation and maintenance.

A. Installation. Required landscaping shall be fully installed prior to issuance of a final use and occupancy permit. If project construction is phased, required landscaping correspondingly may be phased.

Landscape installation should occur when seasonally appropriate and in conformance with accepted nursery practices in Shelby County. No planting should occur until grades have been stabilized, properly prepared, and deemed in compliance with intended grades.

B. Maintenance. All landscaping shall be maintained by owner for the life of the development project. Maintenance is intended to protect the landscape investment and to ensure that plants remain healthy, attractive and pose no hazards to human safety or welfare.

Maintenance shall include such things as watering of plants and lawns mowing, raking, mulching, weeding, pruning, spraying, and periodic inspection.

In many instances, it is advisable that first year maintenance work be performed by the installation contractor. It is recommended that required landscaping should be fully guaranteed for a period of one year from time of initial completion (and approval) of planting work. The initial (and most critical) maintenance period then coincides with the one-year guarantee period. (Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4337 § 2, 7-18-95; Ord. 4208 § 2B, 8-24-93; Ord. 3706 § 1(VIII), 12-22-87; Code 1985 Appx. A § 32(H); Ord. 3064, 10-7-80)

Sec. 16-120-9 Quality standards.

A. Trees and Shrubs. All trees and shrubs shall be nursery grown and shall conform to AAN standards. Bare root stock or field collected plants shall not be permitted.

B. Grass Sod. Grass sod shall be well-rooted, healthy, clean, and reasonably free of weeds and noxious pests or diseases. Sod shall be in compliance with American Sod Producers Association (ASPA) Standards.

C. Grass Seed. Grass seed shall be fresh, clean, new crop seed furnished in unopened bags with vendor's certification for percentages of weight, purity, germination, and weed seed for each grass species.

D. Nomenclature. All plants shall be identified by botanical and common (English) names in accordance with "Hortus Third," L. H. Bailey, 1976. (Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4337 § 2, 7-18-95; Ord. 4208 § 2B, 8-24-93; Ord. 3706 § 1(VIII), 12-22-87; Code 1985 Appx. A § 32(I); Ord. 3064, 10-7-80)

Sec. 16-120-10 Existing tree cover suggestions.

A. Existing tree cover, particularly the mature hardwood forests indigenous to the mid-south region, should be preserved in all development to the extent possible. Preservation of tree cover, along with existing land forms and drainage patterns, may result in a more cost effective and attractive development.

B. Almost all trees, and particularly those of six-inch caliper size and greater, are worth saving. Existing trees can be saved in accordance with the following guidelines:

1. Identify the location and quality of existing trees and tree masses at the beginning of the development process.

2. Pay particular attention to mature trees (e.g., oaks of twenty-four (24) inch caliper and larger) and groves or fence rows of trees along the edge of property. The latter may substitute for property line screening requirements included herein, resulting in significant development cost savings.

3. To preserve an existing specimen tree, a prescribed area around the trunk of the tree shall remain undisturbed during construction and occupancy. This prescribed area is determined as follows: A circle with a radius equal to one foot per inch of tree caliper shall be drawn around the tree. If two-thirds of the circular area can remain undisturbed and at original grade, the tree can usually be saved without special treatment.

4. Individual trees and the groves intended for retention should be marked in the field. Those areas that

can remain undisturbed should be encircled with snow fencing (at a minimum) and should be regarded as off limits for any construction activities, including:

a. Cut and fill;

b. Stock piling materials;

c. Significant alteration of drainage pattern;

d. Driving or parking of construction equipment in protected areas;

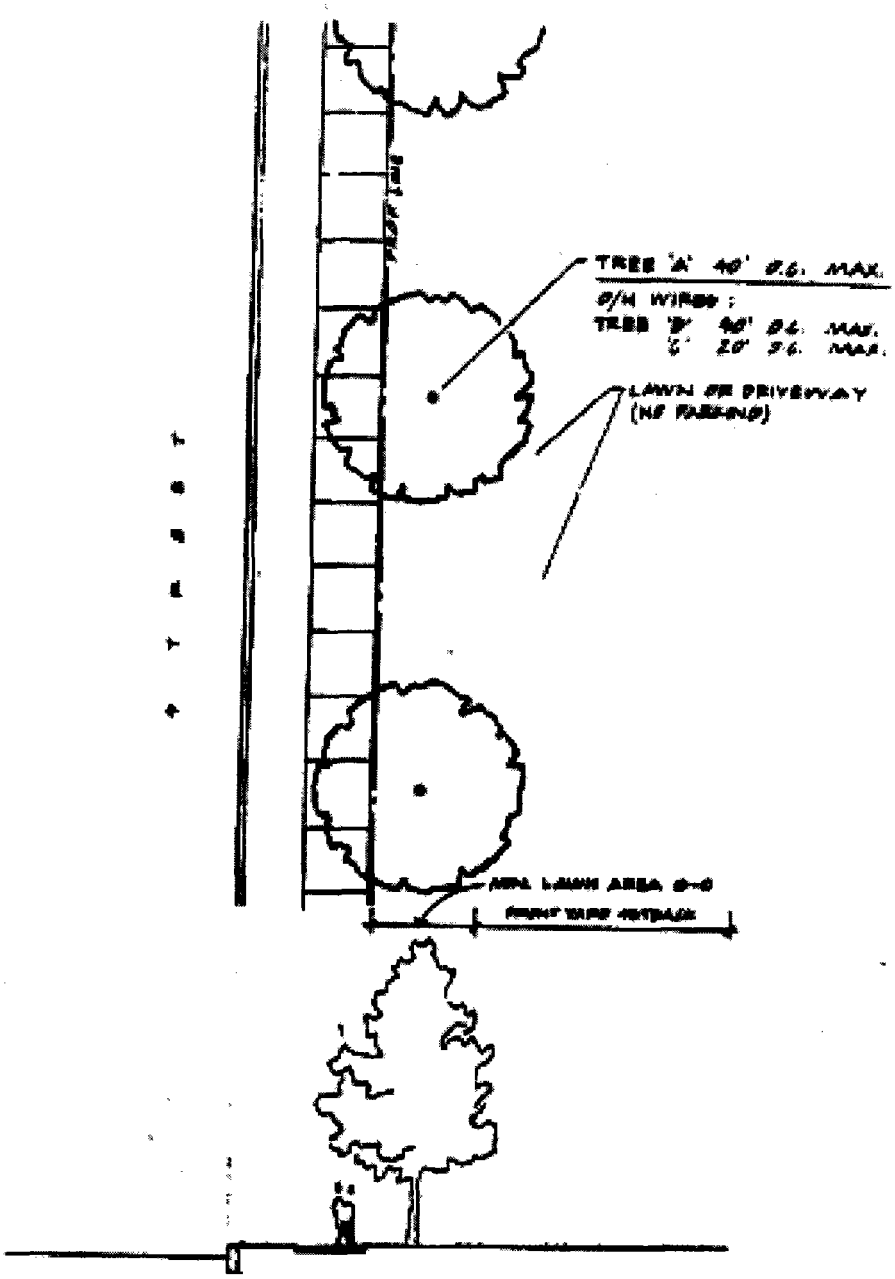
e. Felling trees into protected areas;

f. Burning in, or in dangerous proximity to protected areas. (Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4337 § 2, 7-18-95; Ord. 4208 § 2B, 8-24-93; Ord. 3706 § 1(VIII), 12-22-87; Code 1985 Appx. A § 32(J); Ord. 3064, 10-7-80)

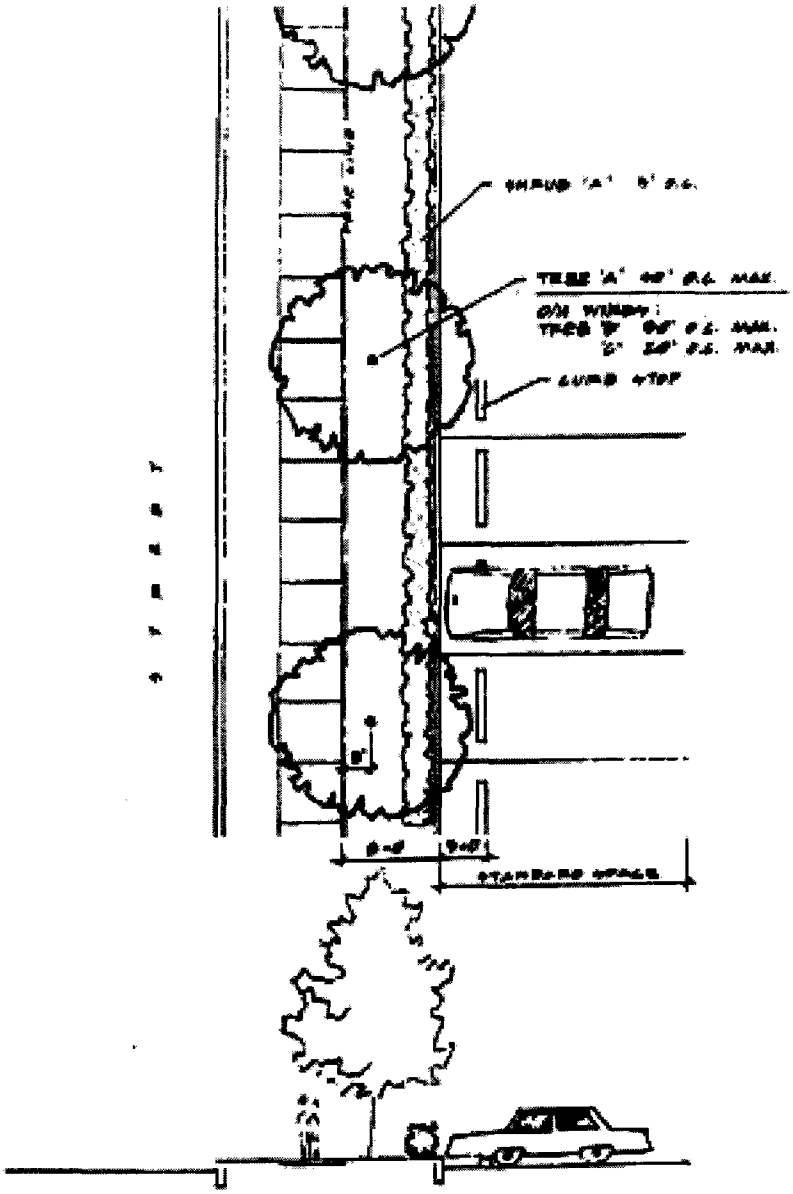
Sec. 16-120-11 Landscape plan.

A landscape plan is not required to determine compliance with the standards herein. However, it is strongly recommended that such a plan, prepared by a landscape architect registered in Tennessee, be part of the development package, particularly in large-scale projects.

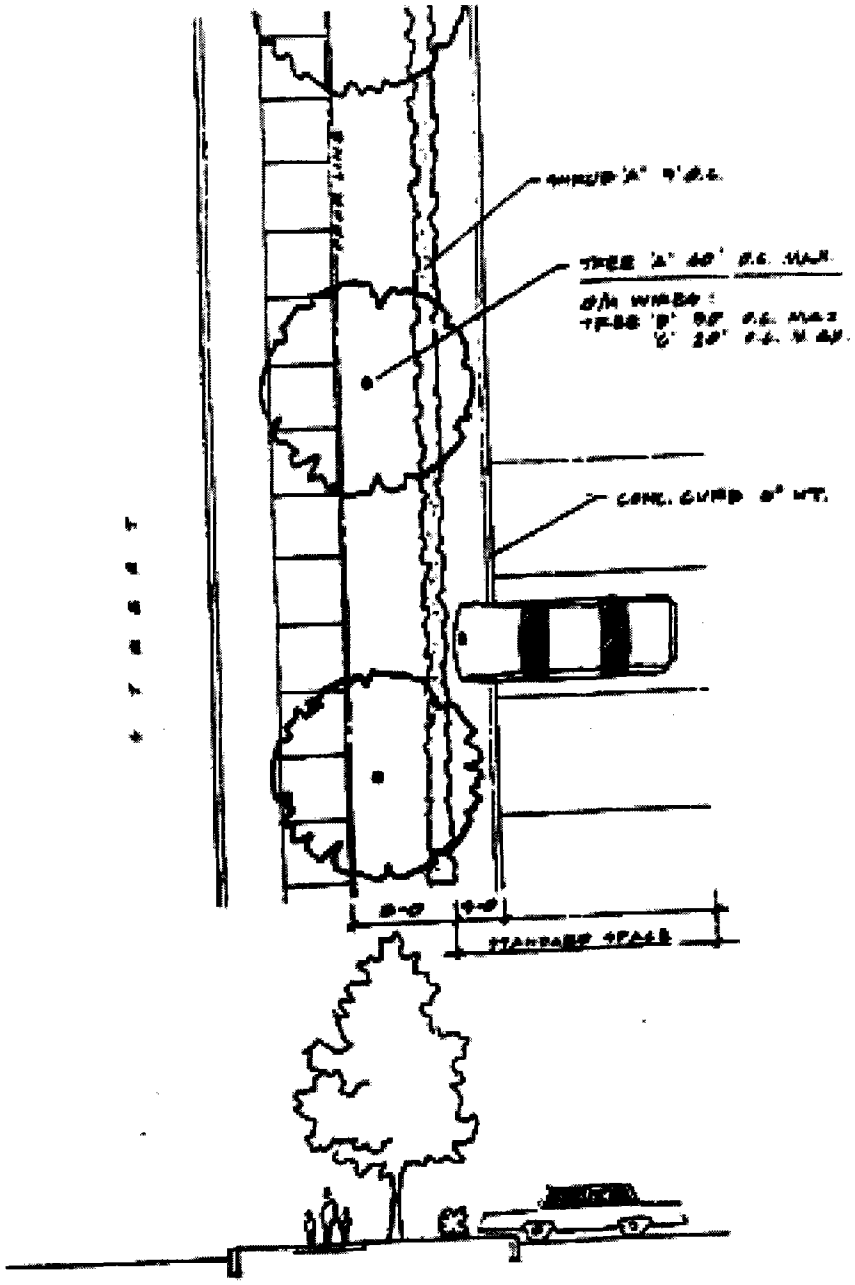
A landscape plan can result in a more creative and cost-effective landscape solution for a given development. In addition, the landscape construction process, including bidding, installation and maintenance, will be improved and streamlined by preparation and adherence to a landscape plan.


TREE 'A' 40' O.C. MAX.
O/H WIRES :
TREE 'B' 40' O.C. MAX.
'C' 20' O.C. MAX.
LAWN OR DRIVEWAY
(NO PARKING)

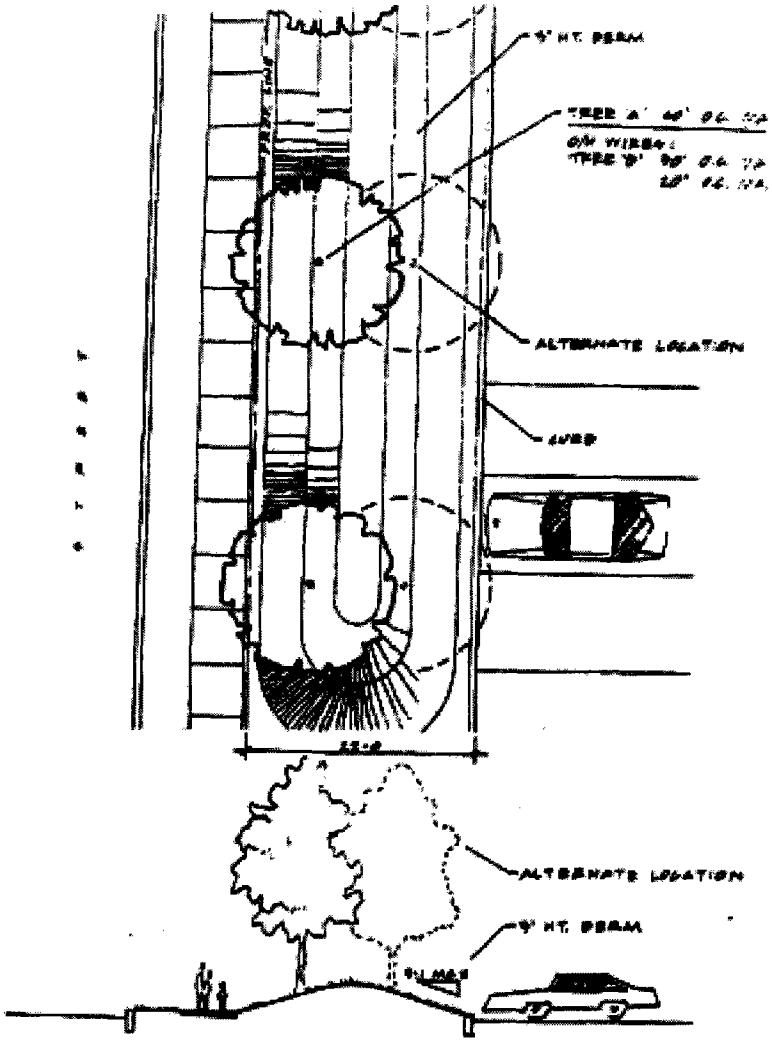
A1



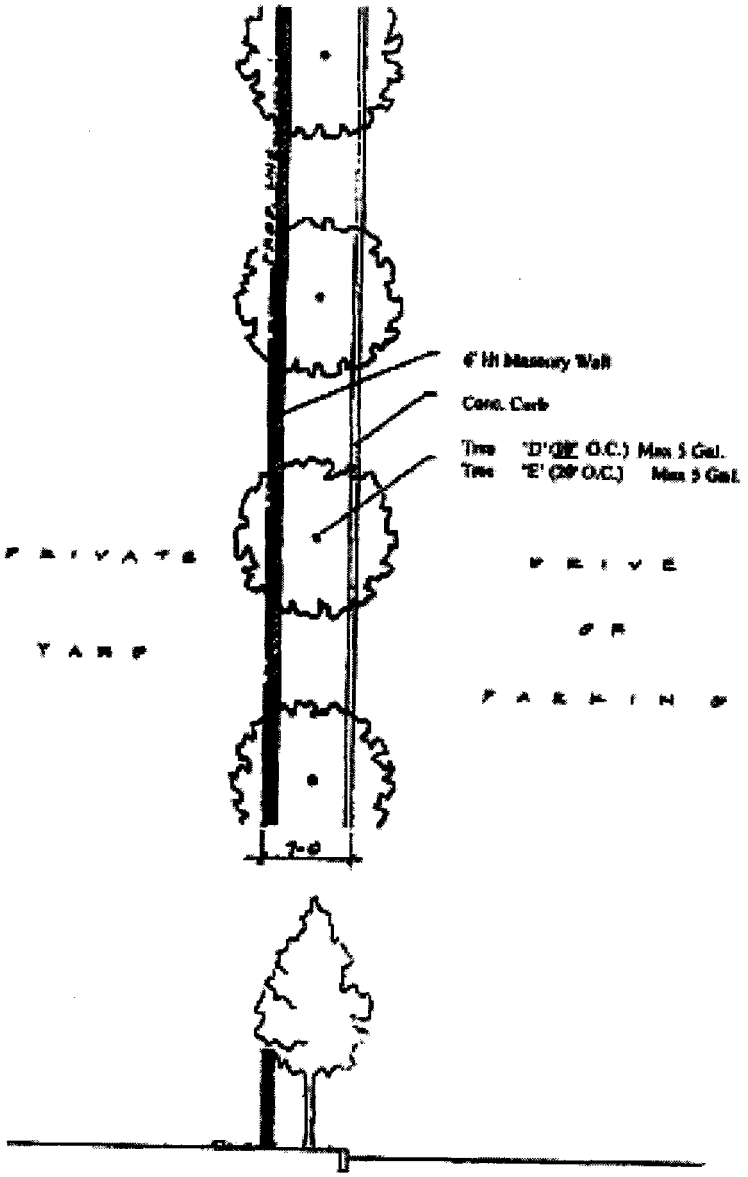
A2



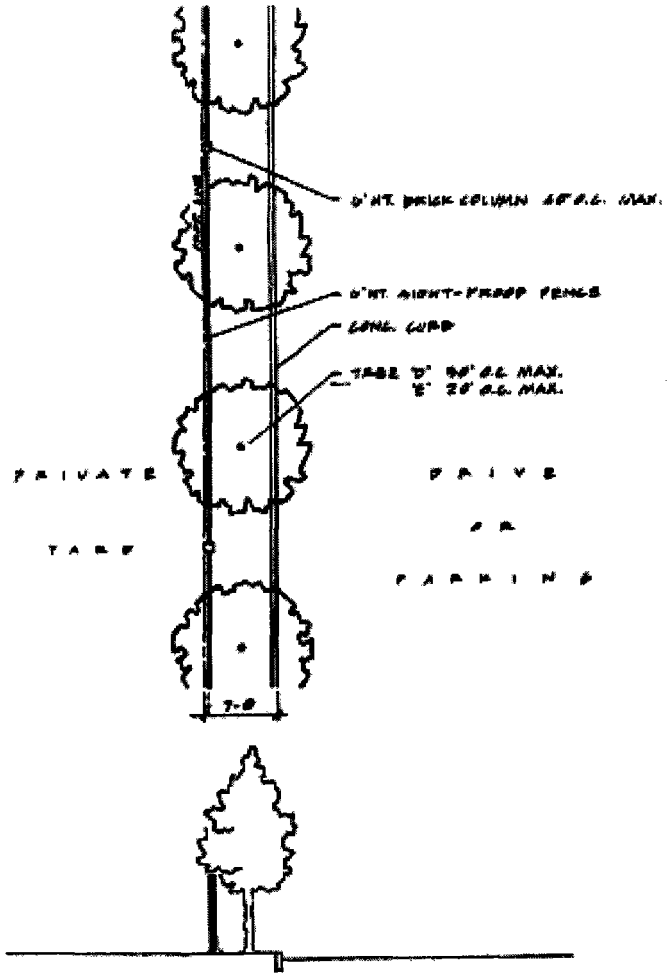
A3



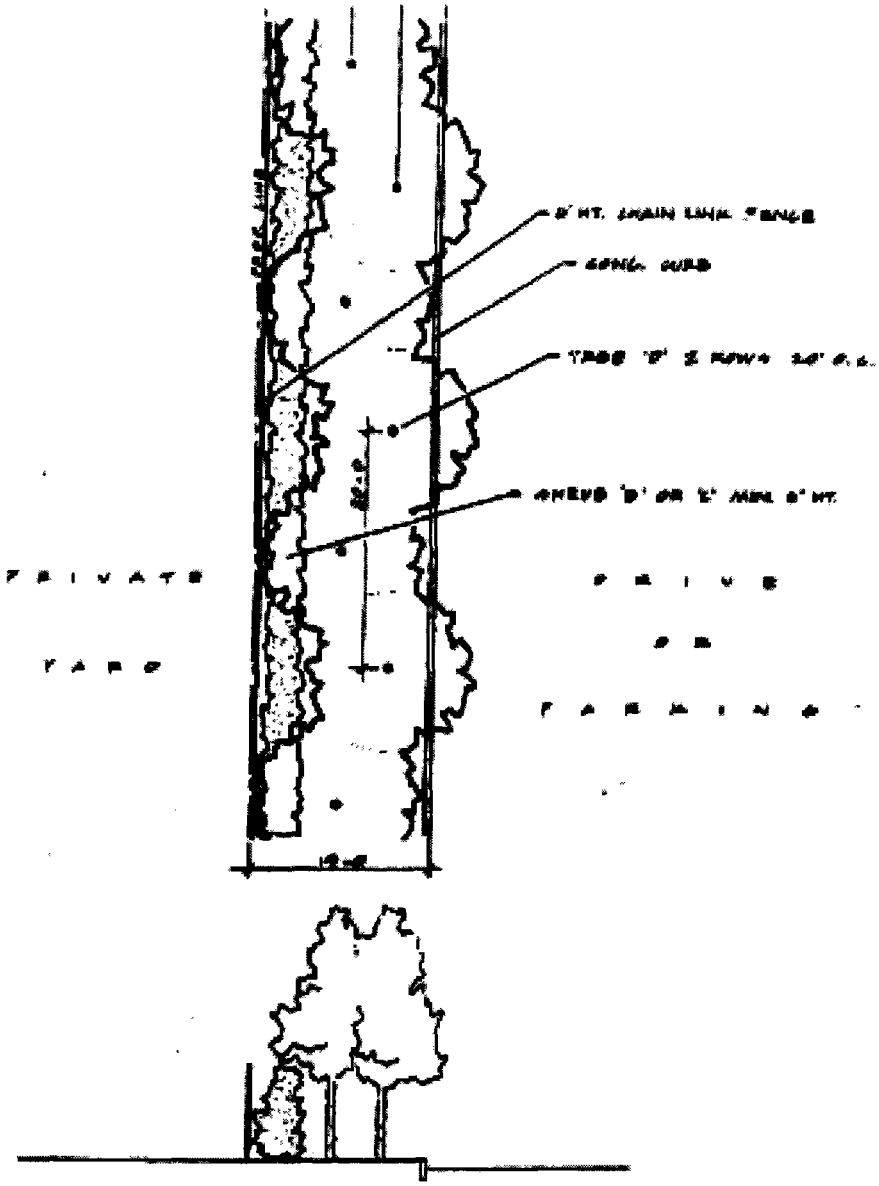
A4


6' Ht Masonry Wall
Conc. Curb
Tree 'D' (OF O.C.) Max 5 Gal.
Tree 'E' (20' O.C.) Max 5 Gal.
PRIVATE
YARD
DRIVE
OR
PARKING
2'-0

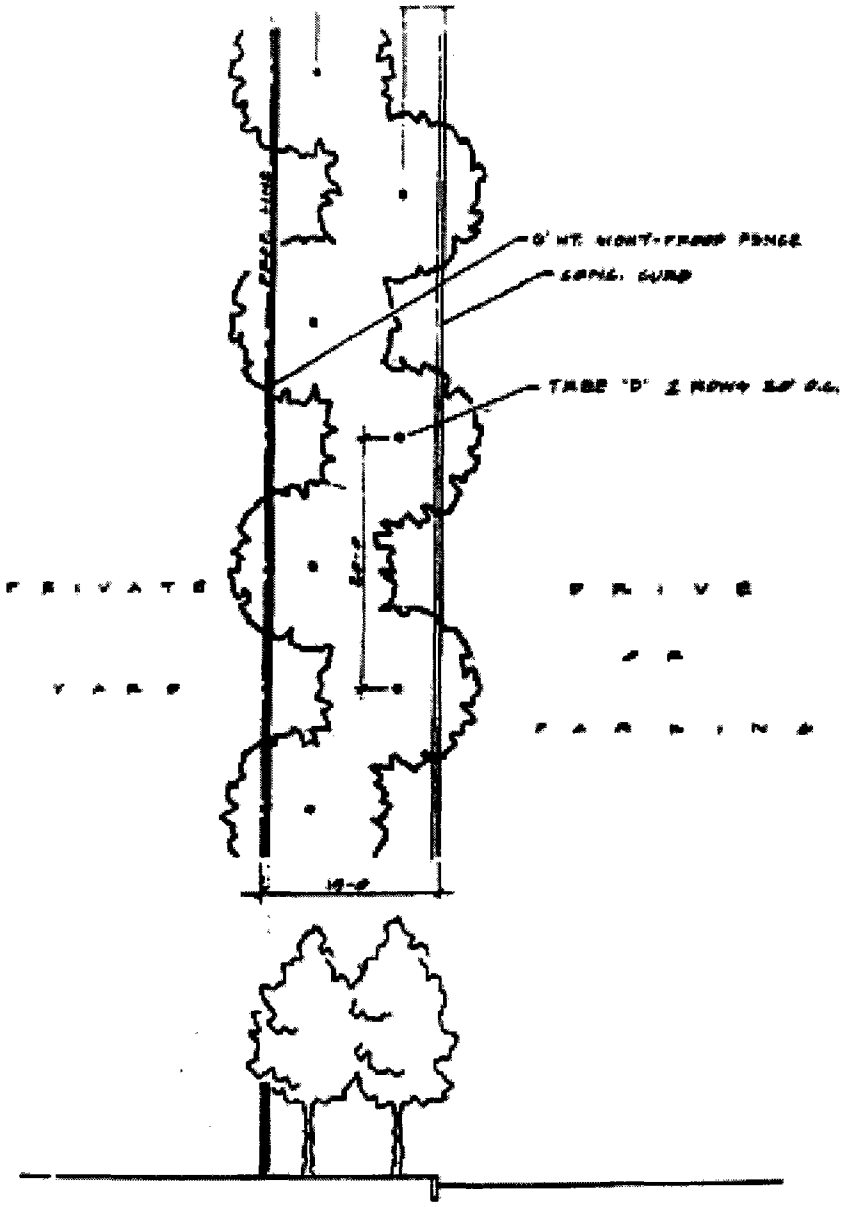
B1



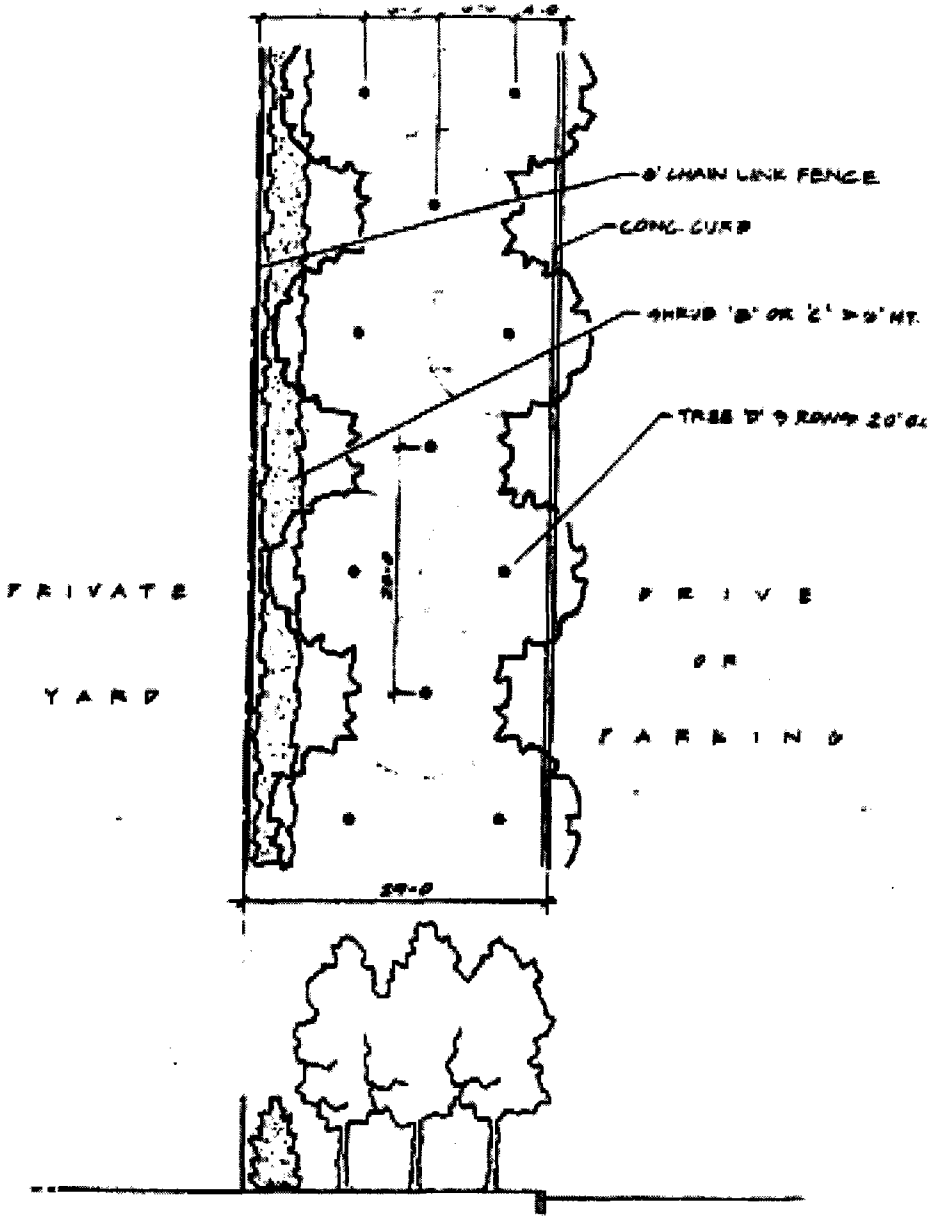
B2



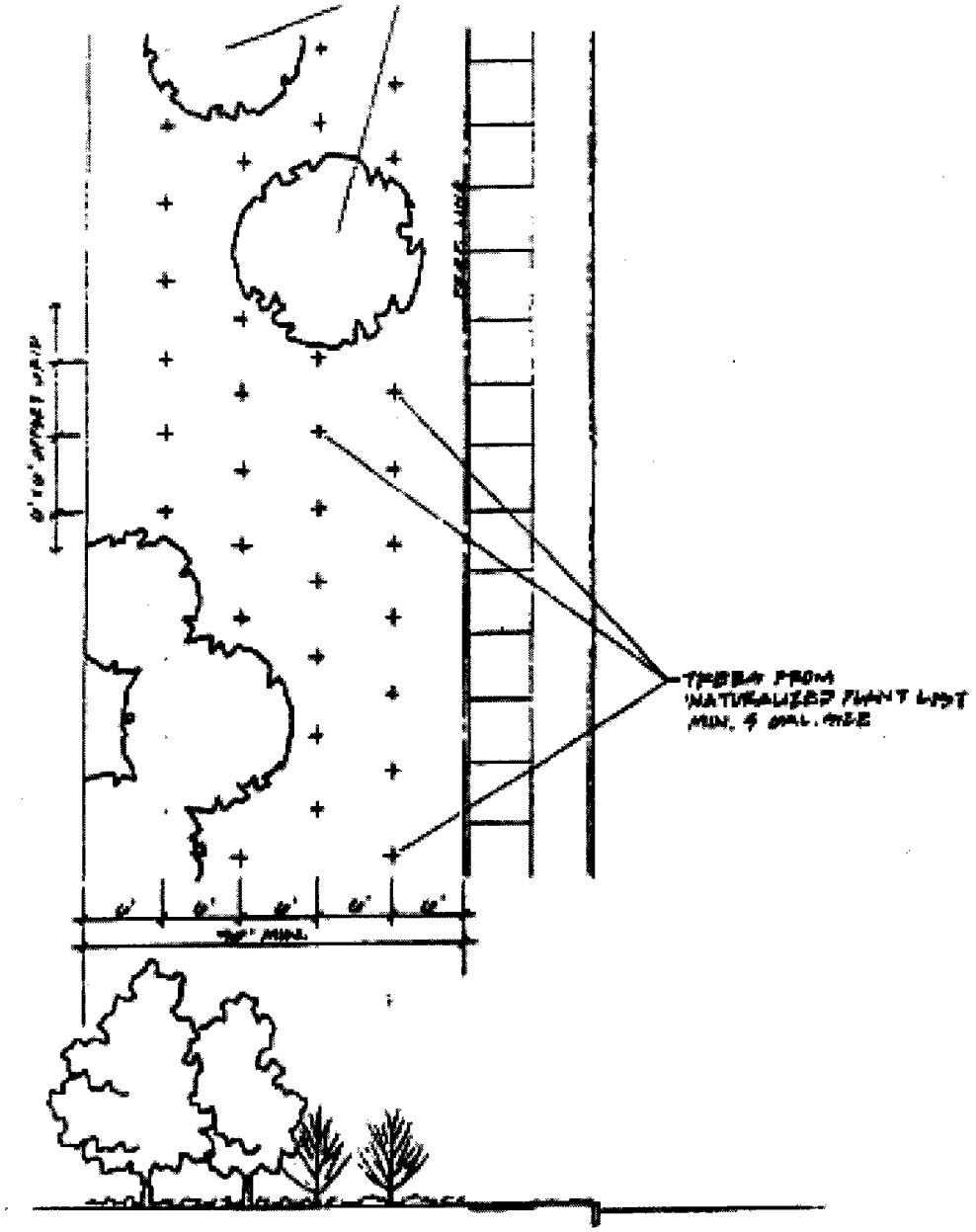
B3



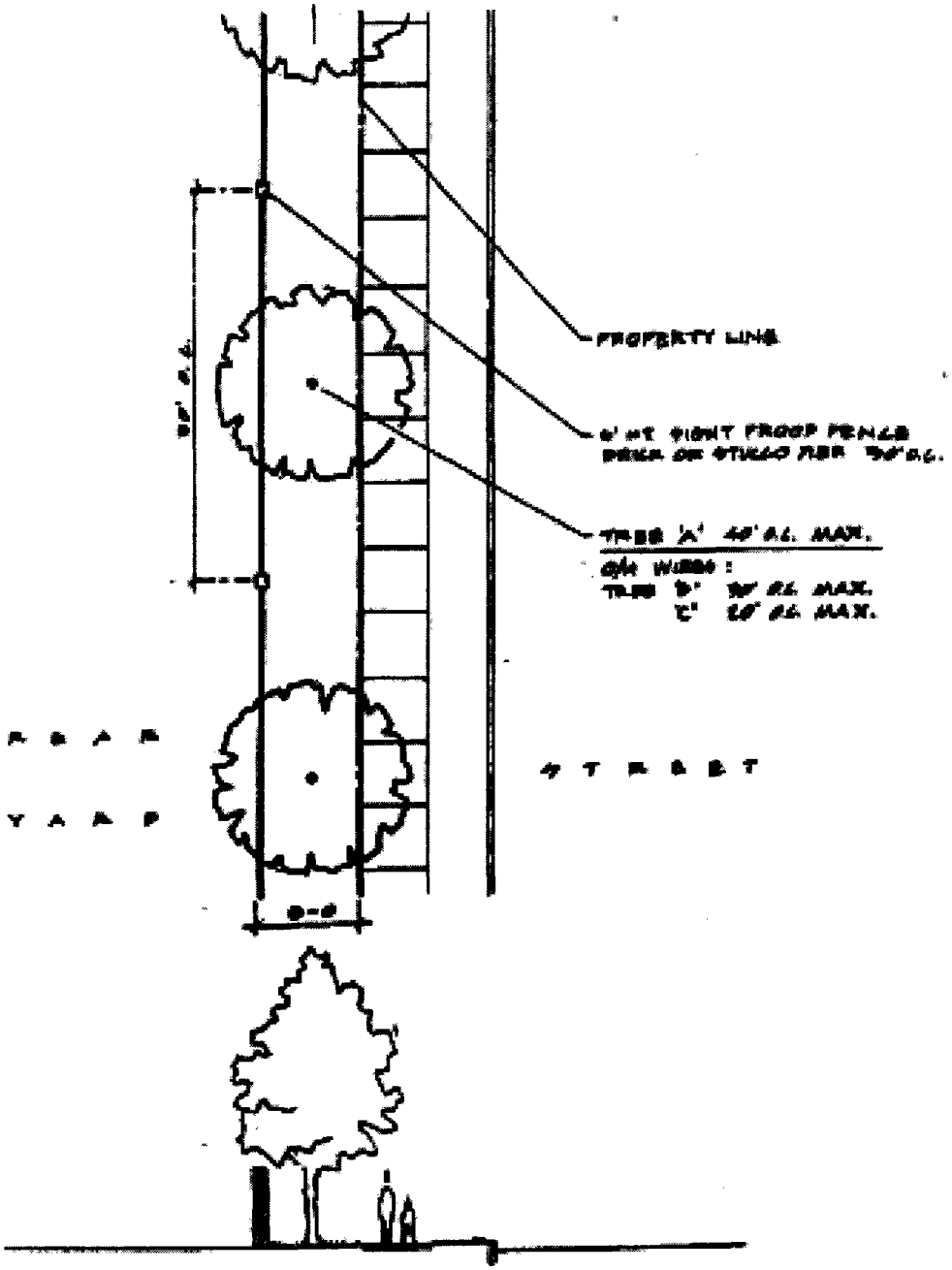
B4


6' CHAIN LINK FENCE
CONC. CURB
SHRUB 'B' OR 'C' > 6' HT.
TREE 'D' @ ROWS 20' O.C.
PRIVATE
YARD
DRIVE
OR
PARKING
29'-0

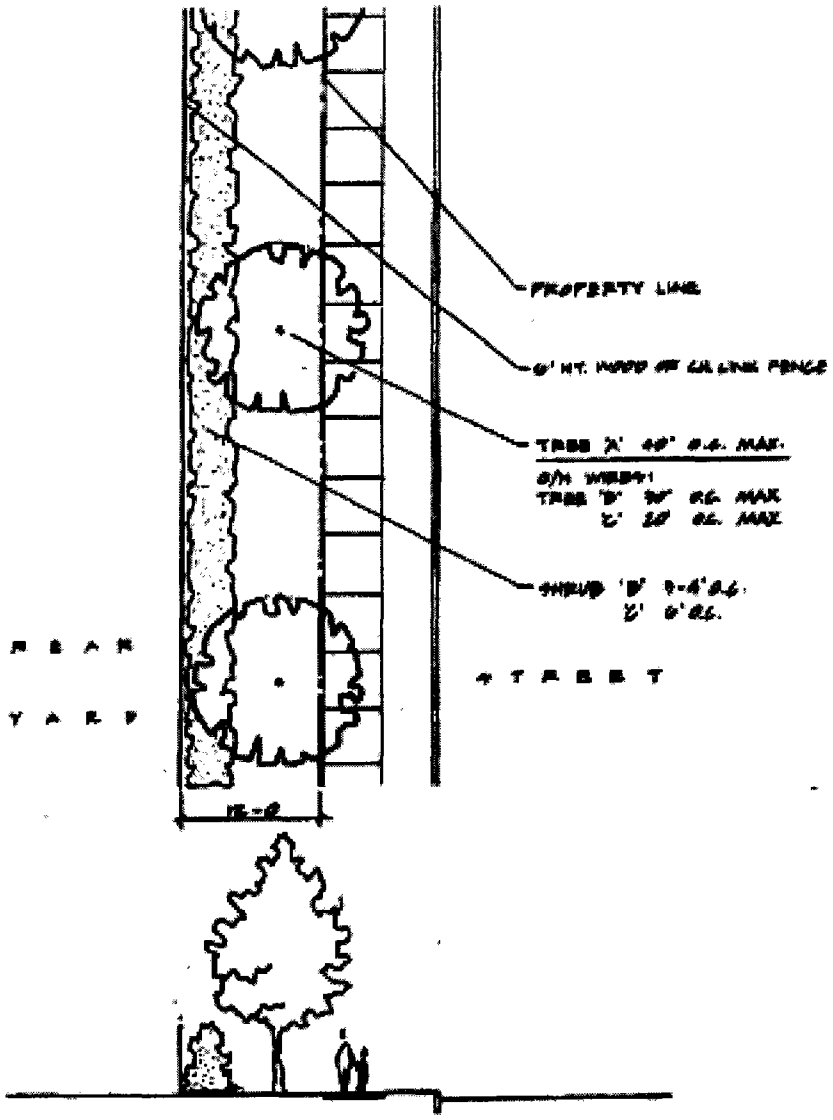
B5



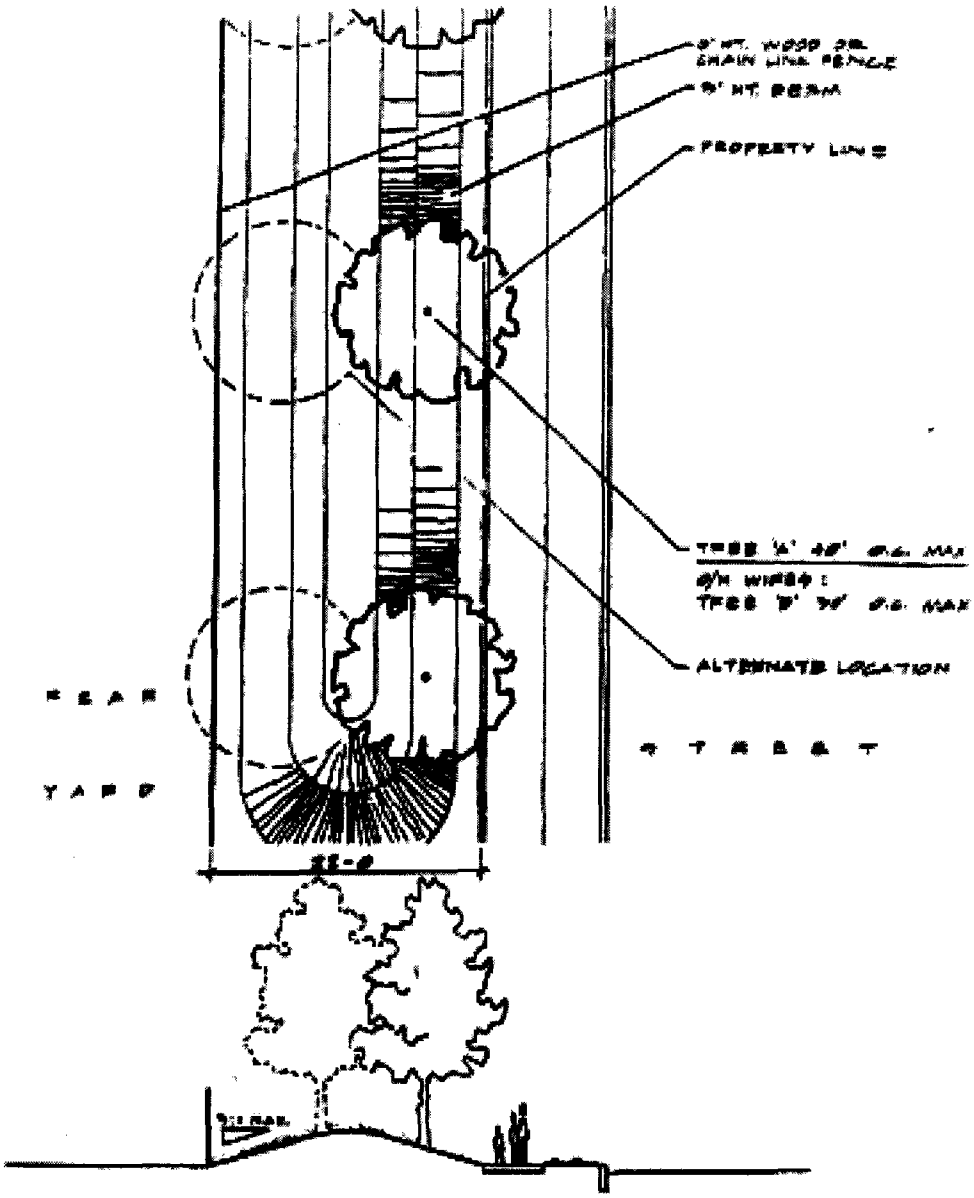
B6


PROPERTY LINE
TREE 'A' 40' O.C. MAX.
OR WITH:
TREE 'B' 30' O.C. MAX.
'C' 20' O.C. MAX.
REAR
YARD
STREET

RV1


PROPERTY LINE
TREE 'A' 40' O.C. MAX.
TREE 'B' 30' O.C. MAX
C' 20' O.C. MAX
SHRUB 'B' 1-4' O.C.
C' 6' O.C.
REAR
YARD
STREET

RV2



(Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4337 § 2, 7-18-95; Ord. 4208 § 2B, 8-24-93; Ord. 3706 § 1(VIII), 12-22-87; Code 1985 Appx. A § 32(K); Ord. 3064, 10-7-80)

RV3

Sec. 16-120-12 Approved plant list.

A. General Notes. The following approved plant list is prepared in a format allowing the landscape architect/designer optimal flexibility in plant selection. At the same time, care has been taken to avoid some of the errors detracting from a landscape installation, both in the immediate and long-range time frame.

The plant list includes trees and shrubs recommended for landscape planting in Shelby County. These plants have desirable growth habits, are hardy, and are generally available from area nurseries.

This list is not intended to be all inclusive, particularly as new species become available. Plants not on this list may be used upon approval of the planning director or his or her designee.

All plants intended for use on a particular development shall be clearly indicated on the site plan or plat submitted for review.

B. Proper Plant Selection. Plants have been grouped according to type (deciduous or evergreen) and mature size. This is essential in selecting the proper plant for a particular location. For example, shade trees (Tree "A" should never be located in constructed locations or near overhead power lines. Focal or understory (Tree "C") would be more appropriate in this instance.

C. Planting Context. New planting should always blend well with existing plants in a particular area. For example, if a new development is planned for an area where one or more neighboring developments have established a particular street tree (or shrub etc.) the new development should also use that same tree (or shrub etc.), so long as it conforms to the standards herein.

The owner (landscape architect/designer) should be aware of the general types of trees and shrubs, both on neighboring sites and on site, and slated for preservation.

Tree A. Trees Over 50 Feet Tall

Common Name[1]	Botanical Name	Growth Rate[2]	Recommended Cultivars
Norway Maple	Acer platanoides	Moderate	"Cleveland," "Summer Shade,"
Red Maple (N)	Acer rubrum	Fast	"Autumn Flame," "Tilford," "Red"
Katsura Tree[3]	Cercidiphyllum japonicum	Fast	
Seedless Green Ash (N)	Fraxirius penusylvanica lanceolata	Fast	"Marshall's Seedless," "Newport," "Summit"
Ginkgo (Male)	Ginkgo biloba	Slow	"Autumn Gold," "Lakeview," "Mayfield"
Kentucky Coffee Tree (N)	Gyrnnocladtis dioicus	Moderate	
Tulip Poplar[4] (N)	Liriodendron tulipifera	Fast	
Sycamore[4] (N)	Platanus occidentalis	Fast	
London Planetree	Platanus x acerifolia	Moderate	
Sawtooth Oak(N)	Quercus acutissima	Moderate	
Water Oak (N)	Quercus nigra	Moderate	
Willow Oak (N)	Quercus phellos	Moderate	
Red Oak (N)	Quercus borealis	Moderate	
Scarlett Oak (N)	Quercus coccinea	Fast	
Shumard Oak	Quercus shumardii		
Bald Cypress (N)	Taxodium distichum	Moderate	
Japanese Zelkova	Zelkova serrata	Fast	"Parkview," "Village Green"
Basswood (N)	Tilia americana	Moderate	
Lacebark Elm	Ulmus parvifolia	Moderate	

[1] (N) denotes native tree.
[2] Growth rate: slow—less than one foot per year; moderate—one foot to two feet per year; fast—more than two feet per year.
[3] Katsura Tree—Use single trunk only.
[4] These large natives require space and need planting where droppage of leaves is not objectionable.

Tree B. Trees 30 Feet to 50 Feet Tall

Common Name[1]	Botanical Name	Growth Rate[2]	Recommended Cultivars
Turkish Filbert	Corylus colurna	Moderate	
Thornless Honey Locust (N)	Gleditsia triacanthos inermis	Fast	"Skyline," "Shademaster," "Greenglory," "Moraine"
Blackgum (N)	Nyssa sylvatica	Slow	
Japanese Pagoda Tree	Sophora japonica	Fast	
Little Leaf Linden	Tilia cordata	Moderate	"Greenspire"
Silver Linden	Tilia tomentosa	Moderate	

[1] (N) denotes native tree.
[2] Growth rate: slow—less than one foot per year; moderate—one foot to two feet per year; fast—more than two feet per year.

Tree C. Less Than 30 Feet Tall

Common Name[1]	Botanical Name	Growth Rate[2]	Recommended Cultivars
Trident Maple	Acer buergerianum	Slow	
Ironwood (American Horn-beam) (N)	Carpinus caroliniana	Slow	
Thornless Cockspur Hawthorn	Crataegus crusgalli inermis	Moderate	
Washington Hawthorn (N)	Crataegus phaenopyrum	Moderate	"Clark"
Winter King Hawthorn	Crataegus viridis	Moderate	
Goldenrain Tree	Koelreuteris paniculata	Moderate	
Crepe Myrtle	Lagerstroemia indica	Fast	"Cherokee," "Muskogee," "Potomac," "Natchez"
Hop Hornbeam	Ostrya virginiana	Slow	
Persian Parrotia	Parrotia persica	Moderate	
Chinese Pistache	Pistacia chinensis	Moderate	
Sourwood[3] (N)	Oxydendrum arboreum	Slow	
Possumhaw Holly	Ilex deciduous	Moderate	

[1] (N) denotes native tree.
[2] Growth rate: slow—less than one foot per year; moderate—one foot to two feet per year; fast—more than two feet per year.
[3] Questionable street tree for urban street.

Tree D. Evergreen Trees Over 30 Feet Tall (Evergreen Trees for Screening)
(Variety of Evergreen Trees is Encouraged)

Common Name[1]	Botanical Name	Growth Rate[2]	Effective Height
Eastern Red Cedar[3]	Juniperus virginiana	Moderate	40'—50'
Southern Magnolia (N)	Magnolia grandiflora	Slow	60'—80'
Austrian Pine	Pinus nigra	Moderate	50'—60'
Eastern White Pine (N)	Pinus strobes	Moderate	60'—80'
Scotch Pine	Pinus sylvestris	Fast	60'—90'
Japanese Black Pine	Pinus thunbergii	Moderate	30'—50'
Virginia (Scrub) Pine (N)	Pinus virginiana	Moderate	20'—40'

[1] (N) denotes native tree.
[2] Growth rate: slow—less than one foot per year; moderate—one foot to two feet per year; fast—more than two feet per year.
[3] Easily transplanted, many cultivars, including "Canaerti," "Glauca."

Tree E. Evergreen Trees Less Than 30 Feet Tall

Common Name[1]	Botanical Name	Growth Rate[2]	Effective Height
Foster Holly #2	Ilex opaca "Fosteri #2"	Moderate	25'—30'
Savannah Holly	Ilex opaca "Savannah"	Moderate	25'—30'
Yaupon Holy	Ilex vomitoria	Moderate	12'—15'

[1] (N) denotes native tree.
[2] Growth rate: slow—less than one foot per year; moderate—one foot to two feet per year; fast—more than two feet per year.

Shrub A
(Easily Maintained at Three-Foot to Four-Foot Height)

Common Name	Botanical Name	Sun	Shade	Recommended Varieties
Edward Goucher Abelia	Abelia Grandiflora	X	X	
Wintergreen Barberry	Berberis jilianae	X	X	
Japanese Boxwood	Buxus microphylla	X	X	"Koreana," "Wintergreen"
Manhattan Euonymus	Euonymus kiautschovicus	X	X	"Manhattan"
Dwarf Burford Holly	Ilex cornuta "burfordii nana"	X	X	
Dwarf Horned Holly	Ilex cornuta "rotunda"	X		
Japanese Holly	Ilex crenata	X	X	"Compacta," "Green Island," "Greenluster," "Hetzii," "Convexza"
Dwarf Yaupon Holly	Ilex vomitoria "nana"	X	X	"Stokes"
Dwarf Pfitzer Juniper	Juniperius chinensis	X		"Compace Pfitzer"

Shrub B. Evergreen Shrubs for Screening
(Easily Maintained at Six-Foot to Eight-Foot Height)

Common Name	Botanical Name	Sun	Shade	Recommended Varieties
Needlepoint Holly	Ilex cornuta "Needlepoint"	X	X	Willowleaf
Box Leaf Holly	Ilex crenata	X	X	"Buxifolia"
Brillant Holly	Ilex x aquipernyi	X	X	"Brillant"
Wax Myrtle	Myrica cerifera	X	X	
Gulf Tide Osmanthus	Osmanthus heterophylus	X	X	"Gulftide"
Burkwood Viburnum	Viburnum x "Burkwood"	X	X	
Willow Wood Viburnum	Viburnum x rhytidopbylloides		X	"Willow wood"

Shrub C. Evergreen Shrubs for Screening
(Easily Maintained at Eight-Foot to Fifteen-Foot Height)

Common Name	Botanical Name	Sun	Shade	Recommended Varieties
Eleagnus	Eleagnus pungens	X	X	"Fruitland"
Cassine Holly	Ilex cassine	X	X	
Chinese Holly	Ilex cornuta	X	X	"Burfordii," "Nellie R. Stevens"
Dr. Kassab's Holly	Ilex x "Dr. Kassab"		X	
Yaupon Holly	Ilex vomitoria	X	X	
Fraser's Photinia	Photinia x "Fraseri"	X		
Leatherleaf Viburnum	Viburnum rhytidophyllum		X	

Native Plants for a Naturalized Screen in Shade
Deciduous Ornamental Trees

Common Name	Botanical Name	Size	Remarks
Wild Plum	Prunus Americana	30'	
Sweet Bay	Magnolia virginiana	30'	Semi-evergreen
Ironwood	Carpinus caroliniana	20'—30'	Slow growth
Paw Paw	Asemina triloba	20'—25'	
Service Berry	Amelanchier arborea	20'	
Red Bud	Cercis canadensis	20'	
Flowering Dogwood	Cornus florida	20'	Showy spring flowers in sun or partial shade
Hop Hornbeam	Ostrya virginiana	20'	Slow growth; flaky bark
Dwarf Red Buckeye	Aesculus pavia	15'	Slow growth; showy spring flowers
Devil's Walking Stick	Aralia spinosa	15'	Thicket forming
False Indigo	Amorpha fruticosa	8'	

Evergreen

Common Name	Botanical Name	Size	Remarks
Eastern Red Cedar	Juniperus virginiana	50'	Grows well in sun
Yaupon Holly	Ilex vomitoriana	20'	

Native Plants
Trees and Shrubs for Naturalizing in a Sunny Location

Common Name	Botanical Name	Size	Remarks
Sweet Gum	Liquidambar styraciflua	100'	Outstanding fall color
Oaks	Quercus species	60'	Naturally occurring throughout region
River Birch	Betula nigra	50'	Fast growth; tolerates shade and wet
Persimmon	Diospyros virgimaxia	50'	
Osage Orange	Maclura pomifera	40'	Plant close to product thorny hedge; male plant preferred
Sassafras	Sassafras albidum	40'	Forms dense thicket; good sound barrier
Fringe Tree	Chionanthus virginicus	25'	
Rough Leaf Dogwood	Cornus drummondi	20'	Forms dense thicket
Chickasaw Plum	Prunus angustifolia	10'	
Smooth Sumac	Rhus glabra	10'	Fall colors
American Filbert	Corytus americana	8'	Taller when found in natural habitat; forms dense thicket
Flameleaf Sumac	Rhus copallina	8'	Outstanding fall color
Coralberry	Symphiocarpos orbiculatus	5'	Attractive fruit; shade tolerant

Ornamental Shrubs for Shade

Common Name	Botanical Name	Size	Remarks
Sweet Shrub	Calycanthus floridus	8'—10'	Clump forming; fragrant
Witch Hazel	Hamamelis virginiana	8'—10'	Winter flowers
Oakleaf Hydrangea	Hydrangea quercifolia	6'—8'	Showy summer flowers
Spice Bush	Lindera benzoin	4'—6'	Spring flowers; fall colors; fragrant
American Beauty Berry	Callicarpa americana	4'—6'	Freezes to ground in severe winters
Inkberry	Ilex glabra	4'—6'	Evergreen
Native Azalea	available species	4'—6'	Needs strict attention to habitat requirements, then adapts well

(Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4337 § 2, 7-18-95; Ord. 4208 § 2B, 8-24-93; Ord. 3706 § 1(VIII), 12-22-87; Code 1985 Appx. A § 32(L); Ord. 3064, 10-7-80)

Sec. 16-120-13 Definitions.

As used in this chapter:

"AAN Standards" means The American Standard for Nursery Stock, published by the American Association of Nurserymen (AAN), 1980 or current edition.

"Approved plant list" means list of trees and shrubs approved for use in Shelby County in compliance with the landscape ordinance (see Section 16-120-12).

"B + B" means roots of plant material which have been bailed and burlapped, in accordance with AAN Standards, in preparation for delivery and transplanting.

"Berm" means an earthen mound formed to shield undesirable views and/or to decrease noise. The slope of a berm should not exceed a rise of one foot in three horizontal feet.

"Gallon" means roots of plant material contained in a standard container (e.g., three-gallon size), in accordance with AAN Standards, in preparation for delivery and transplanting.

"Landscaping" consists of any of the following or combination thereof: material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, or trees; and nonliving durable material commonly used in landscaping, such as but not limited to rocks, pebbles mulch, walls or fences but excluding paving.

"Plates" means sketches which indicate various landscape standards contained in the landscape ordinance (this chapter).

"Shrubs" shall be defined as a self-supporting woody plant, either deciduous or evergreen, with several stems and a normal mature height of three to twenty (20) feet in Shelby County.

1. Minor evergreen shrub (Shrub "A"): any evergreen shrub easily maintained at three to four feet in height in Shelby County.

The minimum size at time of planting shall be eighteen (18) to twenty-four (24) inch spread, three-gallon, in accordance with AAN standards.

2. Intermediate Evergreen Shrub (Shrub "B"): any evergreen shrub easily maintained at six to eight feet in height in Shelby County.

The minimum size at time of planting shall be eighteen (18) to twenty-four (24) inch spread, three-gallon, in accordance with AAN standards.

3. Major Evergreen Shrub (Shrub "C"): any evergreen shrub easily maintained at eight to fifteen (15) feet in height in Shelby County.

The minimum size at time of planting shall be eighteen (18) to twenty-four (24) inch spread, three-gallon, in accordance with AAN standards.

"Trees" shall be defined as self-supporting woody plants of species which normally grow to an overall height of at least fifteen (15) feet in Shelby County.

1. Major deciduous tree (Tree "A"): any deciduous tree ordinarily maturing at a height of at least fifty (50) feet in Shelby County.

The minimum size at time of planting shall be two to two and one-half inches caliper, B + B, in accordance with AAN standards.

2. Intermediate deciduous tree (Tree "B"): any deciduous tree ordinarily maturing at a height between thirty (30) and fifty (50) feet in Shelby County.

The minimum size at time of planting shall be two to two and one-half inches caliper, B + B, in accordance with AAN standards.

3. Understory deciduous tree (Tree "C"): any deciduous tree ordinarily maturing at a height of less than thirty (30) feet in Shelby County.

The minimum size at time of planting shall be as follows in accordance with AAN standards:

a. Single trunk: one and one-half to two inches caliper B + B.

b. Multiple: six to eight feet in height.

4. Evergreen tree (Tree "D"): any evergreen tree of mature height of at least twenty (20) feet in Shelby County.

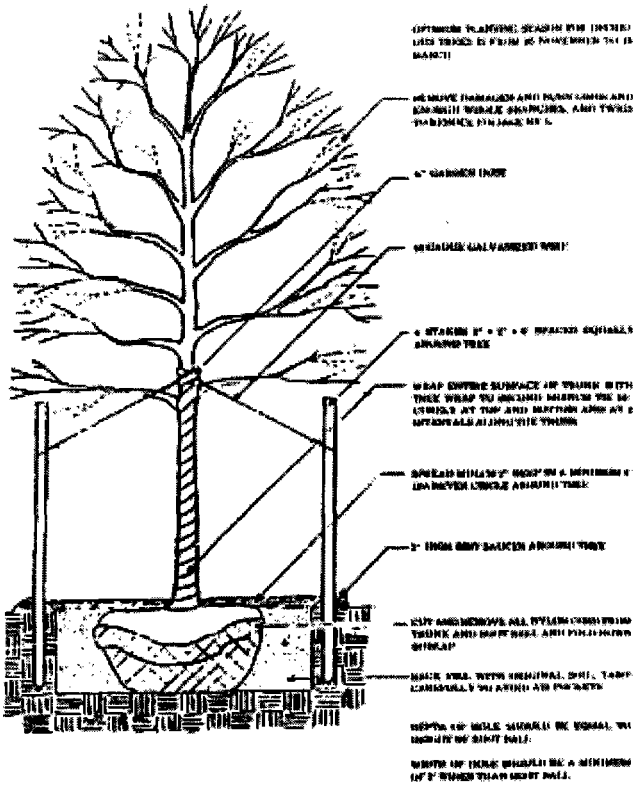
The minimum size at time of planting shall be five to six feet in height in accordance with AAN standards.

5. Evergreen tree (Tree "E"): any evergreen tree of mature height of between fifteen (15) and thirty (30) feet in Shelby County.

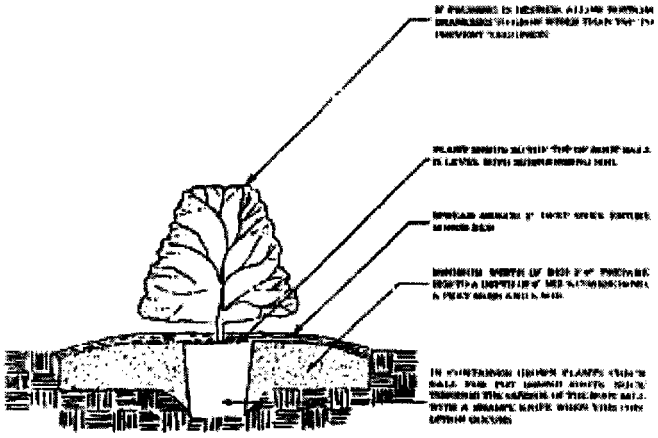
The minimum size at time of planting shall be five to six feet in height in accordance with AAAN standards.

6. Naturalized screen trees (Tree "F"): any deciduous or evergreen tree native in Shelby County and attaining a height at maturity of at least twenty (20) feet.

The minimum size at time of planting shall be five to six feet in height in accordance with AAN standards.



TREE PLANTING DETAIL



SCREENING SHRUB BED DETAIL

(Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4337 § 2, 7-18-95; Ord. 4208 § 2B, 8-24-93; Ord. 3706 § 1(VIII), 12-22-87; Code 1985 Appx. A § 32(M); Ord. 3064, 10-7-80)

Chapter 16-124

TREE REMOVAL

Sections:

16-124-1	**Short title.**
16-124-2	**Purpose.**
16-124-3	**Definitions.**
16-124-4	**Tree survey—Permit requirements—Alternative procedures.**
16-124-5	**Permit procedure.**
16-124-6	**Fees.**
16-124-7	**Inspection and enforcement.**
16-124-8	**Violations and penalties.**
16-124-9	**Severance provisions.**

Sec. 16-124-1 Short title.

This chapter shall be known as the "Tree Ordinance." (Ord. 4838, 1-16-01; Code 1985 Appx. A § 33(1); Ord. 3064, 10-7-80)

Sec. 16-124-2 Purpose.

The purpose of this chapter is to reasonably regulate and control the clearing of tree and wood vegetation in the city and unincorporated Shelby County, to encourage the protection and preservation of existing trees and root systems, especially on the front, side and rear of parcels subject to development, to encourage the planting of new trees, and to establish procedures and minimum standards for fulfilling these purposes in appropriate areas. This chapter is not intended to apply to any existing and approved subdivisions and/or outline plans which have been approved by the division of planning and development and land use control board (unless under appeal from that body), or property that is zoned IL or IH, or under an approved CP plan, SC-1 plan, general plan or ML plan. (Ord. 4838, 1-16-01; Code 1985 Appx. A § 33(2); Ord. 3064, 10-7-80)

Sec. 16-124-3 Definitions.

For purposes of this chapter, the following terms shall have the special meanings respectively ascribed to them below. Any term not defined herein shall be the one contained in the Memphis and Shelby County zoning ordinance resolution, adopted October 6, 1980, as amended, codified as Appendix A to the Shelby County Code.

"Development plan" means a plan that identifies the proposed work to be accomplished on any parcel of land, including a site plan identifying trees to be removed and trees to be preserved, protected or planted in accordance with the standards of this chapter.

"Director" means the director of the division of planning and development responsible for the unincorporated area of Shelby County, or his or her designee within the division.

"Diameter breast height (DBH)" means trunk diameter measured at five feet from ground level. If a tree splits into multiple trunks below five feet, the trunk is measured at its most narrow point beneath the split.

"Environmental planner" means an employee of the division of planning and development responsible for administering the provisions of this chapter and who may be responsible for additional aspects of environmental planning and may serve as the designee of the director.

"Equivalent alternative/equivalent landscaping plate" means specific tree replacement planting actions in accordance with the landscape enhancement plates as defined and illustrated in the tree ordinance application procedures administered by the division of planning and development, and for which neither a tree survey or tree removal permit is required.

"Notice of intent" means written notice received by the director at least ten (10) working days before any existing tree removal as defined by this chapter.

"Perimeter of site" means the outside boundary of the total site as defined by the proposed (for a zoning change application) or existing (for a proposed planned development) zoning classifications for front, rear, and side yards, except that in no case shall any applicable yard be less than fifteen (15) feet in width. The front yard shall not include required reservation of right-of-way for major roads or collector streets.

"Remainder" means that portion of the total site not classified as "perimeter" under this section.

"Site" means any tract of land or group of connected tracts owned or functionally controlled by the same person or entity, including connected tracts owned or functionally controlled by different persons or entities assembled into one site for the purpose of development.

"Timber harvesting" means removal of some or all trees on a parcel of land, not incidental to development of the land for nonagricultural purposes, for the purpose of obtaining income, developing the environment necessary to regenerate the forest, or to achieve some special objective such as the development of special wildlife habitat needs.

"Tree" means any self-supporting woody perennial plant, usually with one main stem or trunk.

"Tree bank" means a fund set up to receive moneys from owners or developers who, for reasons determined by

the director or by the owner or developer, are unable to successfully plant and maintain trees on the site under development, with such moneys to be used for planting and maintaining public trees under a planning process administered by the director.

Tree, Existing. "Existing tree," for the purpose of this chapter, means a tree having a ten (10) inch DBH which is not located in the existing or proposed public right-of-way, does not interfere with required Shelby County slope stabilization treatments or Shelby County required right-of-way sight distance, and is not in a public utility easement. The following trees are not considered as "existing" for purposes of this chapter:

1. A tree demonstrated to be dead or dying;
2. A tree that is diseased and likely to die if defined as such by the division of planning and development;
3. A tree that is damaged or injured to the extent that it is likely to die or become diseased as defined by the division of planning and development;
4. A tree that is an immediate threat or danger to the health and safety of the general public as determined by the director of the division of planning and development; or
5. A tree that is listed on the undesirable tree list as defined by the division of planning and development.

"Tree removal" means removal of any existing tree that is not exempted by the application of this chapter as defined under Section 16-124-4.

"Tree survey" means a graphic illustration of existing trees upon a site which includes reasonably detailed location, diameter and species types.

1. The survey (if one is required) shall show the location, size and type of trees upon the site, including common or scientific names. The survey shall also indicate which trees are intended for removal and which will be left undisturbed and shall include all trees, including those defined in this section (see Tree, Existing).
2. The survey shall show locations of existing and proposed buildings, layouts of roads, utilities, parking areas for vehicles, storage areas for construction materials, cut and fill areas, and other items that disturb or compact the soil in tree root zones.
3. The survey shall show existing and proposed grades and subsequent erosion control measures to prevent excessive siltation over the roots of protected trees and appropriate tree protection fencing for protected trees.

Undesirable Tree List. The division of planning and development will compile and maintain a list of trees that are deemed undesirable for purposes of this chapter. The list may be modified from time to time.

"Zoning ordinance" means the Memphis and Shelby County zoning ordinance resolution, adopted October 6, 1980, as amended, codified as Appendix A in the Shelby County Code. (Ord. 4838, 1-16-01; Code 1985 Appx. A § 33(3); Ord. 3064, 10-7-80)

Sec. 16-124-4 Tree survey—Permit requirements—Alternative procedures.

A. Applicability/Exemptions. The provisions of this chapter shall apply to all tree removal (as defined in Section 16-124-3) in the unincorporated areas of Shelby County, except in the following cases, which do not require a notice of intent, a tree survey, or a tree permit:

1. Where the tree removal is on a residential lot or parcel containing an existing dwelling, used for that purpose, and which is ten (10) acres or less in size;
2. Where the tree removal is incidental to development on a parcel of land two acres or less in size;
3. Where no more than five trees per acre on any residential lot or parcel containing an existing dwelling used for that purpose are removed at any one time;
4. Where the tree removal is incidental to development on a subdivided lot;
5. Where the tree removal is incidental to a timber harvesting operation;
6. Where any existing and approved subdivision and/or outline plan has been approved by the director and the land use control board, unless under appeal;
7. Where the property is zoned I-L or I-H or is subject to an existing SC-1 plan, CP plan, ML plan, or general plan;
8. Where conditions of a future outline plan, final plan, CP plan; ML plan and/or subdivision plan approved by the appropriate legislative body waive or modify the requirements of this chapter.

B. Tree Removal.

1. General Requirements. Except as provided in subsection (A)(1) through (8) of this section, it is unlawful for any person or entity to commence or cause to be commenced, the removal of any existing tree, without first:

a. Having filed with the director a notice of intent no more than forty-five (45) and no less than ten (10) working days before any activity;

b. Having filed a tree survey with the director, in cases where one is required; and

c. Having applied for, paid the appropriate fee, and received a permit, in cases where one is required under this chapter.

2. Notice of Intent Required—Survey Required—Permit Required.

a. No more than forty-five (45) and no less than ten (10) working days before the removal of any existing tree a notice of intent, as defined in Section 16-124-3, must be filed with the director.

b. Before the removal of any existing tree, a tree survey, as defined in Section 16-124-3, shall be submitted to the director for review, except as provided under subsection (A)(1) through (8) of this section.

c. A permit shall be required if the removal of existing trees exceeds the matrix limits established under subsection C of this section, an equivalent alternative method as described under subsection (B)(4) of this section is not selected, and no waiver of such requirement is provided by the director.

3. Notice of Intent Required—Survey Required—Permit Not Required.

a. After the notice of intent has been filed with the director, and assuming that a tree survey is necessary, if the tree survey shows to the satisfaction of the director that the removal of existing trees will not exceed the matrix limits in subsection C of this section, a permit shall not be required.

4. Notice of Intent Required—Survey Not Required.

a. Should the person or entity responsible for tree removal under this chapter choose an equivalent alternative method consisting of specific tree replacement planting actions in accordance with the tree ordinance landscape enhancement plates attached to the ordinance codified in this chapter as Exhibit A and incorporated herein by reference, a tree survey shall be waived and a permit shall not be required. Requests to utilize the equivalent alternative method shall be made by written application to the director, who shall review the request for conformance to the provisions of this chapter and either approve, return for revisions, or deny the request within ten (10) working days of receipt. If denied or returned for revisions, the reasons for the denial or revision shall be stated in writing and forwarded to the applicant. When the director approves such equivalent landscaping plate, the director shall file with county register of deeds affirmatively representing the equivalent landscaping plate selected and approved for the parcel in question. The register of deeds shall record a notice that the property in question requires such landscaping plate, and this requirement shall run with the land.

b. Parcels placed in the USDA Conservation Reserve Program shall not require a tree survey or a permit. A notice of intent shall be required, but no fee shall be charged for such properties.

c. When the person or entity responsible for tree removal under this chapter has filed a notice of intent, accompanied by a petition for waiver of the tree survey and/or tree permit, setting forth specific reasons related to the nature of the property and/or the location of the trees on it that make it impractical or otherwise unnecessary to conduct a tree survey or obtain a permit, the director may waive the survey and permit requirements under this chapter, but only upon a physical review of the site and/or a finding that such conditions warranting a waiver exist, when considering the purposes of this chapter. The waiver must be given in writing in order to be effective. Grounds for such a waiver include, but are not limited to, cases where there are an unusually small number of trees on the parcel (e.g., ten (10) trees on a fifteen (15) acre lot) or where the applicant seeks to alter the parcel pursuant to any local, state, or federal regulatory requirements. Additionally, the director may waive the tree survey requirement when the person or entity responsible for tree removal under this chapter has received certification from a licensed engineer, licensed landscape architect or certified arborist (or other professional acceptable to the director) that the proposed tree removal will not exceed the applicable percentages outlined in the matrix. In cases where the equivalent alternative is used pursuant to this subsection, the director may also waive the side and rear yard screening requirements set forth in the landscape enhancement plates upon a finding that the implementation of such plates is impractical or unnecessary based on the existing use of the adjacent property.

C. Matrix. Removal of existing trees exceeding any of the percentages below, where an equivalent alternative or waiver is not used or given, shall require a permit:

Land Use Categories

Areas Controlled	Perimeter of Site	Remainder of Site
Single-family (10,000 sq. ft. or less)	18%	100%
Single-family (over 10,000 sq. ft.)	18	80
Multiple-family	18	80
Office/institutional	18	90
Retail	23	90
Industrial	30	100
Agricultural	18	100

(Ord. 4838, 1-16-01; Code 1985 Appx. A § 33(4); Ord. 3064, 10-7-80)

Sec. 16-124-5 Permit procedure.

A. Development Plan Requirements. Before the issuance of a permit for tree removal outlined herein, an applicant must submit a development plan or plans to the director, drawn to an appropriate scale, incorporating the tree survey, and outlining the proposed work to be accomplished and showing the following:

1. Species, size (DBH), and location of existing trees with a DBH of ten (10) inches or greater proposed to be removed and those proposed to be preserved on the site;

2. The nature and extent of the proposed grading, earth-moving or change in elevation. The grading plan shall include existing and proposed contours at two-foot intervals;

3. The location of existing trees or groups of existing trees located on land with elevations ranging between plus two feet or minus two feet of the curb elevation of any existing roadway abutting the site;

4. Tree protection measures consistent with the requirements of this chapter;

5. The number, species, size (DBH) and location of additional trees that will be planted on the site;

6. The nature and location of planned measures for controlling on-site generated erosion, sediment transport and surface water runoff;

7. The development plan shall provide for retention of trees on the site in a reasonably distributed manner after development. Trees thus retained will count toward landscaping requirements contained in the zoning ordinance;

8. The location of existing overhead or underground utilities, and any existing or proposed easements;

9. The location of existing or proposed public rights-of-way including any reservations for major roads in accordance with the major road plan.

B. Replacement Requirements—Tree Bank. Any existing tree removed from a parcel of land which exceeds the matrix under the terms of an approved development plan shall be replaced with four live trees having no less than a two-and-one-half-inch caliper each.

In the event that the director determines that the proposed site is located in any district that may not adequately provide the required space to accommodate the provisions of this chapter, or the soil types, topography and/or unusual nature of the site would not assure the growth of trees, or in the event the applicant prefers to contribute to the tree bank instead of on-site replacement, the applicant may contribute to the tree bank, as defined in Section 16-124-3 an amount of money equal to the cost of providing the required replacement on the site up to a maximum contribution of one thousand dollars ($1,000.00) per acre of the area of the site for which a permit is required. The schedule of reasonable costs will be determined by the director and may be updated from time to time.

C. Protection Measures. All trees on public or private property that are designated for preservation shall be guarded during the development of the site by a barrier or temporary fencing at least three feet high that designates the enclosed area as a tree protection zone. This enclosure shall extend equal to a distance from the trunk(s) to a point ten (10) feet beyond. No construction materials, waste materials, excess dirt, or construction debris shall be deposited, nor shall any equipment or vehicles be allowed within this protection zone.

D. Application Review Procedures. All development plans shall be reviewed by the director for conformance to the provisions of this chapter and either approved, returned for revisions, or denied within ten (10) working days of receipt. If denied or returned for revisions, the reasons for denial or revision shall be stated in writing and forwarded to the applicant. Amendments to development plans shall be reviewed in the same manner.

The development requirements contained in an approved development plan, including established drainage design, tree planting and preservation requirements and all other landscaping requirements, shall continue to follow equitable ownership for one year after certificate of occupancy or until an amendment to the plan is duly authorized. Amendments to the plan shall not be required in cases where the director has determined that the plan is out of compliance due to an act of God.

E. Appeals. Any dissatisfied applicant may appeal denial or partial approval of an application for a development plan to the board of county commissioners within ten (10) days after the date of the notice of denial and shall make a written appeal to the board of county commissioners to consider the application as originally submitted, or with such revisions as may be approved by the commission.

F. Time Limit. Unless otherwise specified, a tree permit shall automatically expire and become void if the work authorized by such permit is not commenced within twenty-four (24) months after the date of the permit. (Ord. 4838, 1-16-01; Code 1985 Appx. A § 33(5); Ord. 3064, 10-7-80)

Sec. 16-124-6 Fees.

Upon application for any required notice of intent or tree removal permit, the applicant shall pay to the director a fee based upon the size of the development to cover the cost of reviewing and inspecting the work performed under the terms of the permit. The fee shall be determined as follows:

A. Notice of intent: a flat fee of fifty dollars ($50.00) for each filing.

B. Equivalent alternative review: two hundred dollars ($200.00) plus ten dollars ($10.00) for each acre of land area within the project or fraction thereof not to exceed one thousand dollars ($1,000.00).

C. Tree survey/no further action required: a flat fee of one hundred fifty dollars ($150.00) for each filing.

D. Tree permit: one hundred dollars ($100.00) plus ten dollars ($10.00) per acre not to exceed five hundred dollars ($500.00). (Ord. 4838, 1-16-01; Code 1985 Appx. A § 33(6); Ord. 3064, 10-7-80)

Sec. 16-124-7 Inspection and enforcement.

The requirements of this chapter shall be enforced by the director. If the director finds any person, firm or entity engaged in tree removal activity who fails to obtain a required permit or otherwise act in accordance with this chapter or any permit issued pursuant thereto, the director may issue a county ordinance citation charging the person, firm, or entity with violating one or more provisions of this chapter.

The division of planning and development shall have the power to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this chapter, including, but not limited to, the power to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any land disturbing or tree removal activities. (Ord. 4838, 1-16-01; Code 1985 Appx. A § 33(7); Ord. 3064, 10-7-80)

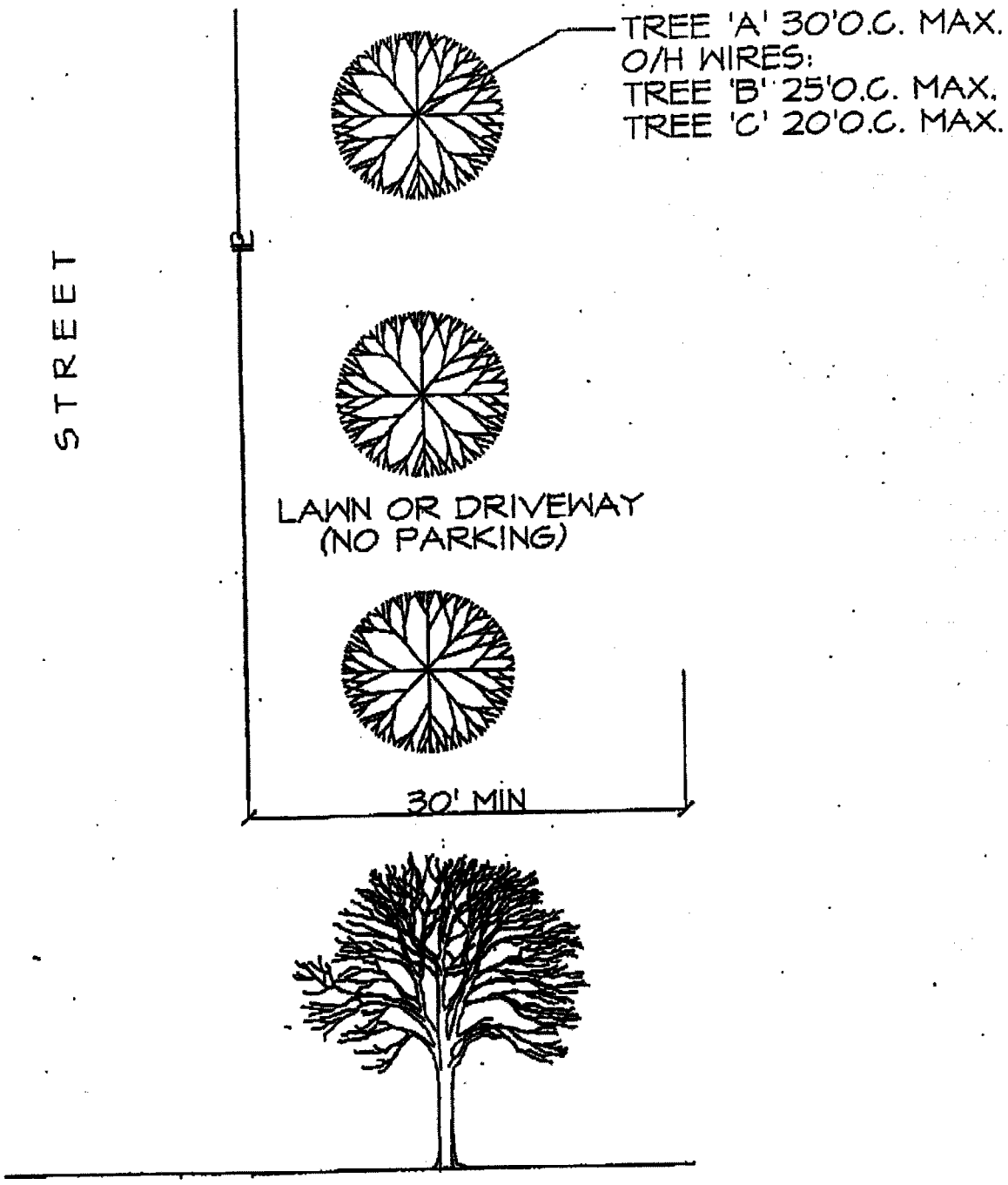
Sec. 16-124-8 Violations and penalties.

The director is authorized to issue a stop work order to any person who violates any provision of this chapter, or rule or order adopted or issued pursuant to this chapter. Violation of this chapter shall be the basis of withholding a final inspection permit and certificate of occupancy until such violation is corrected to the satisfaction of the director. Violation of this chapter may also be the basis for injunctive relief with such actions being brought and enforced through the Shelby County general sessions environmental court. Applicants who have pursued the administrative remedies set forth in this chapter and who seek injunctive relief or mandamus may pursue such remedies in any court of competent jurisdiction. In addition, where trees have been removed in violation of this chapter, the person or entity responsible for tree removal under this chapter may be required to replace the trees removed with a size and species recommended by the director or otherwise approved by the court and in accordance with Section 16-124-5(B) before a final inspection permit and certificate of occupancy is issued. (Ord. 4838, 1-16-01; Code 1985 Appx. A § 33(8); Ord. 3064, 10-7-80)

Sec. 16-124-9 Severance provisions.

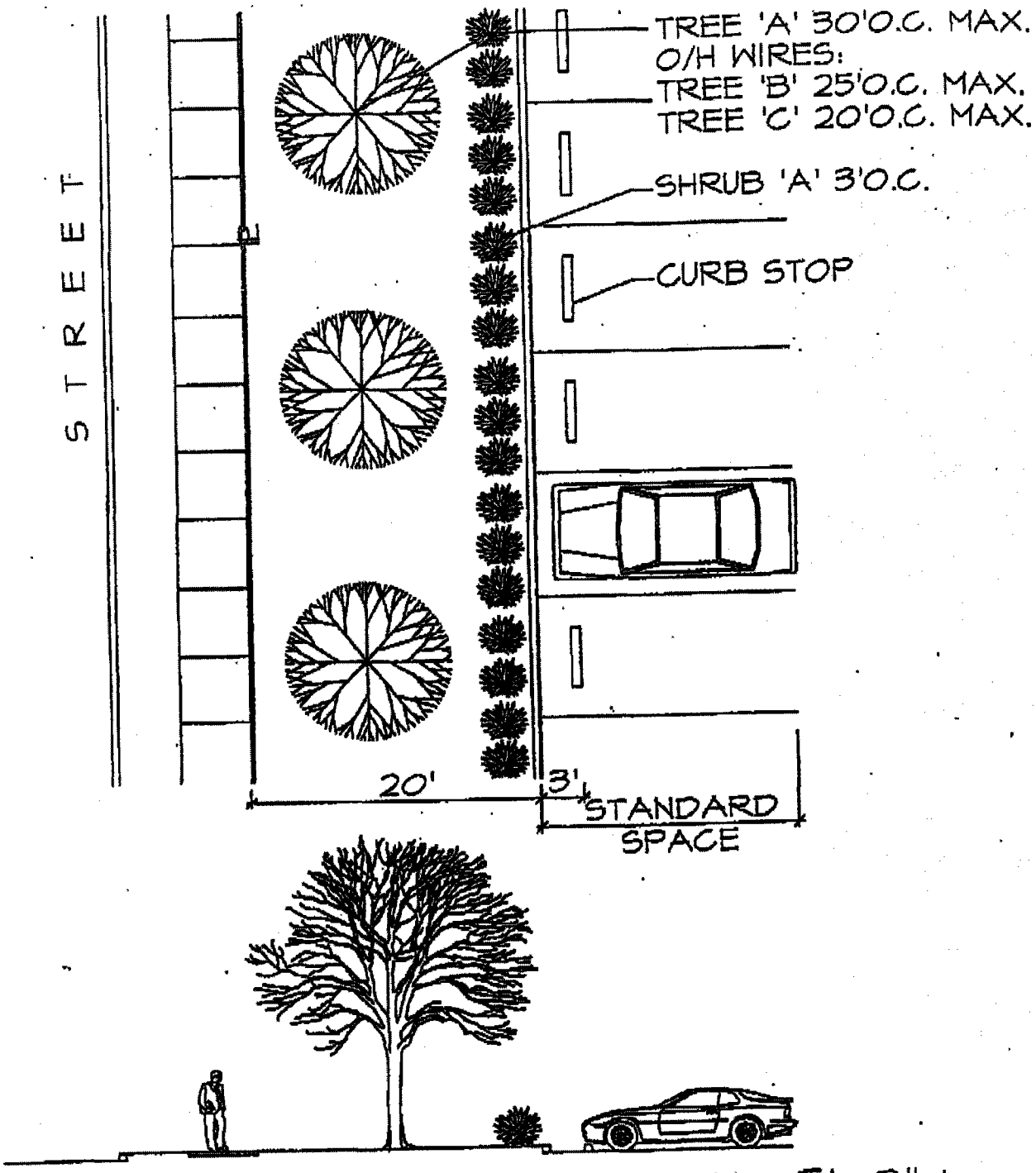
All parts of this chapter shall be deemed severable. Should any section, paragraph, or provision be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such holdings shall not affect the validity of the chapter as a whole or any part thereof, other than the part so declared. The board of commissioners of Shelby County hereby declares that it would have enacted this chapter and each part thereof irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid. (Ord. 4838, 1-16-01; Code 1985 Appx. A § 33(9); Ord. 3064, 10-7-80)

ILLUSTRATIONS FOR CHAPTER 16-124



LANDSCAPE PLATE "A-1"

EQUIVALENT ALTERNATIVE



LANDSCAPE PLATE "A-2"

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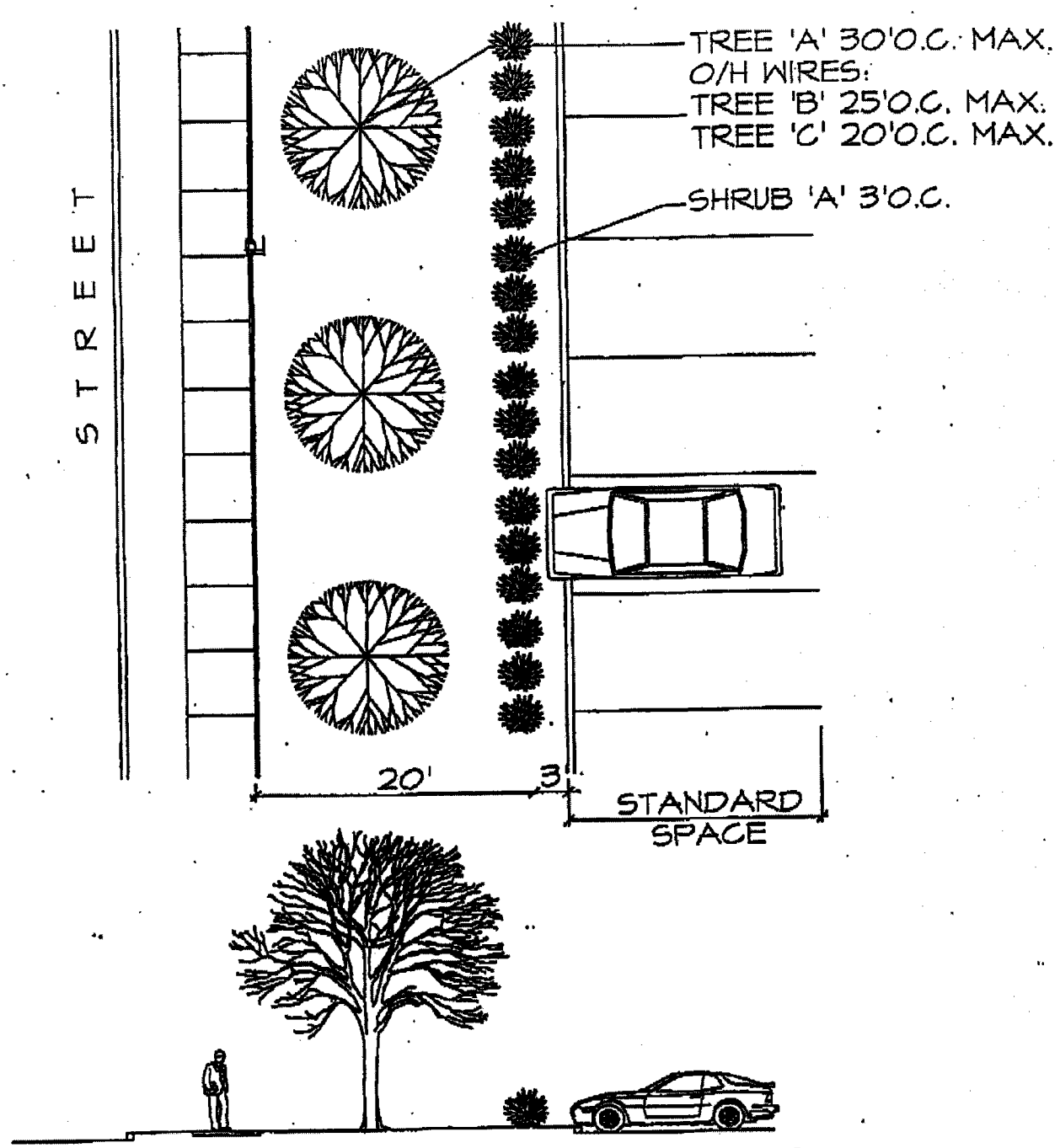

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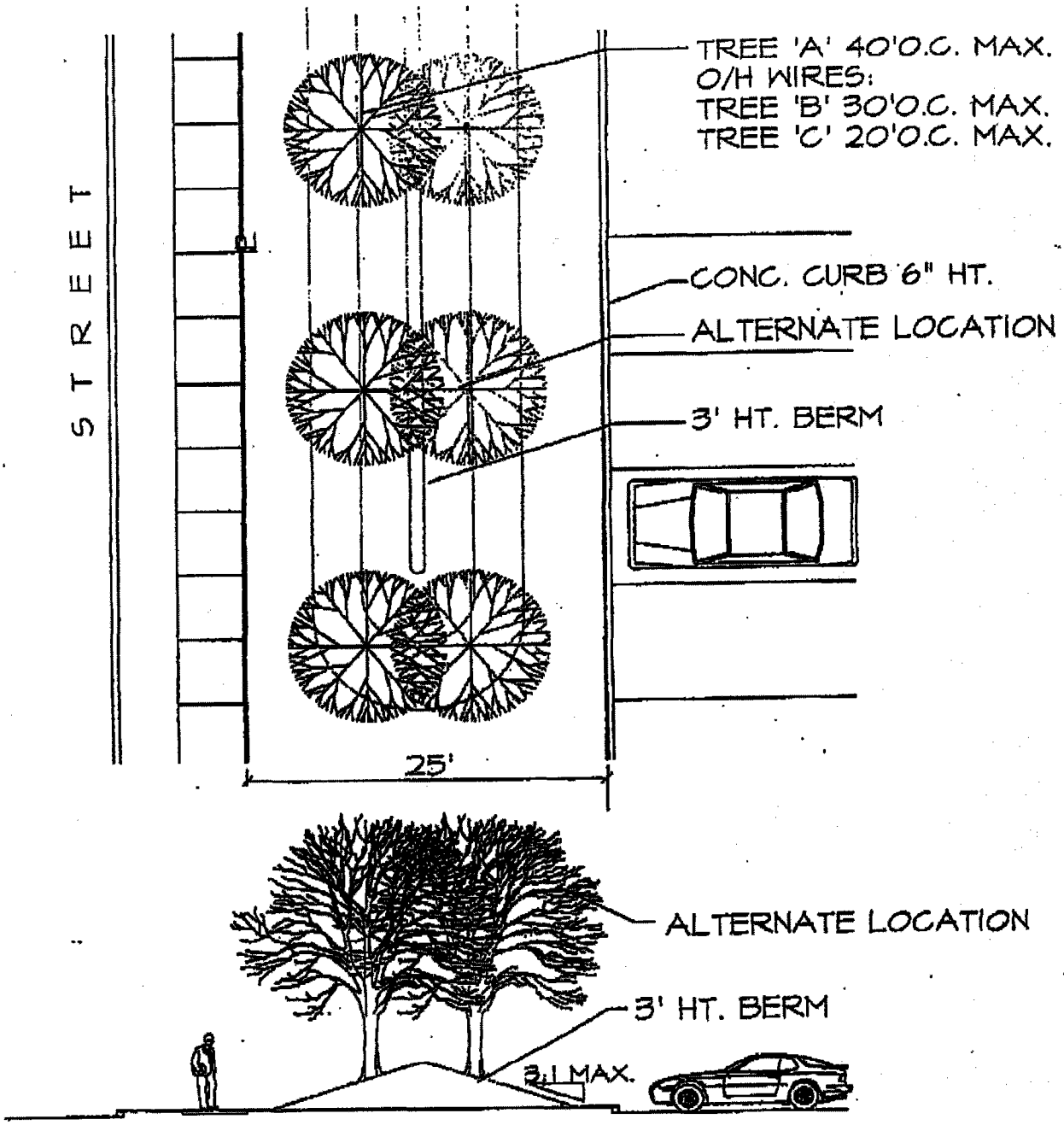

LANDSCAPE PLATE EA-4"

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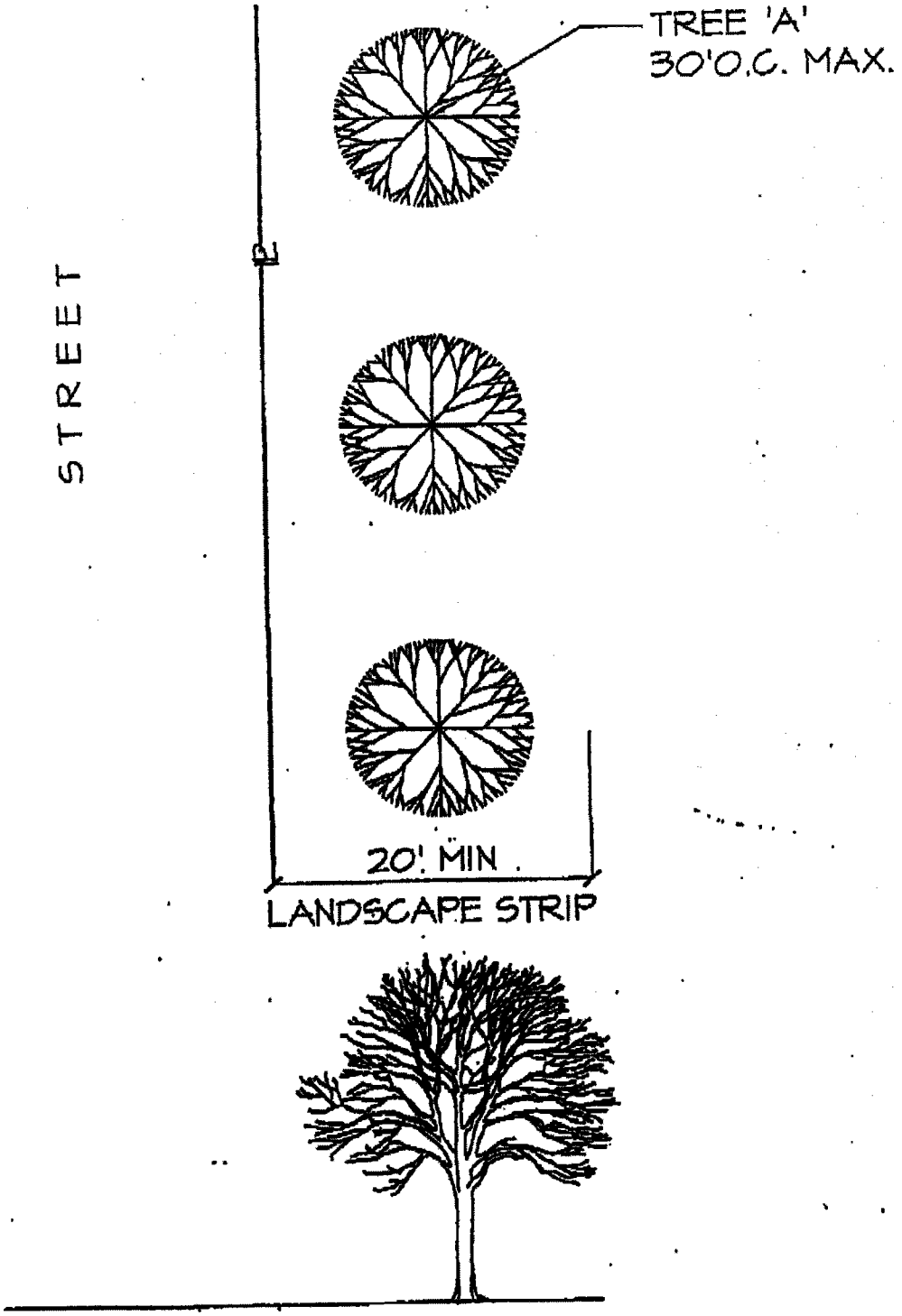

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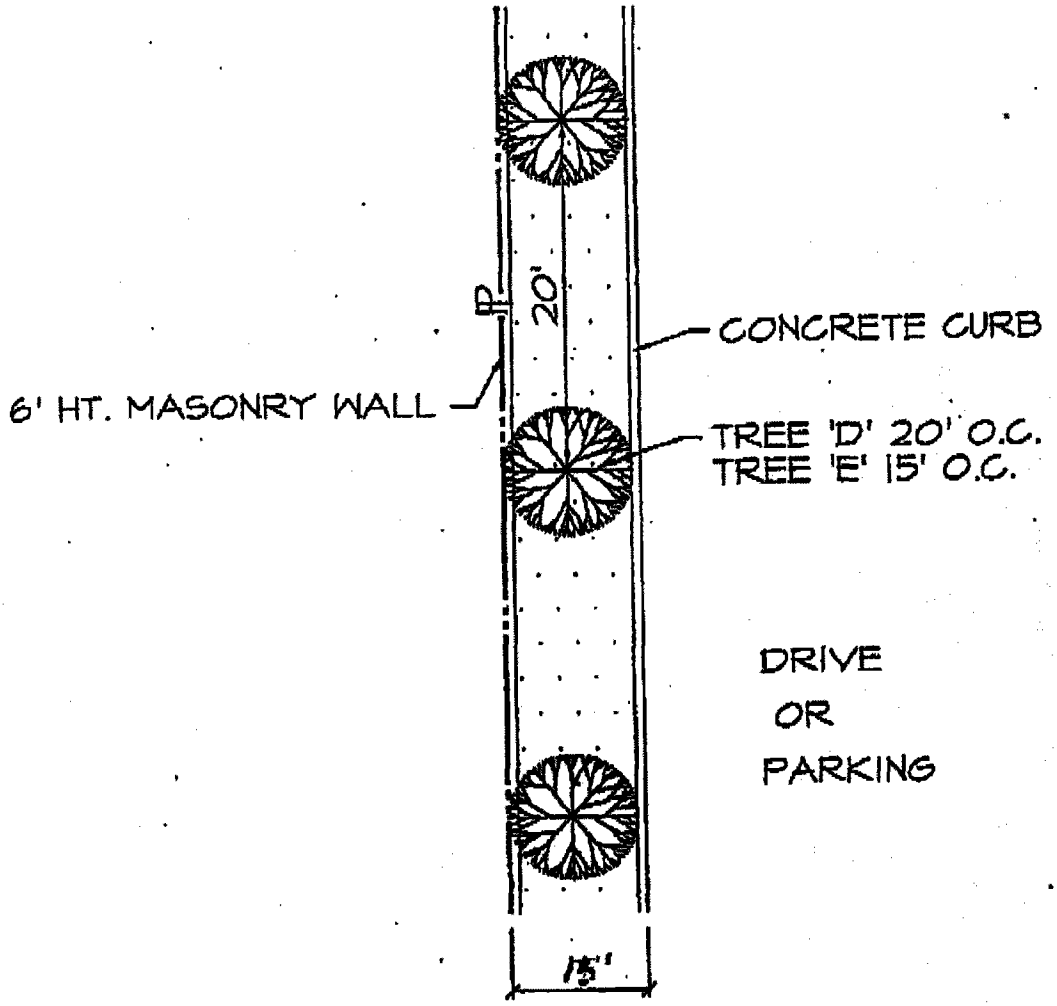

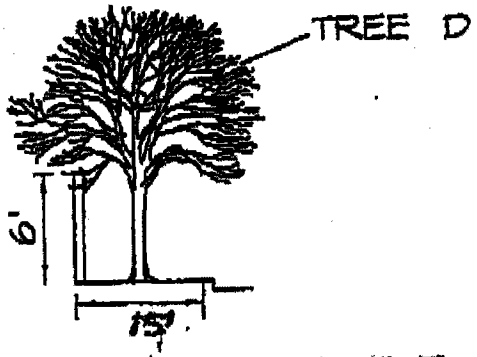

LANDSCAPE PLATE 'EB 1'

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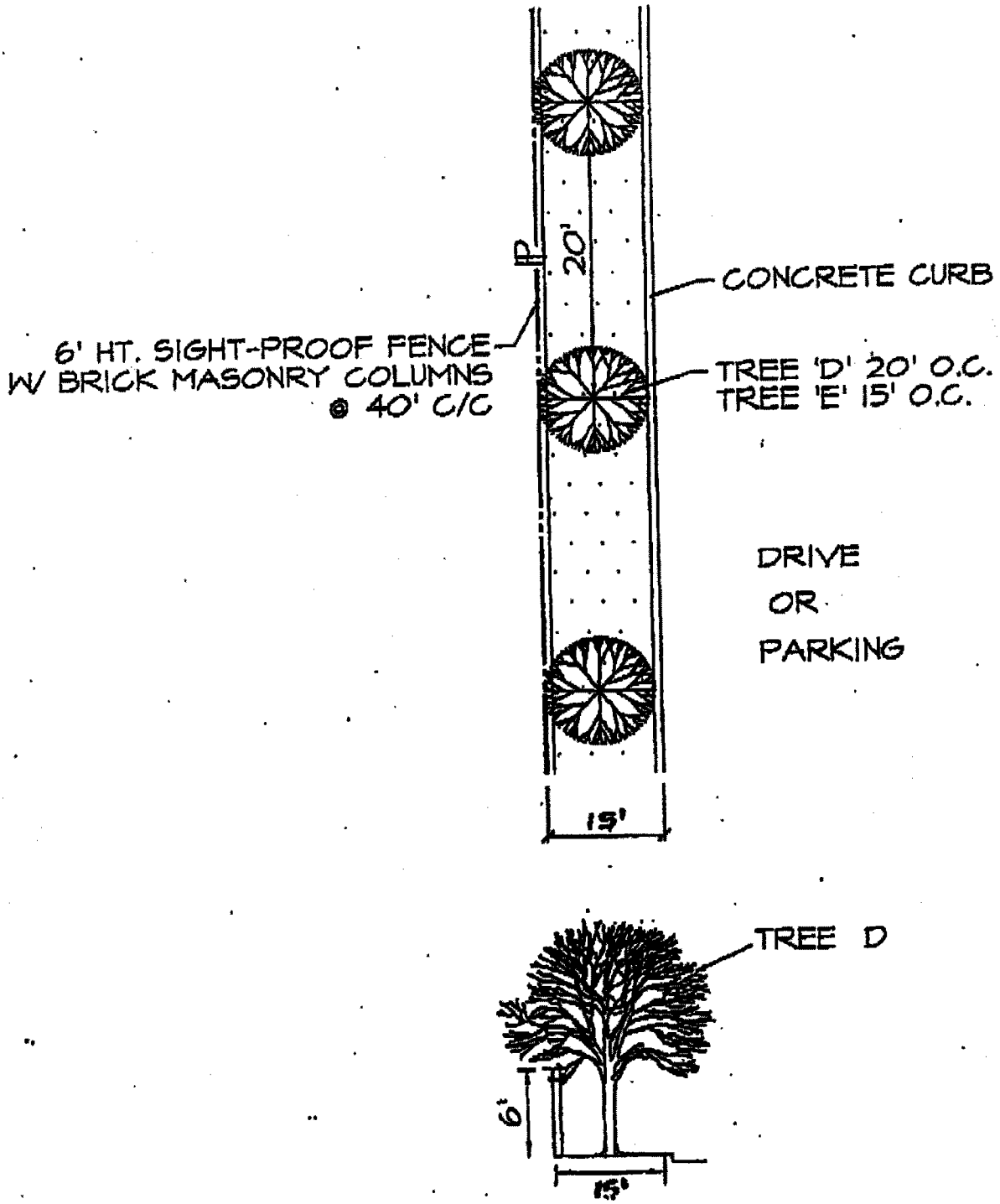

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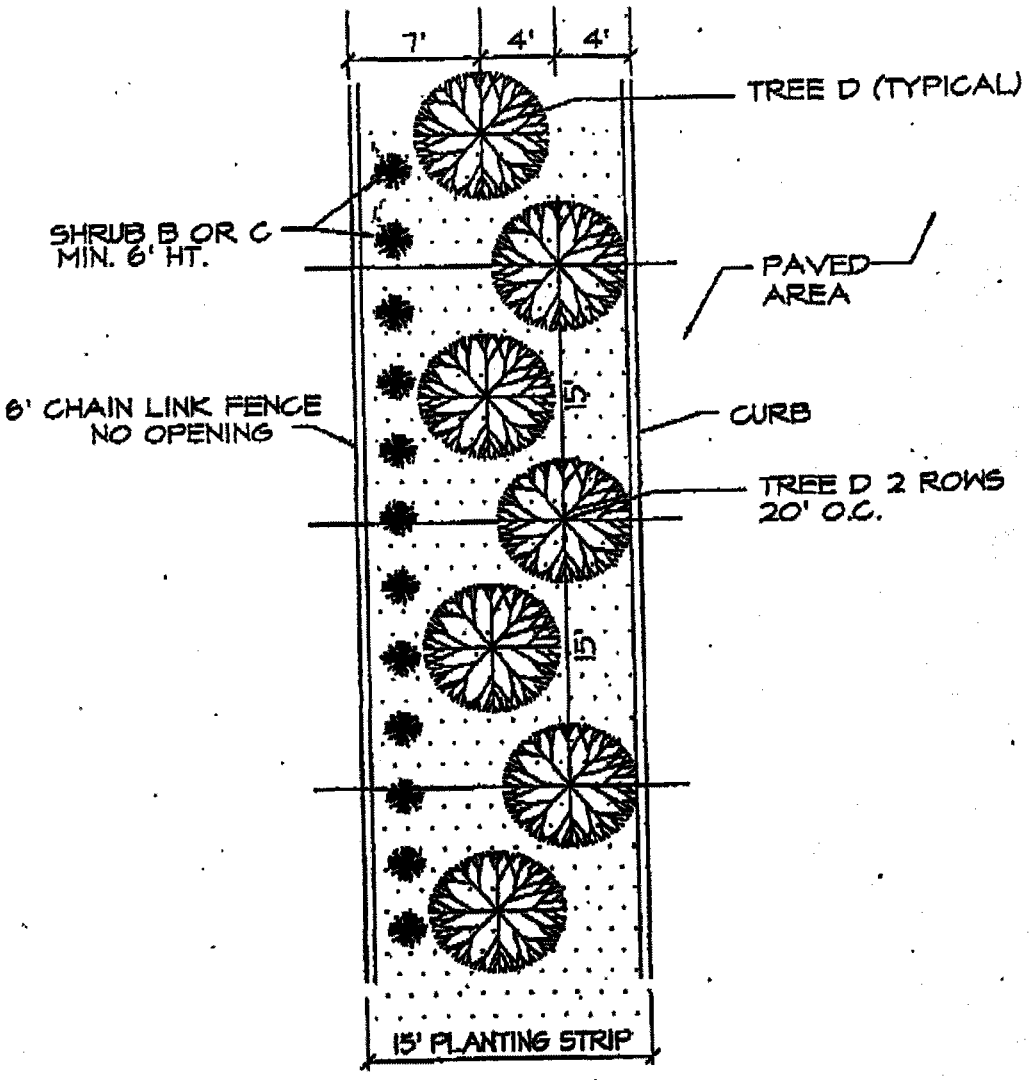
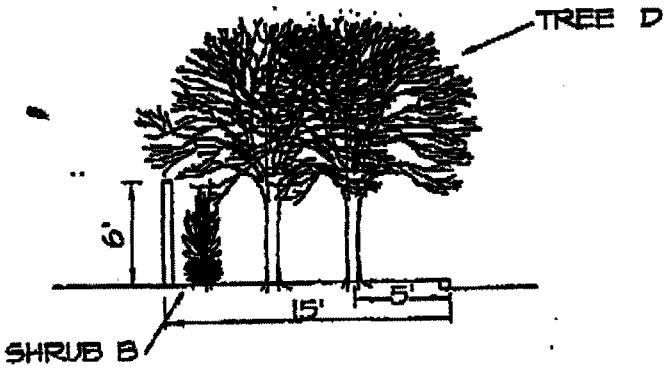
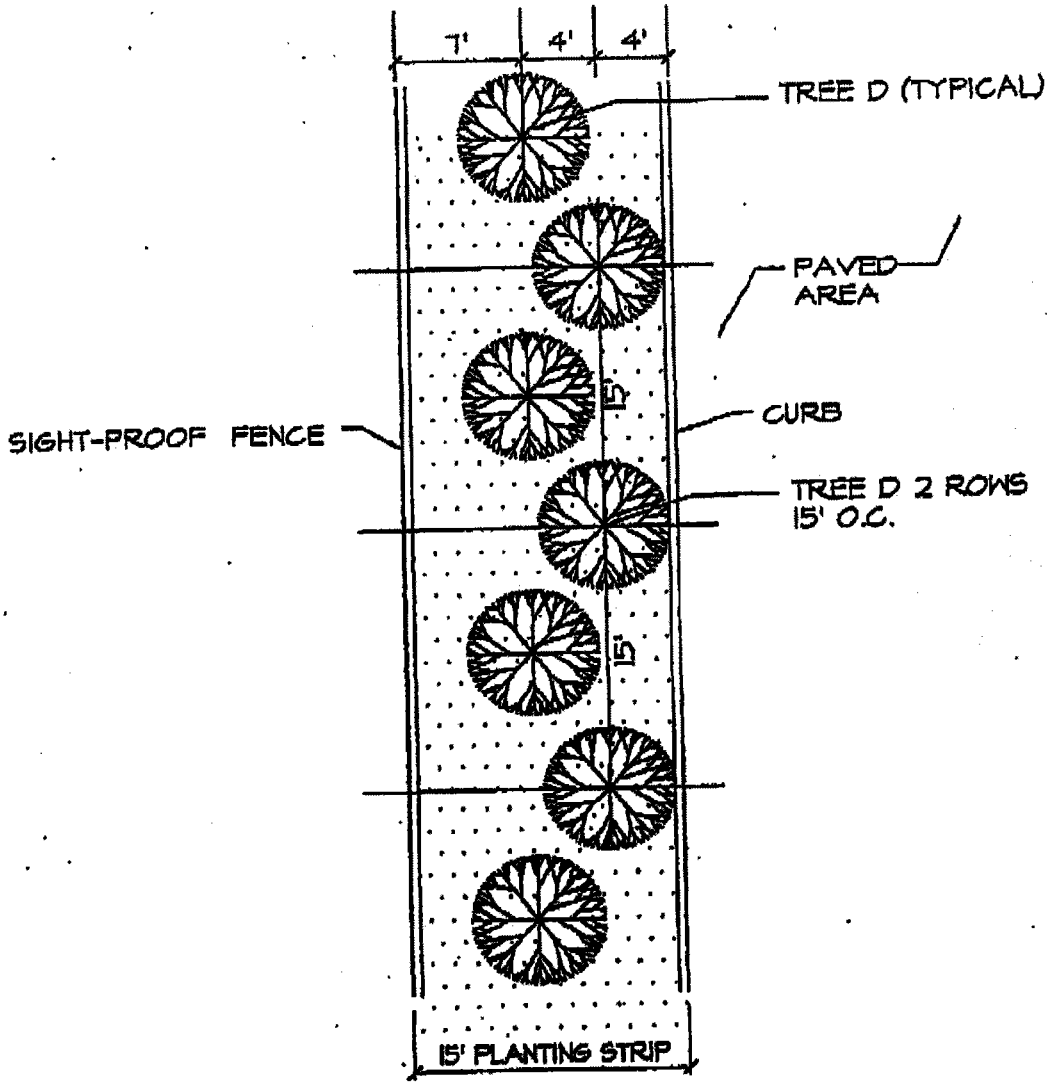
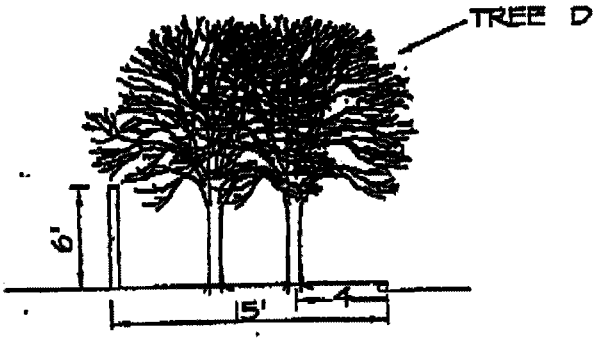




LANDSCAPE PLATE "6B-3"

EQUIVALENT ALTERNATIVE





LANDSCAPE PLATE "EB-4"
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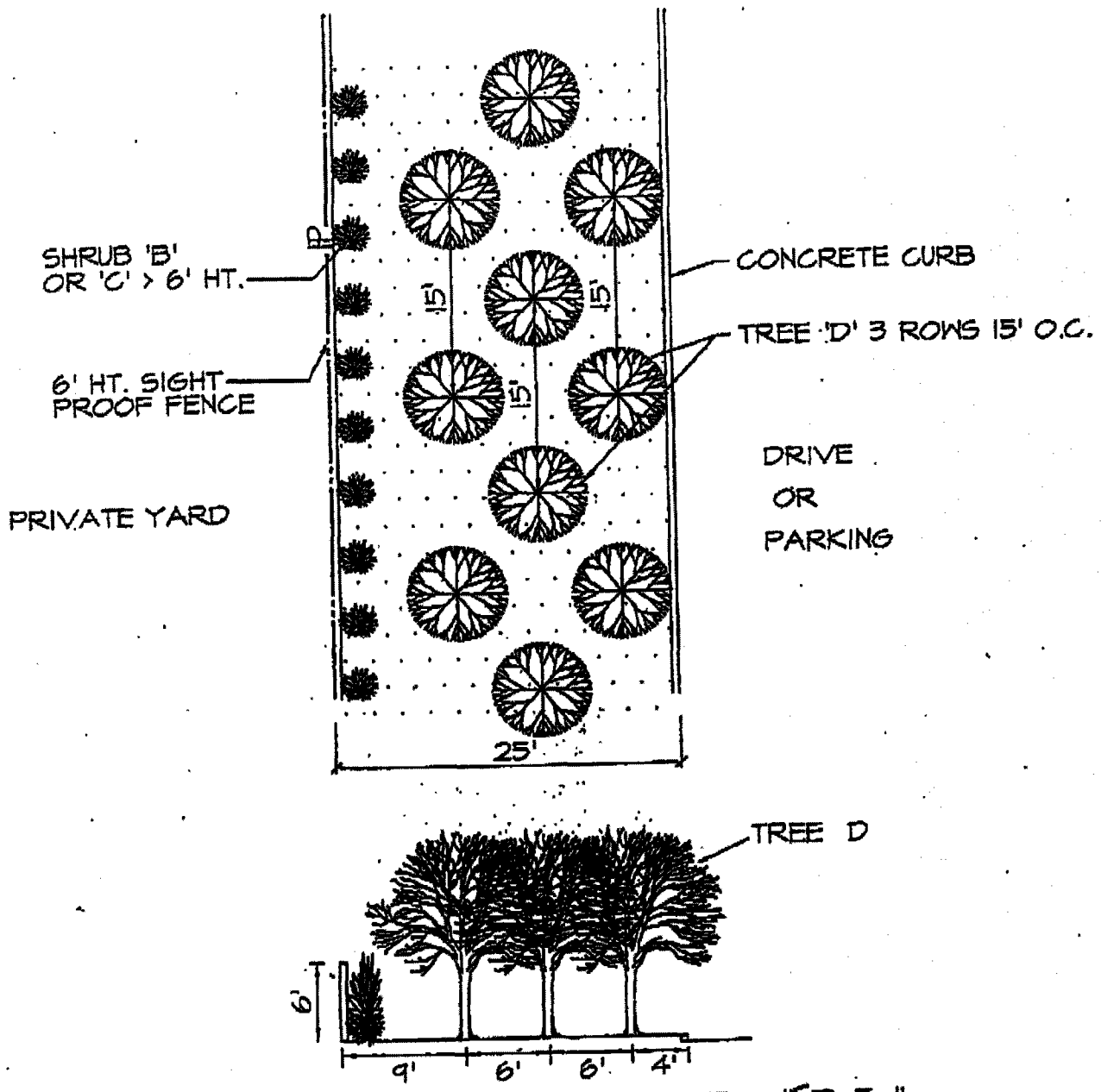

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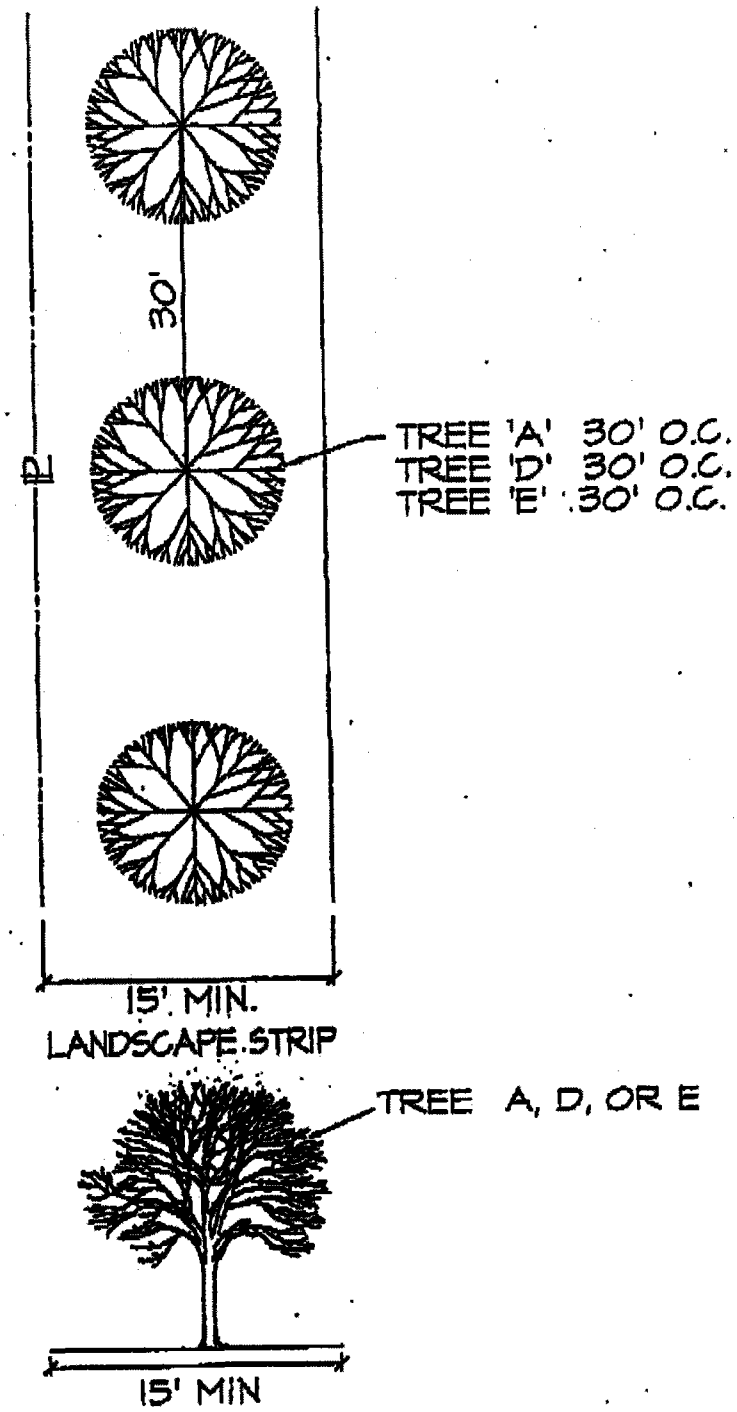

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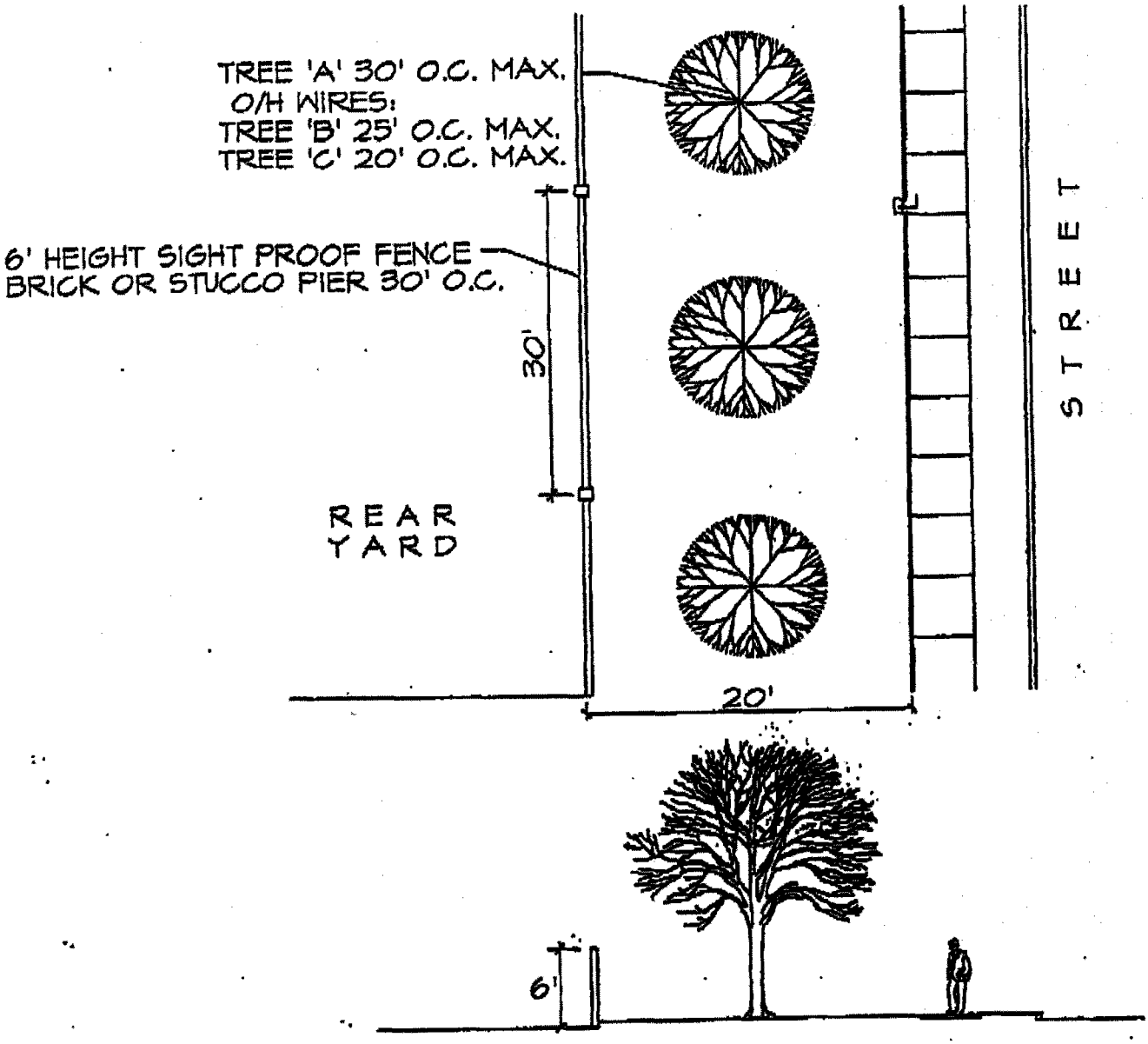

LANDSCAPE PLATE "RV-1"
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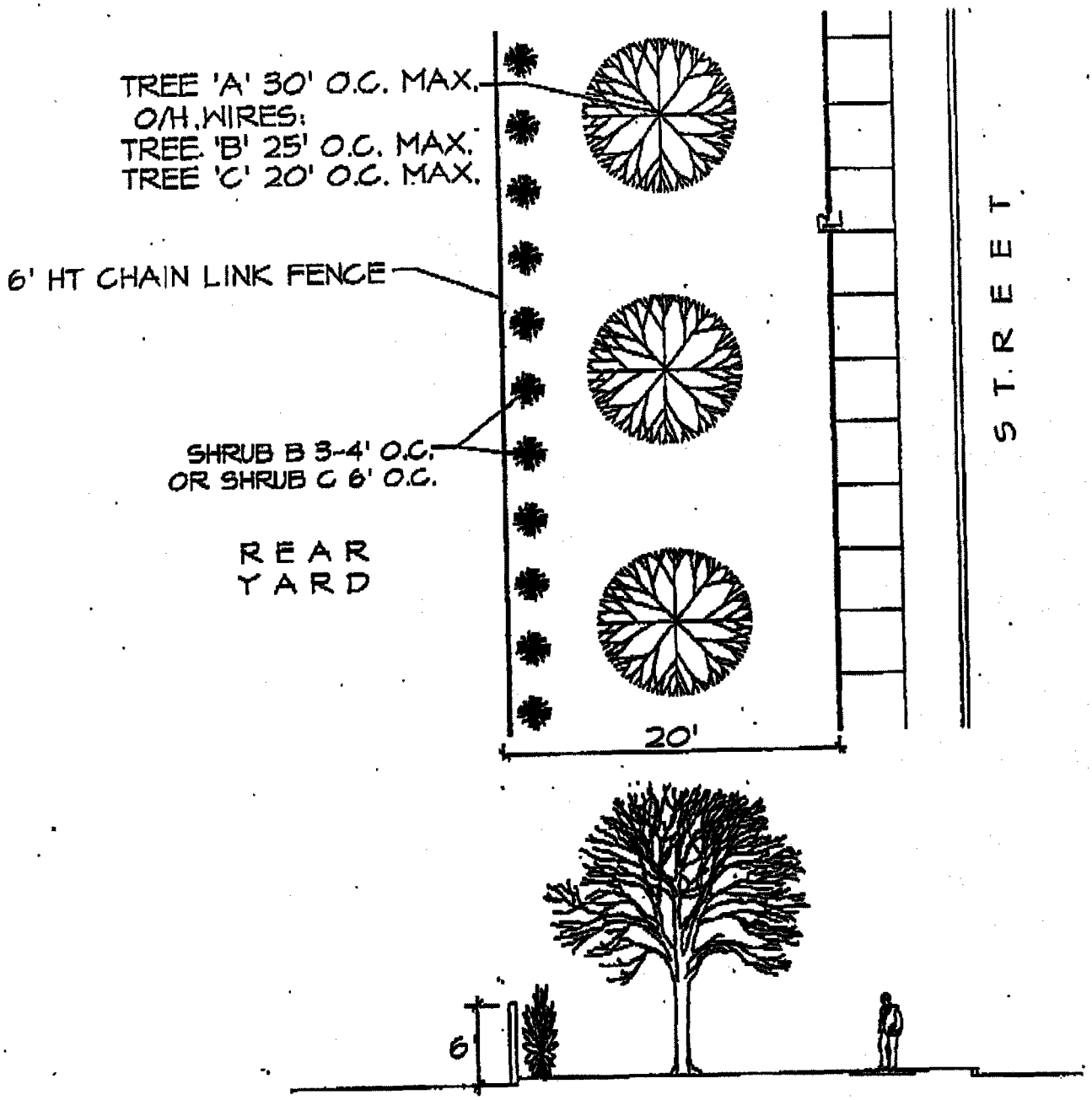
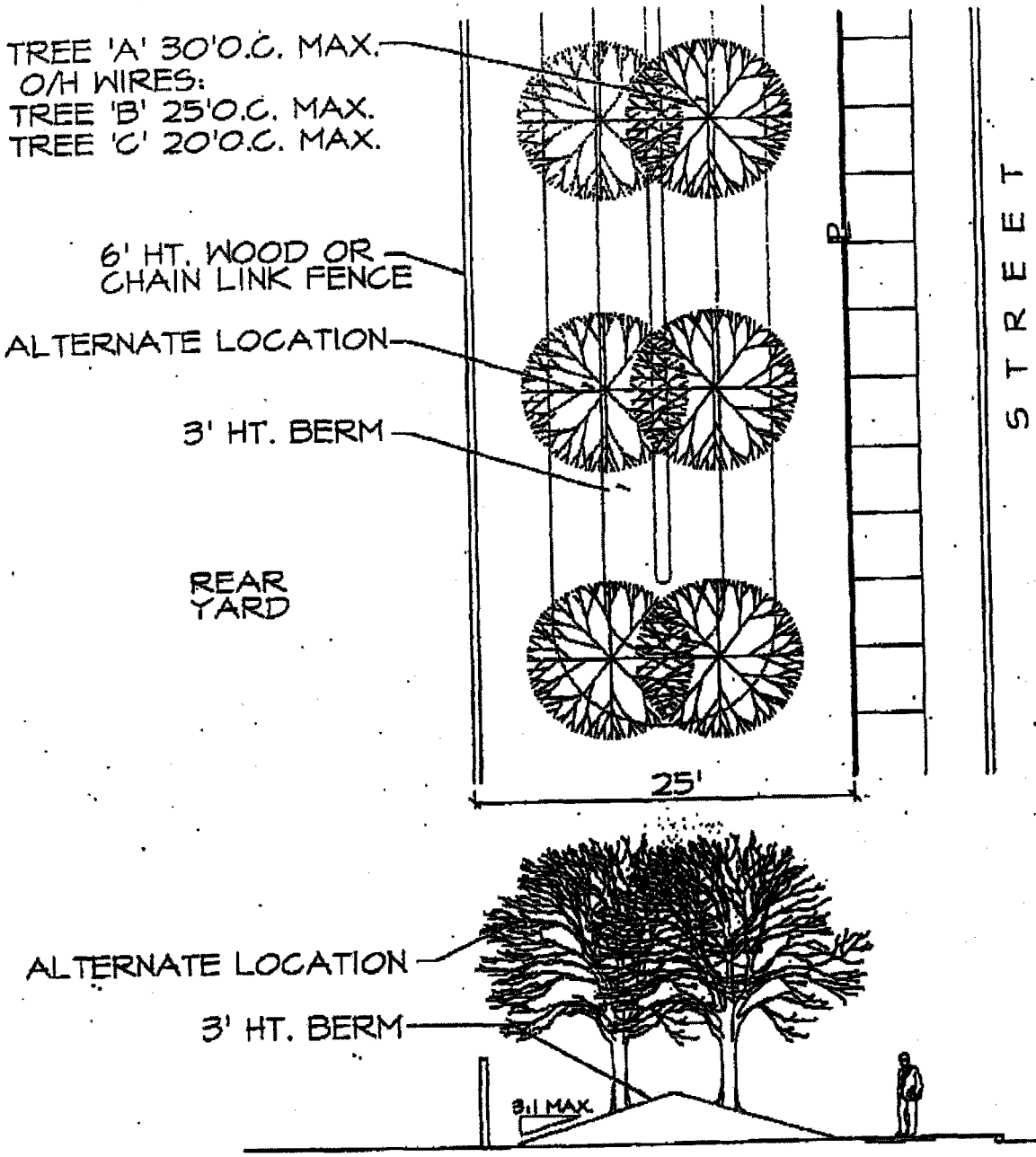
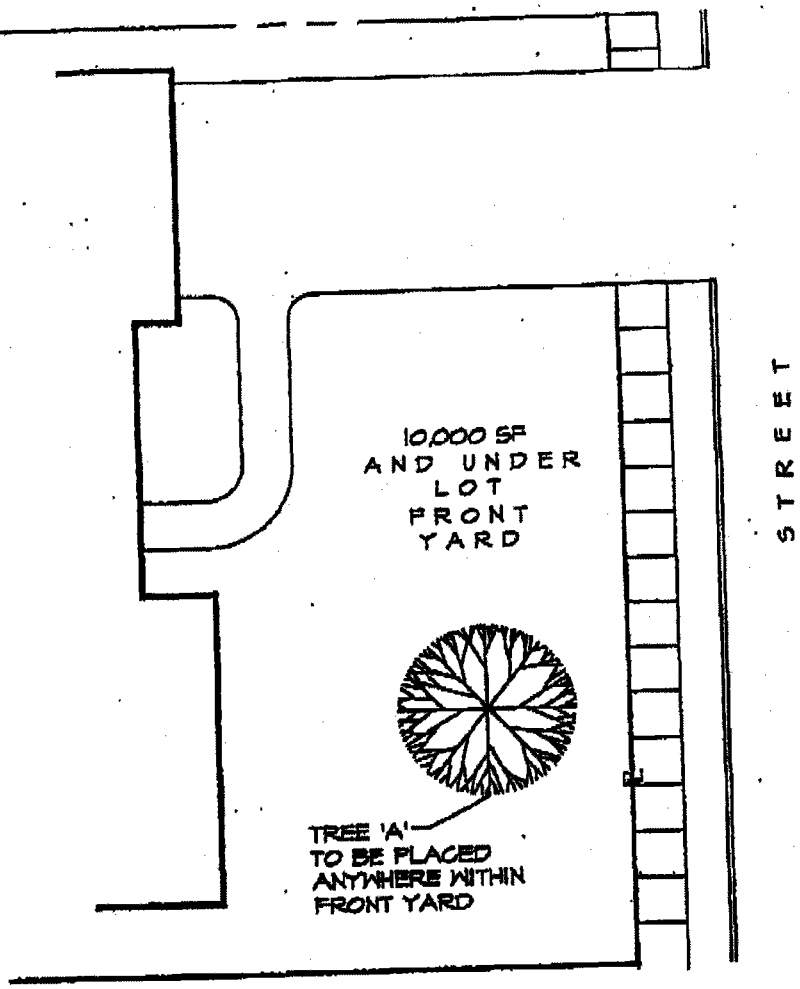
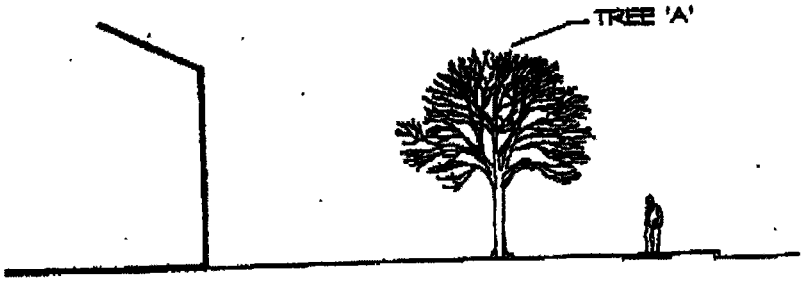


LANDSCAPE PLATE "RV-2"
EQUIVALENT ALTERNATIVE

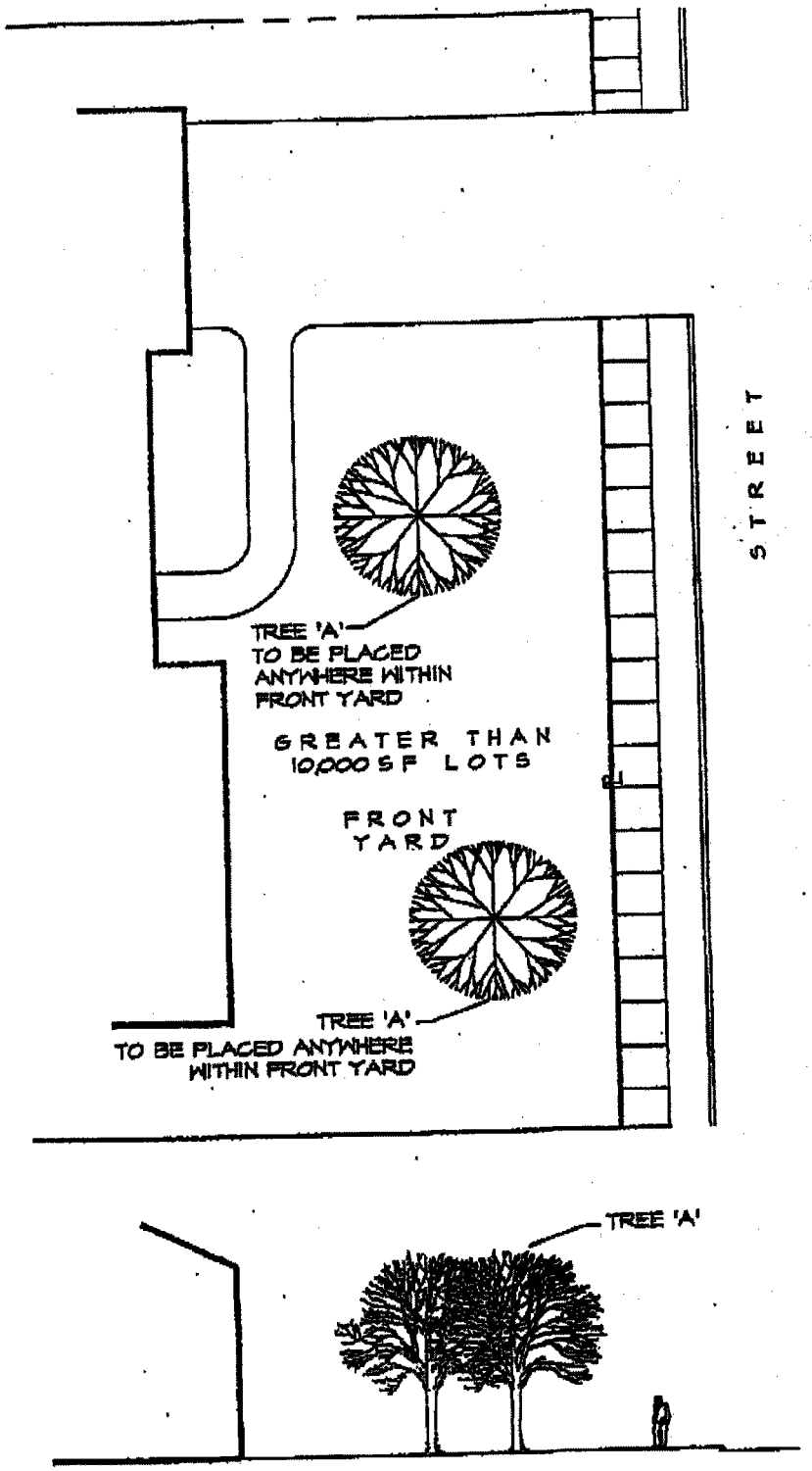


LANDSCAPE PLATE "RV-3"
EQUIVALENT ALTERNATIVE





LANDSCAPE PLATE "SFR-1"
EQUIVALENT ALTERNATIVE



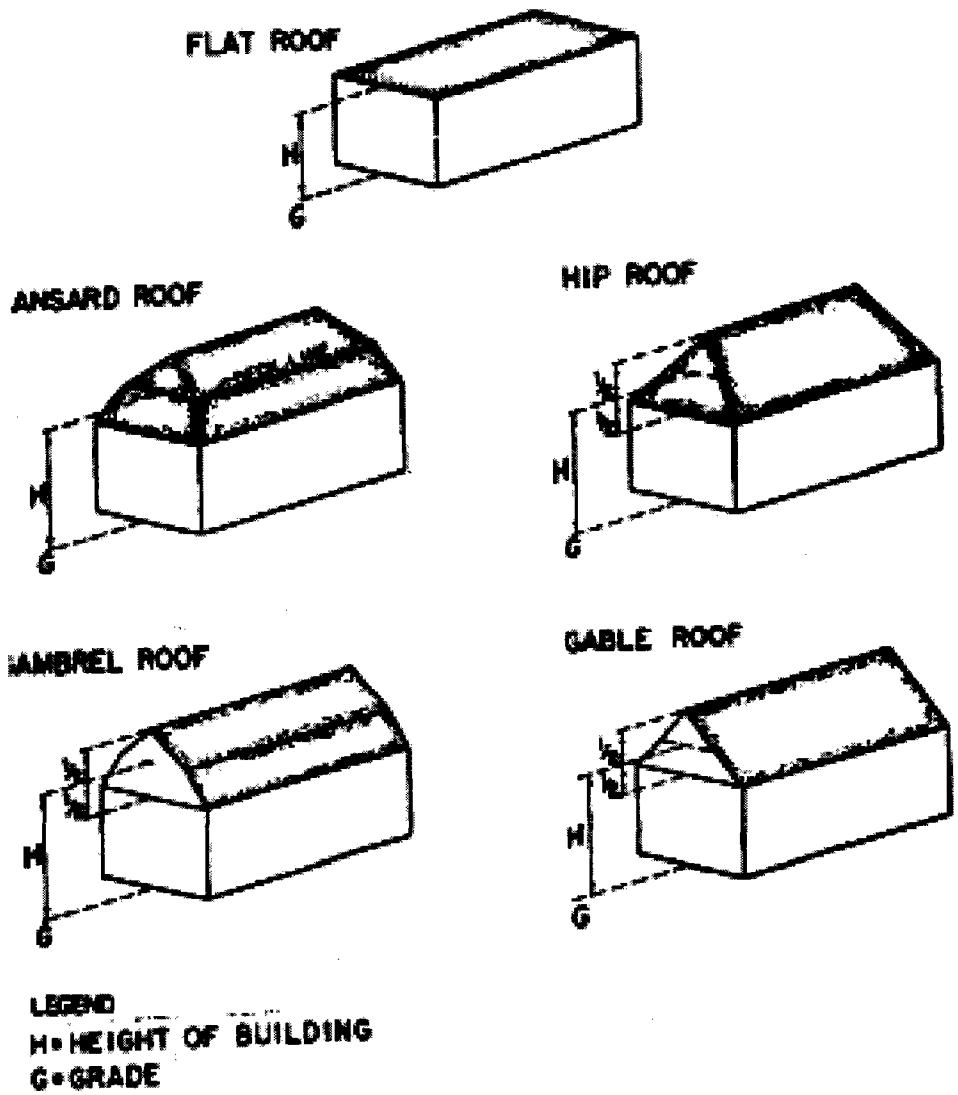
LANDSCAPE PLATE "SFR-2"
EQUIVALENT ALTERNATIVE

Appendix A

ILLUSTRATIONS OF CERTAIN TERMS

Figure 1: **Illustrations of Building Height**
Figure 2: **Illustrations of Required Yards**
Figure 3: **Illustration of Floor Area Ratio (F.A.R.)**
Figure 4: **Illustration of Open Space Ratio (O.S.R.)**
Figure 5: **Illustration of Livability Space Ratio (L.S.R.)**

Illustrations of Building Height
Figure 1



Illustrations of Required Yards
Figure 2

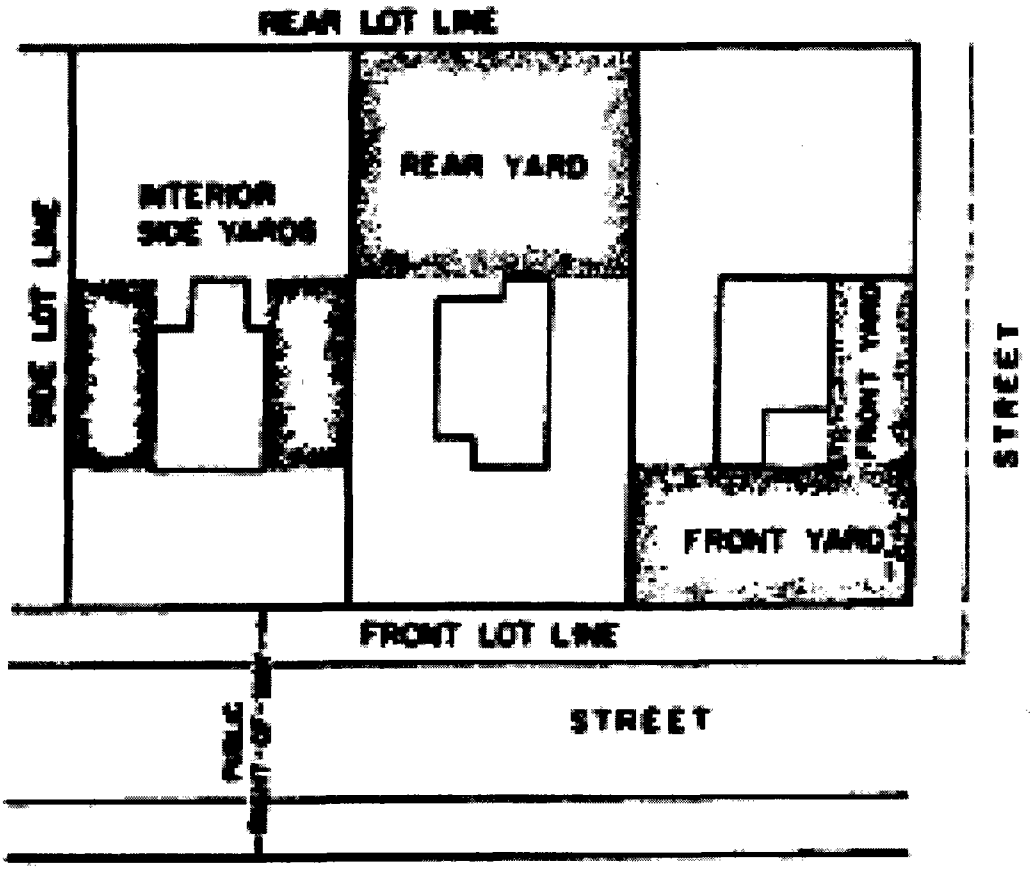
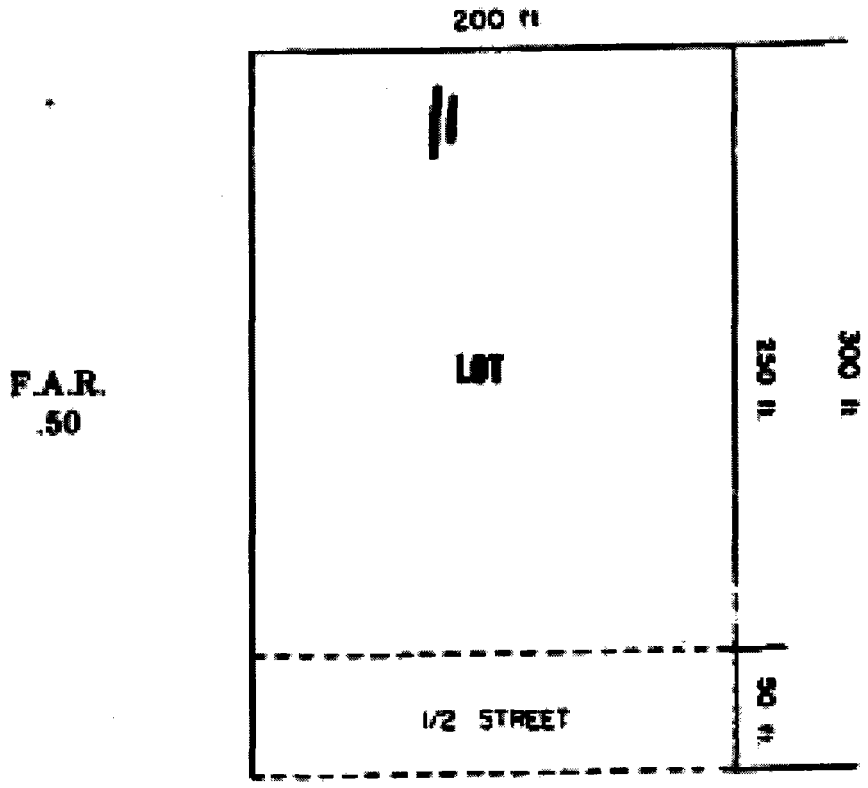


Illustration of Floor Area Ratio (F.A.R.)
Figure 3

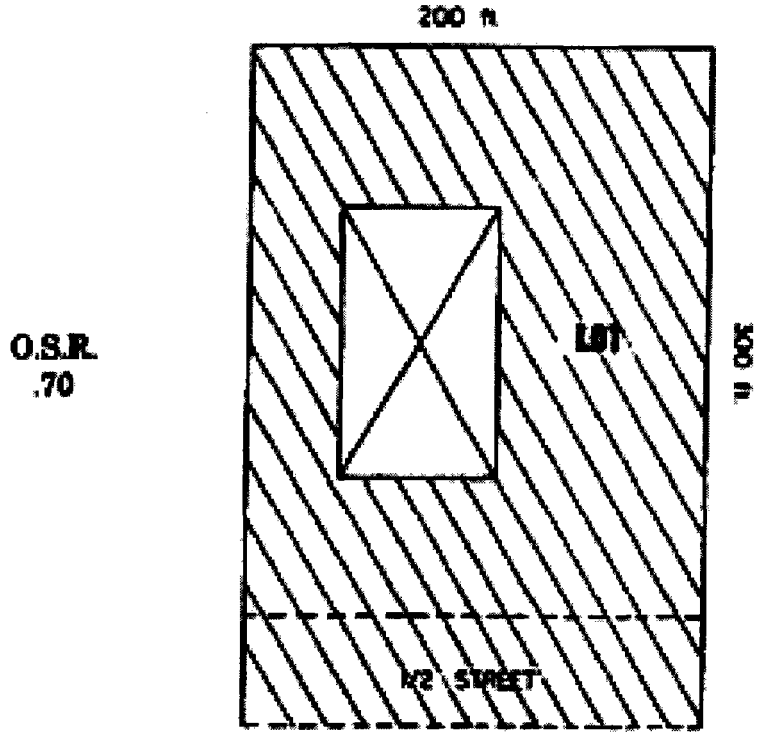


TO DETERMINE MAXIMUM ALLOWABLE TOTAL FLOOR AREA ON A LOT:

MULTIPLY F.A.R. × LOT AREA = MAXIMUM TOTAL FLOOR AREA

(EXAMPLE: .50 × 60,000 sq. ft. = 30,000 sq. ft. floor area)

Illustration of Open Space Ratio (O.S.R.)
Figure 4



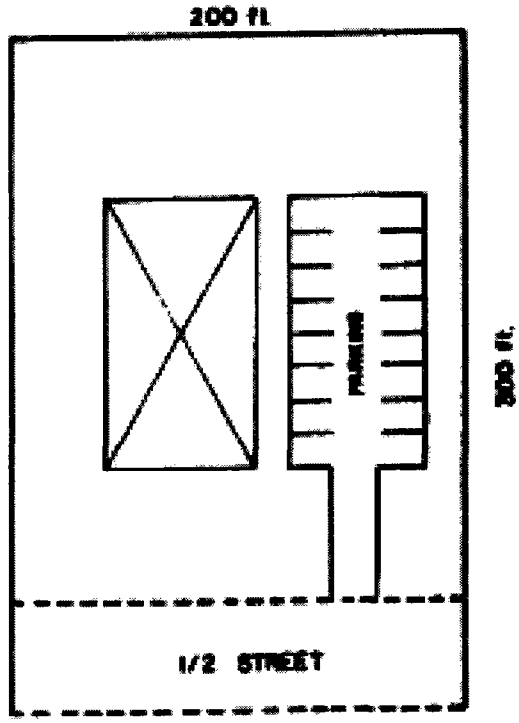
TO DETERMINE MAXIMUM BUILDING COVERAGE ON A LOT:

MULTIPLY O.S.R. × LOT AREA AND SUBTRACT FROM LOT AREA

(EXAMPLE: .70 × 60,000 sq. ft. = 42,000 sq. ft.
60,000 sq. ft. − 42,000 sq. ft. = 18,000 sq. ft.
for maximum building coverage)

Illustration of Livability Space Ratio (L.S.R.)
Figure 5

L.S.R.
.40
with
15,000 sq. ft.
of total
floor area



TO DETERMINE MINIMUM LIVABILITY OR NONVEHICULAR OPEN SPACE ON A LOT WITH 15,000 SQ. FT. OF TOTAL FLOOR AREA:

MULTIPLY L.S.R. × LOT AREA

(EXAMPLE: .40 × 60,000 sq. ft. = 24,000 sq. ft.
60,000 sq. ft. − 15,000 sq. ft. = 45,000 sq. ft.
45,000 sq. ft. − 21,000 sq. ft.
(for vehicular uses) = 24,000 sq. ft. of livability space.)

Chart 1

USES PERMITTED IN ZONING DISTRICTS

Footnotes for Chart 1 are found at the end of the chart.

Uses Permitted[8]	AG	R-E	R-S15	R-S10	R-S8	R-S6	R-S6I	R-D	R-TH	R-ML	R-MM	R-MH	R-MO	O-L[8]	O-G[8]	C-P[8]	C-L[8]	C-N	C-H[8]	CBD[8]	I-L[8]	IH[8]	H[8]	CU[8]	CTSD	SMSD	FW[8]	P[8]
Dwellings:																												
Single-family detached	X		X	X	X	X	X	X	X	X	X	X		X	X			A		X			X	X				
Single-family attached								X	X	X	X	X		X	X			A		X			X	X				
Two-family								X	X	X	X	X		X	X			A		X			X	X				
Townhouse									X	X	X	X						A		P			P	P				
Multiple-family										P	P	P						A		P			P	P				
Other housing:																												
Accessory dwelling unit															X[3]	X[3]	X[3]	A	X[3]	X[3]	X[3]	X[3]	X[3]	X[3]				
Boarding house	S		S	S	S	S		S	S	S	X	X								X				X				
Fraternity, sorority	S		S	S	S	S		S	S	S	S	S								X				X				
Group shelter	S		S	S	S	S		S	S	S	X	X	S	S	S	P	X		X	X			X	X				
Hotel																S			S	S	S	S	S	S				
Manufactured home*	X	S	S	S	P[20]	P[20]		X	X	X	X	X	X	X	X					P[20]			X	X	P[20]	P[20]		
Mobile homes	E												P						S									
Motel																S			S	S	S	S	S	S				
Personal care home for the elderly[25]	X		X	X	X	X	X	X	X	X	X	X				X	X	X	X	X								
Residential home for the aged	S		S	S	S	S	S	S	S	S	X	X								X				X				
Rooming house	S		S	S	S	S	S	S	S	S	X	X								X				X				
Student dormitory	S		S	S	S	S	S	S	S	S	X	X					X		X	X			P	P				
Supportive living facility[26]	X		X	X	X	X	X	X	X	X	X	X				X	X	X	X	X								

Uses Permitted[8]	AG	R-E	R-S15	R-S10	R-S8	R-S6	R-S6I	R-D	R-TH	R-ML	R-MM	R-MH	R-MO	O-L[8]	O-G[8]	C-P[8]	C-L[8]	C-N	C-H[8]	CBD[8]	I-L[8]	IH[8]	H[8]	CU[8]	CTSD	SMSD	FW[8]	P[8]
Transitional home	S		S	S	S	S	S	S	S	S	X	X	S	S	S	P	X			X			X	X				
Institutions:																												
Airport, heliport	S											S			S	S			S	S	S	S	S	S			S	
Cemetery, mausoleum	S		S	S	S	S	S	S	S	S	S	S	S								S	S	S					
Church	X		P	P	P	P	P	P	P	X	X	X	X	P	P	P	X	A	X	X	X	X	X	X				
College, university																		A					P	P				
Day care center, less than three acres	X		X	X	X	X	S	X	X	X	S	S	X	S	X[13]	P[13]	X[13]	A	X[13]	X[13]	X[13]	X[13]	X[13]	X[13]				
Day care center, three acres or more	X[13]		X[13]	X[13]	X[13]	X[13]	X[13]	X[13]	X[13]	X[13]	X[13]	X[13]	X[13]	X[13]	X[13]	X[13]	X[13]	A	X[13]	X[13]	X[13]	X[13]	X[13]	X[13]				
Family day care home, less than one acre	S		S	S	S	S	X	S	S	X	X	X	S	X	X	P	X	A	X	X	X	X	X	X				
Family day care home, one acre or more	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	A	X	X	X	X	X	X			S	
Group day care home, less than one acre	S		S	S	S	S	S	S	S	X[13]	X[13]	X[13]	S[13]	X[13]	X[13]	P[13]	X[13]	A	X[13]	X[13]	X[13]	X[13]	X[13]	X[13]				
Group day care home, one acre or more	X[13]		X[13]	X[13]	X[13]	X[13]	S	X[13]	X[13]	X[13]	X[13]	X[13]	X[13]	X[13]	X[13]	X[13]	X[13]	A	X[13]	X[13]	X[13]	X[13]	X[13]	X[13]				
Hospital																		A		X			X	P[4]				
Lodge, club, country club	S		S	S	S	S	S	S	S	S	S	S	S	S	S	P	X	A	X	X	X	X	S	S			S	
Museum	S		S	S	S	S	S	S	S	S	S	S	S	S	S	P	X	A	X	X	X	X	X	X				
Nursing home	P		S	S	S	S	S	S	S	P	P	P						A					X					
Nursery school	S		S	S	S	S		S	S	X	X	X	S	P	P	P	X	A	X	X	X	X	P[4]	P[4]				
Park	X		X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	A	X	X	X	X	X	X			X	
Philanthropic institution	S									S	S	S		S	X	P	X	A	X	X	X	X	X	X				
Public building	P		P	P	P	P	P	P	P	X	X	X	X	P	P	P	X	A	X	X	X	X	X	X			S	P
Recreation field	S		S	S	S	S	S	S	S	X	X	X	X	S	P	P	X	A	X	X	X	X	P	P			X	

Uses Permitted[8]	AG	R-E	R-S15	R-S10	R-S8	R-S6	R-S6I	R-D	R-TH	R-ML	R-MM	R-MH	R-MO	O-L[8]	O-G[8]	C-P[8]	C-L[8]	C-N	C-H[8]	CBD[8]	I-L[8]	IH[8]	H[8]	CU[8]	CTSD	SMSD	FW[9]	P[8]
School, public or private, grades K—12, less than 5 acres	S		S	S	S	S	S	S	S	X	X	X	S	S	P	P	X	A	X	X	X	X	P	P				
School, public or private, grades K—12, 5 acres or more	S		S	S	S	S	X	S	S	X	X	X	S	S	S	S	X	A	X	X	X	X	S	S				
Agricultural uses:																												
Commercial fishing	X																		X	X	X	X					X	
Crop, soil preparation, agricultural services, animal and veterinary services	S													X	X	P			X		X	X						
Farm labor and management services														X	P	P	X		X	X	X	X						
Fish hatcheries and preserves	X																				X	X					X	
Grain, fruit, field crop and vegetable cultivation and storage	X																				X	X					X	
Hunting, trapping and game propagation	X																				X	X					X	
Livestock, horse, dairy, poultry and egg products	X																				X	X					X	
Sale of agricultural products, outdoors	P[18]														P[18]	P[18]	P[18]			P[18]	P[18]						P[18]	P[18]

Uses Permitted[8]	AG	R-E	R-S15	R-S10	R-S8	R-S6	R-S61	R-D	R-TH	R-ML	R-MM	R-MH	R-MO	O-L[8]	O-G[8]	C-P[8]	C-L[8]	C-N	C-H[8]	CBD[8]	I-L[8]	IH[8]	H[8]	CU[8]	CTSD	SMSD	FW[8]	P[8]
Sale of agricultural products, outdoors and agricultural products, seasonal outdoor sales of pumpkins and Christmas trees	P[17.A]															P[17.A]	P[17.A]		P[17.A]		P[17.A]	P[17.A]					P[17.A]	P[17.A]
Timber tracts, forest nursery gathering of *forest products*	X																				X	X					X	
Commercial:																												
Adult entertainment																					X[19]	X[19]						
Motel/hotel (hourly rate)																					S	S						
Amusements, commercial indoor, excluding bingo games																P		A	X	X	X	X						X[5]
Amusements, commercial outdoor	S															S			X	X	X	X					S	
Automobile parking lot																S	S	A	X	X	X	X	S	S				X
Automobile service station																P	P		X	X	X	X						P[5]
Art or photo *studio or gallery*															P	P	X	A	X	X	X	X						
Bakery, retail																P	X	A	X	X	X	X						
Bank															P	P	X	A	X	X	X	X	P[4]	P[4]				P[5]
Barber or beauty shop															P	P	X	A	X	X	X	X	P[4]	P[4]				P[5]
Beverage container collection center																X	X		X	X	X	X						
Beverage container recycling																			X		X	X						

Uses Permitted[8]	AG	R-E	R-S15	R-S10	R-S8	R-S6	R-S6I	R-D	R-TH	R-ML	R-MM	R-MH	R-MO	O-L[8]	O-G[8]	C-P[8]	C-L[8]	C-N	C-H[8]	CBD[8]	I-L[9]	IH[8]	H[8]	CU[8]	CTSD	SMSD	FW[8]	P[8]
Boat rental, sale, storage or repair																			X	X	X	X						
Business school															P	P	P	A	X	X	X	X	P	P				
Campground, travel trailer park	S																		X		X	X					X	
Catering establishment																P	P	A	X	X	X	X						
Cleaning establishment																S	S	A	X	X	X	X						
Cleaning, pickup station																P	X	A	X	X	X	X	P[4]	P[4]				P[5]
CMCS tower and facilities	P[1.A]	S	S	S	S	S		S	S	S	S	S	S	S	P[1.A]	P[1.A]	P[1.A]		P[1.A]	P[1.A]		P[1.B]	P[1.A]	P[1.A]		S	S	S
Communication towers (65 feet or less)	X[1]		P[1]	P[1]	P[1]	P[1]		P[1]	P[1]	P[1]	P[1]	P[1]	P[1]	P[1]	X[1]	X[1]	X[1]		X[1]	X[1]	X[1]	X[1]	X[1]	X[1]			X[1]	X[1]
Communication towers	S																		S	S	S	S	S	S			S	
Department or discount store																P		A	X	X	X	X						
Drive-in theaters																			X		X	X					S	
Financial services															P	P	X	A	X	X	X	X	P[4]	P[4]				P[5]
Flower or plant store															P	P	X	A	X	X	X	X	P[4]	P[4]				P[5]
Garage, commercial																P	P		X	X	X	X	P[4]	P[4]				P
Gasoline sales																P	X	A	X	X	X	X						P[5]
General services and repair shop																	P	A[21]	P	X	X	X	X					P[5]
Greenhouse or nursery, commercial	S																P		P	X	X	X	X				S	
Laboratories																			X	X	X	X	P[4]					
Lawn, tree or garden service																P	P		X	X	X	X						
Lumberyard																			X	X	X	X						
Mobile coffee/ cappuccino bars															X[23]	X[23]	X[23]	X[23]	X[23]	X[23]	X[23]	X[23]	X[23]	X[23]		X[23]		
Mobile home sales																			X	X		X						

Uses Permitted[8]	AG	R-E	R-S15	R-S10	R-S8	R-S6	R-S6I	R-D	R-TH	R-ML	R-MM	R-MH	R-MO	O-L[8]	O-G[8]	C-P[8]	C-L[8]	C-N	C-H[8]	CBD[8]	I-L[8]	IH[8]	H[8]	CU[8]	CTSD	SMSD	FW[8]	P[8]
Motor vehicle sales and service																												
Offices										S[9]	S[9]	S[9]		P[11]	P	P	X	A	X	X	X	X	P[4]	P[4]				P[5]
Pawnshop																P	X	A	X	X	X	X						
Personal service establishment																P	X	A	X	X	X	X						
Photofinishing																		A	X	X	X	X						
Photofinishing pickup station																P	X	A	X	X	X	X						
Plumbing shop																			X	X	X	X						
Processing and *manufacture* incidental to retail establishment																			X	X	X	X						
Radio or TV studio	S													X	X				X	X	X	X						
Radio or TV tower (see Communi-cations towers)	S																										S	S
Restaurant															P[7]	P	A	A	X	X	X	P[4]	P[4]					P[5]
Restaurant with greater than 125 seating capacity																		A										
Restaurant with sale of alcoholic beverages															X	X	S[17]	A	A	X	X	X	X					
Restaurant, drive-in																S	P	A	X	X	X	X						
Retail sales or vending, outdoor																S	S		S	X	S	S	S	S			S	S
Retail shop, other																P	X	A	X	X	X	X	P[4]	P[4]				P[5]
Services, other business and personal																P	P	A	X	X	X	X						
Sheet metal shop																			X	X	X	X						
Tavern, cocktail lounge, nightclub															S	S			X	X	X	X						

Uses Permitted[8]	AG	R-E	R-S15	R-S10	R-S8	R-S6	R-S6I	R-D	R-TH	R-ML	R-MM	R-MH	R-MO	O-L[8]	O-G[8]	C-P[8]	C-L[8]	C-N	C-H[8]	CBD[8]	I-L[8]	IH[8]	H[8]	CU[8]	CTSD	SMSD	FW[8]	P[8]
Tractor-trailer (sales, fueling, and service of)																					X	X						
Undertaking establishment																S	S		X	X	X	X						
Used goods, secondhand sales[24]																P	X	A	X	X	X	X						
Used goods, second hand sales (with outdoor sale, display and/or storage)[24]																P	S	A	S									
Vehicle wash																P	P		P	P	P	P						
Veterinary clinic	S															P	X	A[22]	X	X	X	X						
Warehouse																			S	X	X	X						
Wholesale display																			X	X	X	X						
Industrial:																												
Manufacture, storage, distribution of:																												
Asbestos products																						S						
Automobile dismantlers and recyclers																						S						
Chemical, cosmetics, drug, soap, paints, fertilizer and abrasive products																					X	X						
Contractor's storage, indoor																			X	X	X	X						
Contractor's yard or storage, outdoor																			S		X	X						

Uses Permitted[8]	AG	R-E	R-S15	R-S10	R-S8	R-S6	R-S6I	R-D	R-TH	R-ML	R-MM	R-MH	R-MO	O-L[8]	O-G[8]	C-P[8]	C-L[8]	C-N	C-H[8]	CBD[8]	I-L[8]	IH[8]	H[8]	CU[8]	CTSD	SMSD	FW[8]	P[8]
Electrical or electronic equipment, appliances and instruments																					X	X						
Explosives																						S						
Fabricated metal products and machinery																					X	X						
Food and beverage products except animal slaughter, stockyards, rendering and brewery																					X	X						
Animal or poultry slaughter, stockyards, rendering																					S	S						
Brewery																					X	X						
Furniture and fixtures																					X	X						
Jewelry, silverware, plated ware, musical instruments, toys, sporting goods, office, art supplies																					X	X						
Leather and leather products except tanning and finishing																					X	X						
Leather and leather products, tanning and finishing																						X						
Lumber and wood products																					X	X						

Chart 1

Uses Permitted[8]	AG	R-E	R-S15	R-S10	R-S8	R-S6	R-S6I	R-D	R-TH	R-ML	R-MM	R-MH	R-MO	O-L[8]	O-G[8]	C-P[8]	C-L[8]	C-N	C-H[8]	CBD[8]	I-L[8]	IH[8]	H[8]	CU[8]	CTSD	SMSD	FW[8]	P[8]
Paper products except pulp mills																					X	X						
Petroleum, liquefied petroleum gas and coal products except refining																						X						
Petroleum and coal products refining																						S						
Primary metal manufacturing																						X						
Primary metal distribution and storage																					X	X						
Printing and publishing																			X	X	X	X						
Pulp mills																						S						
Radioactive materials																						S						
Rubber and plastic products except rubber manufacture																					X	X						
Rubber and plastic products, rubber manufacture																						X						
Scrap metal processors																						S						
Scrap processing yard																						S						
Secondary material dealers																						S						
Stone, clay, glass and concrete products																					X	X						
Textile, apparel products, cotton factorying, grading																				X	X	X						

Uses Permitted[8]	AG	R-E	R-S15	R-S10	R-S8	R-S6	R-S6I	R-D	R-TH	R-ML	R-MM	R-MH	R-MO	O-L[8]	O-G[8]	C-P[8]	C-L[8]	C-N	C-H[8]	CBD[8]	I-L[9]	IH[8]	H[8]	CU[8]	CTSD	SMSD	FW[8]	P[8]
Textile, apparel products, cotton gin																					X	X						
Tobacco products																					X	X						
Transportation equipment																					X	X						
Transportation and public utilities:																												
Airline terminal, freight, service facility																				P	P	P						
Boat dock, storage, repair																			X	X	X	X						
Bus terminal or service facility																			S	P	X	X						
Garbage or refuse collection service																					X	X						
Gas, electric, water, sewerage; production, treatment facility	S																			P	P	P						
Sanitary landfill	S																				S	S						
Post office or postal facility																S	P	A	X	X	X	X						
Railroad switching yard, terminal, piggybackyard																					P	P						
Telephone service center	S															S		A	X	X	X	X						
Telephone switching center, electric transmission, gas piping, water pumping station	S		S	S	S	S	S	S	S	S	S	S	S	P	P	P	P		X	X	X	X	P	P				S
Taxicab dispatch station																			X	X	X	X						

Uses Permitted[8]	AG	R-E	R-S15	R-S10	R-S8	R-S6	R-S6I	R-D	R-TH	R-ML	R-MM	R-MH	R-MO	O-L[8]	O-G[8]	C-P[8]	C-L[8]	C-N	C-H[8]	CBD[9]	I-L[8]	IH[8]	H[8]	CU[8]	CTSD	SMSD	FW[8]	P[8]
Truck or motor freight terminal, service facility																					S	P						
Other:																												
Advertising sign	S																X[12]		X	X	X	X						
Bingo games																S			S	S	S	S						
Dredging, earth extraction, clearing or grading																											S	
Home occupations												S		S	S	X	X	A	X	X								
Metal, sand, stone, gravel, clay, mining and other related processing																					S	S					S	
Refuse processing, treatment and storage																						S						
Planned developments	S		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S				
Private sales[14]	X		X	X	X	X	X	X	X	X	X	X								X				X				
Warehouse, self-service, mini-storage																			X	X	X							
Wholesale establishment																			P	X	X	X						

X= Use permitted by right.

P= Use requiring administrative site plan and approval in accordance with the provisions of Chapter 16-28 except in the C-P district where the provisions of Chapter 16-84 shall apply.

S= Use requiring legislative plan review and approval subject to the issuance of a special use permit in accordance with the provisions of Chapters 16-32 and 16-36.

A= Uses requiring administrative site plan and approval by office of planning and development.

*= Adopted by the City of Memphis only.

FOOTNOTES

[1] Communications towers sixty-five (65) feet or less in height shall conform to the following standards:

(a) The tower shall be located so that no part of the antenna or its elements shall encroach within the required five-foot side or rear yard setbacks, or within ten (10) feet of any easement for overhead electric distribution or transmission lines.

(b) The tower and any element of the tower including guy wires or anchors shall not be located within the front forty (40) percent of any area of the lot abutting a public street or approved private drive.

(c) The tower height shall be established as the tallest point of the supporting tower and shall not include antenna mast or antenna elements affixed to the tower.

(d) No more than one such tower shall be located on a lot.

(e) The request for a building permit shall be accompanied by a copy of a valid amateur radio operators license issued by the FCC for the location being requested.

(f) The applicant shall obtain written approval from Memphis light, gas and water; electric distribution engineering division, for construction of any tower located within a distance equal to the tower height plus the height of antenna elements from any overhead electric lines.

(g) A tower shall not be structurally installed in such a way that it could fall onto a neighbor's property during normal operation or if a disastrous windstorm comes along. Installation shall conform to all local building code and structural design requirements pertaining to wind loading and structural strength characteristics protecting against collapse of the tower.

(h) Provisions must be made to keep children from climbing the tower. At a minimum an enclosure, including gates therein, shall be constructed around the property or the tower at least four feet above the underlying grounds to adequately restrict access to the base of the tower from small children.

(i) The application for a building permit must be certified by a professional engineer stating that all local requirements have been met.

(j) Any tower constructed prior to March 6, 1990, shall be permitted to remain. There shall not be any increase in height permitted.

(k) Prior to issuing the building permit, the tower owner shall agree in writing to reimburse an adjacent property owner the cost of his homeowners deductible, up to five hundred dollars ($500.00), if the homeowner's insurance company is called upon to pay for repair of damage caused by the tower or any part thereof falling on the adjacent property.

(l) There shall be administrative site plan review to provide landscape screening to reasonably screen the tower from adjacent residential properties as determined by the office of planning and development.

[1.A.] ASPR approval criteria for CMCS towers and facilities.

(1) The edge of the lot line the tower is locating on within the city limits of Memphis cannot be closer than five hundred (500) feet from any property zoned (any R district) or used for residential use including the residential portion of a planned development and residential uses within the AG district; one thousand five hundred (1,500) feet is applicable to sites within unincorporated Shelby County. Interstate highway right-of-way (which is zoned R-S15) is exempt from this measurement. If the distance requirement cannot be met, a special use permit is required except for those cases locating in the I-L and I-H districts. Electric transmission easements (containing towers and wires) are exempt from this measurement.

(2) The maximum tower height to be submitted for approval under an ASPR is two hundred (200) feet from ground level. Any tower over two hundred (200) feet will require a special use permit.

(3) If a church, school, community center, or other institutional uses fall within the five hundred (500) foot/one thousand five hundred (1,500) foot measurement area above, a special use permit application will be required.

(4) All CMCS towers must be spaced a minimum distance of one-quarter mile as measured from property line to property line. In the I-L and I-H districts, the spacing shall be measured from the leased area or property line.

(5) Any application for a new CMCS tower shall not be approved nor shall any building permit for a new CMCS tower be issued unless the applicant certifies that the CMCS equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or other structure due to one or more of the following reasons:

(a) The planned equipment would exceed the capacity of existing and approved structures, considering existing and planned use of those structures.

(b) The planned equipment would result in technical or physical interference with or from other existing or planned equipment.

(c) There are no appropriate existing or pending structures to accommodate the planned equipment, tak-

ing into account, among other factors, the applicant's system requirements.

(d) Other reasons that make it impractical to place equipment planned by the applicant on existing and approved structures.

(6) Any proposed tower shall be structurally designed to accommodate at least three additional CMCS sectorized antennae array if at least one hundred (100) feet in height, five additional CMCS sectorized antennas if at least one hundred fifty (150) feet in height or at least six additional CMCS sectorized antennas if at least one hundred seventy (170) feet in height. Colocated CMCS antennas shall be placed on a structure in such a manner as to avoid interference with or impairment of operations of existing antennas or other uses.

(7) Nothing in these rules and regulations shall obligate the owner of an existing tower to colocate additional antennas on such tower or be construed to interfere with or limit the rights of parties to set rent or establish other terms and conditions of the shared use of a CMCS tower or facility.

(8) Accessory facilities shall be permitted but may not include offices, long-term vehicle storage, other outdoor storage, or broadcast studios, except for emergency purposes or other uses that are not needed to send or receive transmissions.

(9) Existing on-site vegetation shall be preserved to the maximum extent practicable and shall be supplemented as required by the office of planning and development as necessary. Alternatives such as walls or fences may be permitted based on security or other reasons.

(10) Security fencing shall be required around the base and guy anchors of any towers.

(11) Towers shall not be artificially lighted unless:

(a) Required by the Federal Aviation Administration or other governmental authority;

(b) Circumstances make lighting appropriate for safety or other reasons unique to a specific application that are set forth in that application, but in no case shall any lighting shine into adjacent residential areas.

(12) Applications for all towers, including towers proposed within the I-L and I-H districts shall be subject to review by the Memphis-Shelby County airport authority within the area outlined by the following boundaries: I-240, Lamar Avenue, Getwell Road, State Line Road and I-55. The airport authority shall have a fourteen (14) day period to provide comments. The application may be appealed to the city council.

(13) Within the CBD zoning district, CMCS towers and facilities are subject to review and approval by the design review commission (DRC) of the Memphis center city commission. The action of the DRC may be appealed to the city council. The applicant may appeal directly to the city council if the DRC fails to act within six weeks.

(14) Within the central business improvement district (CBID) outside of CBD, applications for all towers including towers proposed within the I-L and I-H districts shall be subject to review by the Memphis center city commission. The center city commission shall have a fourteen (14) day period to provide comments. The application may be appealed to the city council.

(15) The application for ASPR approval shall include the following:

(a) A site plan drawn showing the property boundaries, tower, guy wire anchors (if any), existing structures, proposed transmission buildings and/or other accessory uses, access, parking, fences, a landscaping plan and existing abutting land uses around the site;

(b) A study from a professional engineer which specifies the tower height and design including a cross-section of the structure, demonstrates the tower's compliance with applicable structural standards, including a certification that the tower will withstand at a minimum sustained winds in accordance with the appropriate building code, and a description of the tower's capacity, including the number and type of antennas which it can accommodate;

(c) Written statements that the proposed tower will comply with regulations administered by the Federal Aviation Administration, Federal Communications Commission, and all applicable governmental bodies or that the tower is exempt from those regulations;

(d) A letter of intent committing the tower owner and his or her successors to allow shared use of the tower if capacity exists based on existing and planned use, and if a future applicant agrees in writing to pay any reasonable charge of shared use, the potential use is technically compatible and the future applicant is in good standing.

(16) The minimum setback requirements of Chart 2 shall apply to the equipment, structures, and other buildings which are auxiliary to functions of the CMCS tower. Exceptions to the minimum setback requirements may be permitted. The tower height shall not be used to calculate the minimum setback requirements.

(17) Should the office of planning and development not support the approval of the tower or facilities during the ASPR review written notice shall be provided to the applicant. The applicant may file an appeal within ten (10) days of receipt of the written decision at issue by giving a written request to the office of planning and development requesting a public hearing before the ap-

propriate legislative body(ies), subject to public notice to neighboring land owners within five hundred (500) feet if the site is located in the city or one thousand five hundred (1,500) feet if located in unincorporated Shelby County.

(18) Any CMCS tower and equipment shall be removed no later than one hundred eighty (180) days after ceasing operations.

1.B CMCS towers are permitted by right in the I-L and I-H districts provided the towers do not extend beyond two hundred (200) feet in height from ground level and the edge of the lot line or leaseable area cannot be closer than five hundred (500) feet from any property zoned (any R district) or used for residential use including the residential portion of a planned development and residential uses within the AG district within the city limits of Memphis and one thousand five hundred (1,500) feet in unincorporated Shelby County. If permitted by right, the minimum setback requirements of Chart 2 shall apply to the equipment, structures, and other buildings which are auxiliary to functions of the CMCS tower. Exceptions to the minimum setback requirements may be permitted subject to the approval of the building official. The tower height shall not be used to calculate the minimum building setback requirements. If closer than the five hundred (500) foot/one thousand five hundred (1,500) foot measurement criteria above, administrative site plan review shall be required based upon Footnote 1.A (ASPR approval criteria for CMCS towers and facilities) provided the tower is no more than two hundred (200) feet in height. If higher than two hundred (200) feet, a special use permit is required. Any CMCS tower and equipment shall be removed no later than one hundred eighty (180) days after ceasing operations. Applications for all towers, including towers proposed within the I-L and I-H districts shall be subject to review by the Memphis-Shelby County airport authority within the area outlined by the following boundaries: I-240, Lamar Avenue, Getwell Road, State Line Road and I-55. The airport authority shall have a fourteen- (14) day period to provide comments. The application may be appealed to the city council. Within the Central Business Improvement district (CBID) outside of CBD, applications for all towers including towers proposed within the I-L and I-H districts shall be subject to review by the Memphis center city commission. The center city commission shall have a fourteen (14) day period to provide comments. The application may be appealed to the city council.

2 Reserved.

3 A single dwelling unit shall be permitted as an accessory use in conjunction with a commercial or industrial use if such dwelling unit is attached to or located within the commercial or industrial building and is occupied by an employee of the business establishment occupying the commercial or industrial building.

4 Such use shall be an integral part of the college, university or hospital and designed and intended primarily to serve the students of such school or patient or employees of such hospital.

[5] Such use shall be located on the first floor or in the basement of a parking structure of three or more stories.

[6] Reserved.

[7] Such use shall be located in an office building of three or more stories or at least twenty-five thousand (25,000) square feet of floor area.

[8] Any development of four or more acres to be located in a nonresidential district shall require administrative site plan review and approval in accordance with the provisions of Chapter 16-28.

[9] A single office shall be permitted in a residential structure in the R-M districts subject to the issuance of a special use permit therefor in accordance with the provisions of Chapters 16-32 and 16-36.

[10] Reserved.

[11] Office uses in the O-L district shall be restricted to administrative, executive, professional, and research activities carried on by a single establishment and subject to site plan review and approval.

[12] Advertising signs permitted in the C-L district will be attached to a building wall and the maximum gross surface area of attached advertising signs in this district is limited to the area of the building walls to which they are attached.

[13] In those districts in which day care centers and group day care homes are permitted by right the following shall be required:

(1) The property shall be located:

(a) On a collector street;

(b) On a major road;

(c) On a minor street or private drive that serves only nonresidential uses or zoning districts; or

(d) On a minor street within one hundred (100) feet of an intersecting major street.

(2) Vehicular access shall be provided to permit vehicles to exit from the site without backing onto any street or sidewalk.

(3) Play areas and on-site parking areas shall be screened from adjacent residential properties by a minimum six-foot high sight-proof wooden fence or masonry wall or equivalent combination of fencing and/or land-

scaping approved by the office of planning and development.

(4) Required off-street parking shall be located on-site.

[14] Private sales are limited to two sales per dwelling unit each calendar year and the length of each permitted sale shall not exceed three consecutive days, except that the building official shall permit a third sale in any calendar year upon submission of sufficient proof of a change in ownership of the residential premises on which the sale is to be conducted.

[15] Where an existing principal building located within one hundred (100) feet of a lot is setback less than thirty (30) feet from the right-of-way line, a new principal building(s) or an extension thereof may be constructed at less than the required thirty (30) foot setback provided:

(1) The new construction is within one hundred (100) feet of an existing adjacent principal building(s) and is located on the same side of the same street and within the same block;

(2) The new construction is not closer to the right-of-way than the existing principal building(s) as specified above;

(3) The minimum setback permitted is fifteen (15) feet; and

(4) The buildable width of corner lots shall not be reduced to less than thirty (30) feet;

(5) That on any lot located within a designated local or national historic district the planning director or his or her designee may approve new construction to be located at the same setback as other structures in the district provided however that in no event shall the setback be less than fifteen (15) feet. The planning director shall, after consultation and written response from the building official and the responsible city or county engineer; determine that the modification of building setback is in character with the general pattern of existing structures, and will not obstruct the clear sight area as established by Section 16-120-5(B).

[16] A day care center shall be permitted as an accessory use in conjunction with the principal use of a property as a church, a public or private school or a public housing facility, provided the property contains a minimum of twenty thousand (20,000) square feet and otherwise conforms to the provisions of footnote 13 of this chart.

[17] A restaurant with sale of alcoholic beverages shall not require a special use permit and shall be permitted by right if the center most point of the property's street frontage is located greater than three hundred (300) feet from any AG, R-S, R-D, R-TH or R-ML district. If a lot has frontage on more than one street, the center point shall be determined as the median distance of the sum of street frontages.

[17.A] The outdoor sales of agricultural products shall conform to the location for outdoor retail sales as set forth in Section 16-36-4(B)(21) except the building official may waive the requirement for an on-premise host and approve a use meeting the definition of agricultural products, seasonal outdoor sales of pumpkins and Christmas trees without an on premise host if the needed support facilities are provided on the site including restrooms, trash receptacles, parking and access. The building official shall not approve agricultural products, seasonal outdoor sales of pumpkins and Christmas trees unless the site conforms to the location, parking and sign requirements for granting a special use permit for an outdoor retail vending facility including: (a) distance from public right-of-way; (b) distance from interstate ramps; (c) distance from intersections; (d) distance from residences; (e) parking; and (f) advertising devices. If the building official does not approve a proposed site for agricultural products, seasonal outdoor sales of pumpkins and Christmas trees, approval will require a special use permit.

[18] The outdoor sale of agricultural products shall conform to the location requirements for outdoor retail sales as set forth in Section 16-36-4(B)(21).

For purposes of C-N districts, no adult novelty sales are allowed.

[19] Such use will not be located within one thousand five hundred (1,500) feet of any schools, churches, parks, residential use or residential zoning district as measured between property lines or applicable zoning district boundaries or within one thousand five hundred (1,500) feet of any other adult entertainment use.

[20*] Manufactured homes shall be subject to administrative site plan review in the R-S8, R-S6, CBD, SMSD and CTSD districts. Administrative site plan review shall be governed by the provisions of Chapter 16-28, Site plan review, except an appeal of the building official's decision or conditions imposed by the building official shall be to the city council instead of the board of adjustment. Administrative site plan review shall be in accordance with the following criteria:

(a) The setback and orientation of the home shall conform with that of other homes in the subdivision or neighborhood.

(b) The home shall provide a driveway similar in length and location adjacent to the home as other existing homes in the subdivision or neighborhood. A carport or parking garage shall be provided if the predominance of other homes in the subdivision have these features.

(c) Existing trees on the lot shall be preserved as much as possible and new landscaping shall be added to provide a similar landscaped appearance as existing residential properties in the subdivision or neighborhood.

(d) All roof structures will have a minimum nominal 3/12 pitch and must provide an eave projection of no less than six inches, which may include a gutter. The roof must be finished with a type of shingle commonly used in site-built residential construction.

(e) Exterior wall materials and finishes must be comparable in composition, appearance and durability to those prevalently used in the subdivision or neighborhood. Vinyl and aluminum lap siding, wood, stucco, brick and similar masonry materials may be used. Reflectivity shall not exceed that of gloss white paint.

[21] No outdoor storage.

[22] No outdoor kennel.

[23*] The location of mobile coffee/cappuccino bars within the city shall conform to the following location requirements in addition to all of the location requirements contained in Section 9-52-230.

(a) Distance from public right-of-way. No mobile coffee/cappuccino bar shall locate less than fifteen (15) feet from any street right-of-way.

(b) Distance from interstate ramps. No mobile coffee/cappuccino bar shall locate less than one hundred (100) feet from an expressway, freeway, or interstate highway on or off ramp or within the access controlled area of the ramp extending along the cross street.

(c) Distance from intersections. No mobile coffee/cappuccino bar shall locate less than thirty (30) feet from the right-of-way any public street intersection.

(d) Distance from residences. No mobile coffee/cappuccino bar shall locate less than one hundred fifty (150) feet from property used or zoned for residential purposes, or from the residential portion of a planned unit development.

(e) Mobile coffee/cappuccino bars shall not be permitted to locate on vacant parcels or lots.

(f) Mobile coffee/cappuccino bars shall be located on the same site as, and shall share parking and sanitation facilities provided by the on-premise host.

[24] Used goods, and/or second hand sales are permitted by right in the local commercial or highway commercial districts if all of its associated sales, display, and/or storage of merchandise is located within the principal or accessory building. Any outdoor sale, display, or storage of merchandise shall require a special use permit.

[25] This use requires issuance of a certificate of occupancy, as appropriate under this zoning ordinance.

[26] This use requires issuance of a certificate of occupancy, as appropriate under this zoning ordinance.

* = Adopted by the City of Memphis only.

(Ord. 5026AM Attach. (part), 2004; Ord. 5026 § 2 (part), 2003; Ord. 5025 § 2 (part), 2003; Code 1985 Appx. A, Chart 1)

Chart 2

BULK REGULATIONS AND PERMITTED RESIDENTIAL DENSITIES

Footnotes for Chart 2 are found at the end of the chart.

District and Use	Minimum Lot Requirements Area (square feet)	Minimum Lot Requirements Width (feet)	Minimum Yard Requirements [7, 20, 23] Front (feet)	Minimum Yard Requirements [7, 20, 23] Side (feet)	Minimum Yard Requirements [7, 20, 23] Rear (feet)	Maximum Height [16] (feet)	Maximum Gross Density Per Acre (in units)	Land Use Intensity Ratios Maximum FAR	Land Use Intensity Ratios Minimum LSR	Land Use Intensity Ratios Minimum OSR
AG district:										
1. Single-family detached dwellings	43,560 (1 acre)	60	60	5	30	35	1.0	None	None	None
2. Institutional uses	1 acre	60	60	FN [1]	FN [1]	35	None	None	None	None
3. Country clubs	1 acre	60	60	FN [1]	FN [1]	35	None	None	None	None
4. Other uses	1 acre	60	60	FN [1]	FN [1]	35	None	None	None	None
R-E district: Dwellings and other uses	22,000	120	50 [22]	15	40	35	0.51	None	None	None
R-S15 district: Dwellings and other uses	15,000	100	30 [2]	5 [3]	25	35	2.9	None	None	None
R-S10 district: Dwellings and other uses	10,000	65	20 [2]	5	20 [2]	35	4.4	None	None	None
R-S8 district: Dwellings and other uses	8,000	60	20 [2]	5	20 [2]	35	5.4	None	None	None
R-S6 district: Dwellings and other uses	6,000	50	20 [2]	5	20 [2]	36	7.3	None	None	None
R-S6I district: Dwellings and other uses	See §§ 16-76-6 (E) and (F).									
R-D district:										
1. Single-family detached dwellings and other uses except	6,000	50	20 [2]	5	20 [2]	35	7.3	None	None	None
2. Two-family dwellings	6,000	50	30 [2]	5	25	35	14.6	None	None	None
3. Single-family attached dwellings 12	3,000	25	30 [2]	5 [4]	25	35	14.6	None	None	None
R-TH district:										
1. Single-family detached dwellings	6,000	50	20 [2]	5	20 [2]	35	7.3	None	None	None
2. Townhouse dwellings	2,500	16	30 [2]	5 [4]	25	35	12.0	.28	.48	.74
3. Two-family dwellings	6,000	50	30 [2]	5	25	35	14.6	None	None	None

District and Use	Minimum Lot Requirements Area (square feet)	Minimum Lot Requirements Width (feet)	Minimum Yard Requirements [7, 20, 23] Front (feet)	Minimum Yard Requirements [7, 20, 23] Side (feet)	Minimum Yard Requirements [7, 20, 23] Rear (feet)	Maximum Height [16] (feet)	Maximum Gross Density Per Acre (in units)	Land Use Intensity Ratios Maximum FAR	Land Use Intensity Ratios Minimum LSR	Land Use Intensity Ratios Minimum OSR
4. Single-family attached dwellings 12	3,000	25	30 [2]	5 [4]	25	35	14.6	None	None	None
5. Other uses	10,000	100	30 [2]	5	20	35	None	None	None	None
R-ML district:										
1. Single-family detached dwellings	6,000	50	20 [2]	5	20 2	35	7.3	None	None	None
2. Townhouse dwellings	2,500	16	30 [2]	5 [4]	25	35	15.0	.28	.48	.78
3. Two-family dwellings	5,500	50	30 [2]	5	25	35	15.8	None	None	None
4. Single-family attached dwellings 12	2,750	25	30 [2]	5 [4]	25	35	15.8	None	None	None
5. Multiple-family dwellings	10,000	100	30 [2]	FN [5]	FN [6]	35	15.0	.35	.45	.73
6. Other uses	10,000	100	30 [2]	5	20	35	None	None	None	None
R-MM district:										
1. Single-family detached dwellings	5,000	50	20 [2]	5	20 [2]	35	8.7	None	None	None
2. Townhouse dwellings	2,500	16	30 [2]	5 [4]	25	35	15.0	.28	.48	.74
3. Two-family dwellings	5,500	50	30 [2]	5	25	35	15.8	None	None	None
4. Single-family attached dwellings 12	2,750	25	30 [2]	5 [5]	25	35	15.8	None	None	None
5. Multiple-family dwellings	10,000	100	30 [2]	FN [5]	FN [6]	125	30.0	.75	.40	.69
6. Other uses	10,000	100	30 [2]	5	20	125	None	None	None	None
R-MH district:										
1. Single-family detached dwellings	5,000	50	20 [2]	5	20 [2]	35	8.7	None	None	None
2. Townhouse dwellings	2,400	16	30 [2]	5 [4]	25	35	18.2	.28	.48	.74
3. Two-family dwellings	4,800	50	30 [2]	5	25	35	18.2	None	None	None
4. Single-family attached dwellings 12	2,400	25	30 [2]	5 [4]	25	35	18.2	None	None	None
5. Multiple-family dwellings	10,000	100	30 [2]	FN 5	FN 6	None	75.0	1.75	.45	.68
6. Other uses	10,000	100	30 [2]	5	20	250	None	None	None	None

Chart 2

District and Use	Minimum Lot Requirements Area (square feet)	Minimum Lot Requirements Width (feet)	Minimum Yard Requirements [7, 20, 23] Front (feet)	Minimum Yard Requirements [7, 20, 23] Side (feet)	Minimum Yard Requirements [7, 20, 23] Rear (feet)	Maximum Height [16] (feet)	Maximum Gross Density Per Acre (in units)	Land Use Intensity Ratios Maximum FAR	Land Use Intensity Ratios Minimum LSR	Land Use Intensity Ratios Minimum OSR
R-MO district:										
1. Mobile homes	4,000	40	25 [2]	5	15	12	8.0	None	None	None
2. Recreation buildings	4,000		25 [2]	10	25	35	None	None	None	None
O-L district:										
1. Office and other uses except	5,000	50	30	5 [10]	20 [10]	35	None	None	None	None
2. Single-family detached dwellings	5,000	50	30 [2]	5	20	35	8.7	None	None	None
3. Two-family dwellings	5,500	50	30 [2]	5	25	35	15.8	None	None	None
4. Single-family attached dwellings 12	2,750	25	30 [2]	5 [4]	25	35	15.8	None	None	None
O-G district:										
1. Offices and other uses except	5,000	50	30 [2]	5 [10]	20 [10]	125	None	3.0	None	None
2. Single-family detached dwellings	5,000	50	30 [2]	5	20	35	8.7	None	None	None
3. Single-family attached dwellings 12	2,500	25	30 [2]	5 [4]	25	35	34.8	None	None	None
C-P and C-L districts:										
1. All uses except offices	None	None	30 [14, 15]	10 [8]	15 [24]	35	None	None	None	None
2. Offices	None	None	30 [14, 15]	10 [8]	15 [2]	35	None	1.5	None	None
C-H district:										
1. All uses except offices	None	None	30 [14, 15]	10 [8]	15 [2]	50 [13]	None	None	None	None
2. Offices	None	None	30 [14, 15]	10 [8]	15 [2]	50 [13]	None	3.0	None	None
CBD district:										
1. Single-family detached dwellings	5,000	50	None	5	15	35	8.7	None	None	None
2. Townhouse dwellings	1,200	16	None	5 [4]	15	35	36.3	.28	.48	.74
3. Two-family dwellings	2,500	36	None	5	15	35	34.8	None	None	None
4. Single-family attached dwellings 12	1,250	16	None	5 [4]	15	35	34.8	None	None	None
5. Multiple-family dwellings	None	None	None	None	None	Unlimited	None	1.75	.45	.68

District and Use	Minimum Lot Requirements Area (square feet)	Minimum Lot Requirements Width (feet)	Minimum Yard Requirements [7, 20, 23] Front (feet)	Minimum Yard Requirements [7, 20, 23] Side (feet)	Minimum Yard Requirements [7, 20, 23] Rear (feet)	Maximum Height [16] (feet)	Maximum Gross Density Per Acre (in units)	Land Use Intensity Ratios Maximum FAR	Land Use Intensity Ratios Minimum LSR	Land Use Intensity Ratios Minimum OSR
6. Offices	None	None	None	None	None	Unlimited	None	7.00	None	None
7. Commercial uses	None	None	None	None	None	Unlimited	None	7.00	None	None
8. Other uses	None	None	None	None	None	Unlimited	None	7.00	None	None
I-L district: All uses	None	60	30 [14, 15]	10 [8]	15	FN [9]	None	None	None	None
I-H district: All uses	None	60	30 [14, 15]	10 [8]	15	FN [9]	None	None	None	None
H district:										
1. Single-family detached dwellings	5,000	50	30 [2]	5	20	35	8.7	None	None	None
2. Townhouse dwellings	2,500	16	30 [2]	5 [4]	20	35	17.4	.28	.48	.74
3. Two-family dwellings	2,500	25	30 [2]	5	20	35	34.8	None	None	None
4. Single-family attached dwellings 12	1,250	16	None	5 [4]	15	35	34.8	None	None	None
5. Multiple-family dwellings	10,000	100	30 [2]	FN [5]	FN [6]	125	30.0	.75	.40	.69
6. Offices	5,000	50	30 [14, 15]	5 [10]	20 [10]	125	None	2.00	None	None
7. Hospitals	None	50	None	10 [10]	20 [10]	125	None	2.00	None	None
8. Other uses	5,000	50	30 [14, 15]	5 [10]	20 [10]	125	None	None	None	None
CU district:										
1. Single-family detached dwellings	5,000	50	30 [2]	5	20	35	8.7	None	None	None
2. Townhouse dwellings	2,500	16	30 [2]	5 [4]	20	35	17.4	.28	.48	.74
3. Two-family dwellings	2,500	25	30 [2]	5	20	35	34.8	None	None	None
4. Single-family attached dwellings 12	1,250	16	30 [2]	5 [4]	20	35	34.8	None	None	None
5. Multiple-family dwellings	10,000	100	30 [2]	FN [5]	FN [6]	125	30.0	.75	.40	.69
6. Offices	5,000	50	30 [14, 15]	5 [10]	20 [10]	125	None	2.00	None	None
7. Educational institutions	None	50	None	10 [10]	20 [10]	125	None	2.00	None	None
8. Other uses	5,000	50	30 [14, 15]	5 [10]	20 [10]	125	None	None	None	None
P district:										
1. Parking lots	5,000	50	FN [11]	5 [8]	5 [8]	None	None	None	None	None
2. Parking structure	5,000	50	30	10 [10]	15 [10]	50	None	None	None	None
FW district	None	None	50	None	None	None	None	None	None	None
C-N district	None	None	None	None	None	35 [21]	None	None	None	None

FOOTNOTES

[1] Buildings shall be set back from side and rear lot lines, two feet for each foot of building height.

[2] The minimum front yard setback set forth on Chart 2 shall apply except as follows.

(a) If the property has a front yard along a major road or parkway identified in the Major Road Plan a minimum forty-(40) foot front yard setback is required.

(b) If the property has a rear yard in a reverse frontage orientation along a major road or parkway identified in the Major Road Plan a minimum twenty-five (25) foot rear yard is required.

(c) If the property has a front yard along a major or minor collector street as defined by the subdivision regulations a minimum thirty (30) foot front yard setback is required.

(d) All subdivisions recorded prior to the date of approval of this zoning text amendment shall be governed by the required minimum thirty-(30) foot from yard and twenty-five- (25) foot rear yard setbacks unless a modification is approved by the land use control board to allow the reduced setbacks for the entire subdivision. Consideration of such modification shall require signature of all property owners. Appeal of land use control board action is to the appropriate local legislative body(ies).

(e) Approval of the reduced setbacks on individual lots created prior to the date of approval of this zoning text amendment shall be the jurisdiction of the board of adjustment.

(f) Lots along cul-de-sac streets serving twenty-five (25) or fewer dwelling units and where sidewalks are not required shall be allowed a minimum front yard setback of fifteen (15) feet.

[3] The minimum side yard allowed shall be five feet; provided, however, that the total number of feet combined of the side yards on each side of a dwelling or other use shall be fifteen (15) feet.

[4] The side yard requirements shall apply to only one side yard of the first and last attached houses in each set of attached houses. Each attached single-family dwelling shall have only one five-foot wide side yard.

[5] The size of the required side yard shall be the greater of ten (10) feet or the number of feet derived under the following formula for buildings on the perimeter of a multiple dwelling development. The size of the required side yard for buildings located on the interior of a multiple-family dwelling development shall be determined as follows:

(a) If a required side yard abuts a building wall which contains any living room windows, the size of the required yard shall be computed as follows: ten (10) feet plus two feet for every ten (10) feet of wall height and fraction thereof plus one foot for every fifteen (15) feet of wall length or fraction thereof.

(b) If a required side yard abuts a building wall which contains any window other than living room window, the size of the required yard shall be computed as follows: five feet plus one foot for every ten (10) feet of wall height and fraction thereof plus one foot for every fifteen (15) feet of wall length or fraction thereof.

(c) If a required side yard abuts a windowless building wall, the size of the required side yard shall be computed as follows: Five feet plus one foot for every ten (10) feet of a wall height and fraction thereof.

[6] The size of the required rear yard shall be the greater of twenty (20) feet or the number of feet derived under the following formula for buildings in the perimeter of the multiple-family dwelling development. The size of required rear yards for buildings located on the interior of a multiple-family dwelling shall be determined as follows:

(a) If a required rear yard abuts a building wall which contains any living room windows, the size of the required side yard shall be computed as follows: ten (10) feet plus two feet for every ten (10) feet of wall height and fraction thereof plus one foot for every fifteen (15) feet of wall length or fraction thereof.

(b) If a required rear yard abuts a building wall which contains any windows, other than living room windows, the size of the required yard shall be computed as follows: five feet plus one foot for every ten (10) feet of wall height and fraction thereof plus one foot for every fifteen (15) feet of wall length or fraction thereof.

(c) If a required rear yard abuts a windowless building wall, the size of the required rear yard shall be computed as follows: five feet plus one foot for every ten (10) feet of wall height and fraction thereof.

[7] A corner lot used for single-family purposes shall have two front yards and two side yards; i.e., no rear yard. A corner lot used for nonsingle-family purposes shall have two front yards, one side yard and one rear yard.

[8] The minimum side yard requirement shall apply only if the property abuts or is adjacent to property zoned or used for residential purposes or the residential portion of an approved planned development. Otherwise, no side yard is required.

[9] The maximum height for buildings located in the I-L and I-H district shall be one hundred (100) feet except

where property in the I-L and I-H district abuts or is adjacent to property zoned or used for residential purposes or the residential portion of an approved planned development, in which case the maximum height shall be forty-five (45) feet.

[10] The required side and rear yards adjacent to property zoned or used for residential purposes and the residential portion of an approved planned development shall be increased one foot for every foot of building height and fraction thereof above two stories.

[11] A minimum front yard of thirty (30) feet shall be required if the front yard of the property abuts or is adjacent to property zoned or used for residential purposes or the residential portion of a planned unit development; otherwise, a minimum front yard of five feet shall be required.

[12] Only two attached single-family dwellings are permitted in a building.

[13] Provided that the height limitations of property in the C-H zone which was formerly in C-3 commercial zone shall be no more restrictive than were the height limitations of the former C-3 commercial zone under the preexisting ordinance.

[14] Where an existing principal structure is set back less than forty-two (42) feet from the rights-of-way line, a new principal structure, or an extension thereof may be constructed at less than the required forty-two (42) foot setback provided:

(1) The new construction is within one hundred (100) feet of an existing principal structure and is located on the same side of the same street and within the same block;

(2) The new construction is not closer to the right-of-way than the existing principal building(s) as specified above;

(3) The minimum setback permitted is fifteen(15) feet from the proposed right-of-way line as indicated on the Memphis urban area transportation plan or forty-five (45) feet from the center line of a street not designated on the MUATS plan; and

(4) Landscaping shall be provided in accordance with Section 16-120-4(D) if parking is provided within the required front yard.

[15] Where an existing principal building is set back less than thirty (30) feet from the right-of-way line, a new principal building(s) or an extension thereof may be constructed at less than the required thirty- (30) foot setback provided:

(1) The new construction is within one hundred (100) feet of the existing principal building(s);

(2) The new construction is not closer to the right-of-way than the existing principal building(s) as specified above;

(3) The minimum setback permitted is fifteen (15) feet; and

(4) Landscaping shall be provided in accordance with Chapter 16-12.

[16] Church steeples, spires and belfries are permitted to exceed the maximum permitted height limitations.

[[17--19] Reserved.]

[20] Modification of required building setbacks may be approved by the director of planning and development (or designated representative) up to a maximum of ten (10) percent of the required building setback subject to the following criteria:

(1) A modified building setback shall not be approved unless a specific plan for placement of a building on the site is presented which justifies that the changed setback is needed to accommodate the development.

(2) The modified building setback shall not conflict with streets, sidewalks, easements or landscape requirements.

(3) The modified building setback shall not injure or damage the use, value or enjoyment of surrounding property or hinder or prevent the development of surrounding property.

[21] Maximum height - thirty-five (35) feet, except where abutting residential uses are less than thirty-five (35) feet, then height standard needs to be compatible with site plan review standards of Ordinance No. 5026AM.

[22] In the R-E district, attached garages facing the street shall not be permitted.

[23] Within the city a corner lot that is fifty (50) feet or less in width may be allowed one front yard setback of fifteen (15) feet subject to the following criteria:

(1) The second front yard shall conform with the requirements of the zoning ordinance.

(2) Along a major road, the fifteen (15) foot setback shall be subject to the approval of the land use control board.

(3) The building shall not encroach into utility, drainage or other easements.

(4) The building shall not block the vision triangle.

[24] When a commercial use abuts the rear yard of an existing or proposed residential use, the minimum rear yard setback for the commercial structure shall be twenty (20) feet for the first ten thousand (10,000) square feet of building, plus an additional five feet of setback for each additional ten thousand (10,000) square feet or fraction thereof of commercial building.

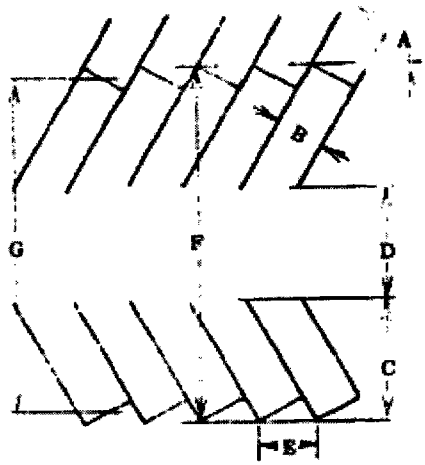
Chart 2

(Ord. 5026AM § 2 (part), 2004; Ord. 5026 § 2 (part), 2003; Ord. 5025 § 2 (part), 2003; Code 1985 Appx. A, Chart 2)

Chart 3

PARKING SPACE AND AISLE DESIGN REQUIREMENTS

A	B	C	D	E	F	G
0°	8'5"	9.0	11.0	23.0	30.0	—
0°	9'0"	9.0	11.0	23.0	30.0	—
20°	8'5"	15.0	11.0	26.3	41.0	32.5
20°	9'0"	15.0	11.0	26.3	41.0	32.5
30°	8'5"	16-9	11.0	17.0	44.8	37.5
30°	9'0"	17.3	11.0	18.0	45.6	37.8
40°	8'5"	19.4	13.5	12.0	52.3	46.3
40°	9'0"	19.8	13.0	12.7	52.5	46.5
60°	8'5"	20.7	18.5	9.8	59.9	55.8
60°	9'0"	21.0	18.0	10.4	60.0	55.5
70°	8'5"	20.8	19.5	9.0	61.0	58.2
70°	9'0"	21.0	19.0	9.6	61.0	57.9
80°	8'5"	20.2	22.0	8.6	62.4	60.9
80°	9'0"	20.3	22.0	9.1	62.6	61.0
90°	8'5"	19.0	22.0	8.5	60.0	60.0
90°	9'0"	19.0	22.0	9.0	60.0	60.0
90°	10'0"	18.0	24.0	10.0	60.0	60.0



A. Parking angle
B. Stall width
C. 19' stall to curb
D. Aisle width
E. Curb length per car
F. Center-to-center width of double row with aisle between
G. Curb to curb stall center

Chart 4

REQUIRED PARKING AND QUEUING SPACES BY USE

Use	Number of Parking and Queuing Spaces Required [1]
Dwellings:	
Single-family, detached and attached; townhouse; two-family dwellings and accessory dwelling units	a. 1 for each dwelling unit with 2 or less bedrooms b. 2 for each dwelling unit with more than 2 bedrooms
Multiple-family dwellings	a. In the R-ML district:
	1. 1.5 for each dwelling unit with 1 or less bedrooms
	2. 2 for each dwelling unit with 2 or more bedrooms
	b. In the R-MM, H and CU districts:
	1. 1.25 for each dwelling unit with 1 or less bedrooms
	2. 1.50 for each dwelling unit with 2 or more bedrooms
	c. In the R-MH district, 1.0 for each dwelling unit
Other housing:	
Boarding house	1 for each sleeping room
Home for the elderly	2 for each 3 beds or 3 spaces, whichever is greater
Mobile home	2 for each dwelling unit
Sororities and fraternities	1 for each 2 beds or 3 spaces, whichever is greater
Student dormitories	1 for each 2 beds or 3 spaces, whichever is greater
Transitional home	1 for each 3 beds or 3 spaces, whichever is greater
Institutional uses:	
Churches	1 for each 10 seats in the auditorium or sanctuary
Day care centers	1 for each 300 square feet of f.a. or 5 spaces whichever is greater plus 1.5 for each 2 employees employed on the largest shift
Family or group day care home	1.5 for each 2 employees employed on the largest shift plus 2
Hospital	1.5 for each bed
Lodge, club, and country club:	
a. With golf course	100 per each 9 holes in the golf course
b. With golf course and swimming pool	120 per each 9 holes in the golf course
c. Swimming pool only	1 for each 60 square feet of water area in the pool
d. Tennis and/or racquetball courts only 3	for each court
e. With swimming pool and tennis and/or racquetball courts	1 for each 60 square feet of water area in the pool plus 2 for each court
f. Lodge or club with none of the above facilities	1 for each 100 square feet of f.a. in the largest area of public assembly in the building
Museum	1 for each 300 square feet of f.a. plus 1 for each business vehicle
Philanthropic institution	1 for each 300 square feet f.a. plus 2 for each 3 beds
Nursing home	1 for each 2 beds plus 2 for visiting physicians plus 1 for each business vehicle
Public building	1 for each 300 square feet of f.a. plus 1 for each public vehicle

Use	Number of Parking and Queuing Spaces Required [1]
Recreational field	10 for every acre of land devoted to the field plus 1 for every 4 spectator seats
Schools, public or private:	
a. Kindergarten and nursery	1 for each 5 children
b. Grades 1 through 9	2 for each classroom or 1 for each 5 seats in the school's auditorium, whichever is greater
c. Grades 10 through 12	5 for each classroom or 1 for each 5 seats in the school's auditorium, whichever is greater
d. College and university	8 for each classroom or 1 for each 300 square feet of f.a. of each university or college building, whichever is greater
Agricultural:	
Any use classified as agricultural on chart 1	1.5 for each 2 employees employed on the largest shift
Commercial:	
Adult entertainment	1 for each 100 square feet of f.a. plus 1 for each 4 seats or 7 spaces, whichever is greater
Amusements, commercial indoor	1 for each 100 square feet of f.a. or 1 for each 4 seats or 7 spaces, whichever is greater
Amusements, commercial outdoor	5 for every hole for golf courses, 2 for every hole for miniature golf courses, 2 for every tee or target for golf driving or archery ranges, 10 for every acre of land included within a zoning lot of the premises where a skateboard, motorbike or motorcycle course or water or aquatic slide or amusement park is located
Art studio or gallery or photo studio	1 for each 500 square feet of f.a. or 5 spaces, whichever is greater
Automobile service station	1 for each 500 square feet of f.a. plus 1 for each business vehicle and 2 for each grease rack or indoor service stall
Bakery, retail	1 for each 500 square feet of f.a. or 5 spaces, whichever is greater
Bank, without drive-in	1 for each 300 square feet of f.a. or 5 spaces, whichever is greater
Bank, with drive-in	1 for each 300 square feet of f.a. or 5 spaces, whichever is greater, plus 4 queue spaces for each drive-in teller or station, which queue spaces shall be provided in an exclusive queue lane with only one-way circulation which shall be separated from driveways leading to off-street parking spaces
Barber or beauty shop	3 for every employee employed on the largest shift
Boat rental, sale, storage or repair	1 for each 500 square feet of f.a.
Business school	8 for each classroom located within such school
Campground or travel trailer	1 for each campsite or travel park trailer space or pad
Catering establishment	1 for each 500 square feet of f.a. plus 1 for each delivery vehicle or 5 spaces, whichever is greater
Cleaning establishment	1 for each 500 square feet of f.a. plus 1 for each delivery vehicle or 5 spaces, whichever is greater
Cleaning pickup station	1 for each 300 square feet of f.a. or 5 spaces, whichever is greater
Department or discount store	1 for each 400 square feet of f.a. plus 1 for every business vehicle
Drive-in theater	1.5 for each 2 employees on the largest shift
Financial services with or without drive-in	1 for each 300 square feet of f.a. or 5 spaces, whichever is greater plus 4 queue spaces for each drive-in teller or station
Flower or plant store	1 for each 300 square feet of f.a. plus 1 for each business vehicle or 4 spaces, whichever is greater
Furniture store	1 for each 600 square feet of f.a. plus 1 for every business vehicle
Garage, commercial	1.5 for each 2 employees employed on the largest shift

Chart 4

Use	Number of Parking and Queuing Spaces Required [1]
Gasoline sales	1.5 for each 2 employees employed on the largest shift
General service and repair	1 for each 300 square feet of f.a. or 5 spaces, whichever is greater
Greenhouse or nursery, commercial	1 for each 2 acres of land included within the zoning lot of the premises where the greenhouse or nursery is located or 5 spaces, whichever is greater, plus 1 for each business vehicle
Hotel or motel	1 for each bedroom located on the premises
Lawn, tree, or garden service	1.5 for each 2 employees employed on the largest shift plus 1 for each business vehicle
Lumberyard	1 for each 500 square feet of retail sales area plus 1 for each 20,000 square feet of warehouse area plus 1 for each 5,000 square feet of open storage area or 5 spaces, whichever is greater
Medical or dental office or clinic	3 for each doctor plus 1 for each employee, excluding doctors, employed
Mobile home sales	1 for each 2 acres of land included within the zoning lot of the premises where the mobile home sales is located or 5 spaces, whichever is greater, plus 1 for each business vehicle
Motor vehicle sales or service	2 for each indoor service stall provided on the premises or 1 for each 500 square feet of f.a., whichever is greater
Music or dancing academy	1 for each 300 square feet or 5 spaces, whichever is greater
Office	1 for each 300 square feet of f.a. plus 1 for each business vehicle
Pawnshop	1 for each 300 square feet or 5 spaces, whichever is greater
Personal service establishment	1 for each 300 square feet of f.a.
Plumbing shop	1 for each 500 square feet of f.a. plus 1 for each business vehicle
Sheet metal shop	1 for each 500 square feet of f.a. plus 1 for each business vehicle
Radio or television studio	1 for each 400 square feet of f.a. plus 1 for each business vehicle
Restaurant, nightclub, tavern or cocktail lounge	1 for each 100 square feet of f.a. or 1 for every 2 seats provided on the remises; whichever is greater
Restaurant, carry-out	1 for each 100 square feet of f.a. or 1 for every 2 seats provided on the premises, whichever is greater, plus 10 queue spaces for the first drive-in window and 5 queue spaces for each additional service window, which queue spaces shall be provided between the street right-of-way and the drive-in carry-out window in an exclusive queue lane with only one-way circulation which shall be separated from driveways leading to off-street parking spaces
Restaurant, drive-in	1 for every 100 square feet of f.a. or 1 for every 2 seats provided on the premises, whichever is greater
Retail sales, outdoor	1 for each 300 square feet of display area, or 5 spaces, whichever is greater, plus 1 space for each business vehicle
Retail shop	1 for each 300 square feet of f.a. or 5 spaces, whichever is greater, plus 1 for each business vehicle
Undertaking establishment	1 for each 100 square feet of f.a.
Used goods or secondhand sales	1 for each 300 square feet of f.a. or 5 spaces, whichever is greater, plus 1 for each business vehicle
Vehicle wash	1.5 for each 2 employees employed on the largest shift plus 10 queue spaces or 5 queue spaces for each wash stall at a completely self-service facility
Veterinary clinic	1 for each 300 square feet of f.a.
Warehouse	1.5 for each 2 employees employed on the largest shift plus 1 for each business vehicle
Wholesale display	1 for each 1000 square feet of f.a. or 5 spaces, whichever is greater
Industrial:	

Use	Number of Parking and Queuing Spaces Required [1]
Automotive dismantlers and recyclers, scrap metal processors, scrap processing yard and secondary material dealers	1 for each 1000 square feet of f.a. or 1 for each 8000 square feet of gross lot area, whichever is applicable
Contractor's yard or enclosed storage	1.5 for each 2 employees employed on the largest shift plus 1 for each business vehicle
Any other use classified as industrial on Chart 1	1.5 for each 2 employees employed on the largest shift plus 1 for each business vehicle
Transportation and public utilities:	
Airline terminal, freight, service facility or bus terminal, service facility	1 for every 100 square feet of waiting area or room space, plus 1.5 for each 2 employees employed on the largest shift and 1 for each business vehicle
Telephone service center	1 for each 1000 square feet of f.a.
Any other use classified under transportation and public utilities on chart 1	1.5 for each 2 employees employed on the largest shift plus 1 for each business vehicle
Other:	
Bingo games	1 for every 100 square feet of f.a. in the building where such bingo games are held
Metal, sand, stone, gravel, clay, mining, and other related processing	1.5 for each 2 employees employed on the largest shift plus 1 for each business vehicle
Warehouse, self-service or mini-storage	Parking/driving lanes which provide access to individual units shall be a minimum of 20 feet wide for one-way and 24 feet wide if they are two-way. In addition, 1 for each 300 square feet of office floor area or five spaces whichever is greater
Post-office or postal facility	1 for each 200 square feet of f.a. plus 1 for each business vehicle
Wholesale establishment	1.5 for each 2 employees employed on the largest shift plus 1 for each business vehicle

[1]f.a. = floor area

CHART 5

REQUIRED LOADING SPACES BY USE AND ZONING DISTRICT

Use	District	Number of Loading Spaces Required
Multiple-family dwellings	CBD	1 for multiple dwelling buildings with 25 to 75 dwelling units; 2 for multiple dwelling buildings with 76 to 149 dwelling units and 3 for multiple dwelling buildings with 150 or more dwelling units
Retail, service, wholesale or institutional establishment	Any district	1 for any such use with 10,000 square feet or more of floor area plus 1 additional for each additional 10,000 square feet of floor area or fraction thereof
Manufacturing, processing, storage or distribution establishment	I-L and I-H	1 for any such use with 20,000 square feet or more of floor area plus 1 additional for each additional 20,000 square feet of floor area or fraction thereof

STATUTORY REFERENCES
FOR
METROPOLITAN GOVERNMENT IN TENNESSEE

The statutory references listed below refer the code user to state statutes applicable to metropolitan government in Tennessee. They are up to date through July, 2008.

General Provisions

Adoption and provisions of charter
T.C.A. Title 7, Ch. 2

Municipal powers generally
T.C.A. Title 6, Ch. 54

Metropolitan government powers generally
T.C.A. Title 7, Ch. 3

Change of boundaries
T.C.A. Title 6, Ch. 51

Civil districts
T.C.A. § 7-1-105

Ordinances and codes
T.C.A. §§ 6-54-501—6-54-511

Adoption by reference of standard codes
T.C.A. § 6-54-119

Police authority and penalties for violations
T.C.A. §§ 6-54-301—6-54-306

Enforcement of ordinances—Citations and warrants
T.C.A. §§ 7-3-501—7-3-508

Penalty limits
T.C.A. § 7-3-507

Fines
T.C.A. §§ 40-24-101—40-24-109

Municipal elections
T.C.A. Title 6, Ch. 53

Holidays
T.C.A. Title 15

Eminent domain
T.C.A. § 6-54-122

Administration

Officers, departments, boards, commissions
T.C.A. §§ 7-2-108(a)(11)—(16)

Fire departments
T.C.A. Title 5, Ch. 17

Private fire companies
T.C.A. Title 7, Ch. 38

Compensation of local officials
T.C.A. §§ 7-51-301 et seq.

Hearing Officer Act
T.C.A. Title 7, Ch. 7

Courts and judicial functions
T.C.A. § 7-3-311 and T.C.A. Title 16 Chs. 16—18

Travel and expenses
T.C.A. §§ 6-54-901—6-54-907

Personnel

Employee compensation and indemnification
T.C.A. §§ 7-51-201 et seq.

Civil service and retirement systems
T.C.A. § 7-2-108(a)(17)

Personnel policies
T.C.A. § 6-54-123

Revenue and Finance

Privilege taxes
T.C.A. §§ 7-3-201—7-3-204; T.C.A. Title 67, Ch. 4

Sales and use taxes
T.C.A. Title 67, Ch. 6

Taxing powers generally
T.C.A. Title 6, Ch. 55

Real property tax deferral
T.C.A. Title 7, Ch. 64

Receipt and management of funds
T.C.A. Title 5, Ch. 8

Authorized investments
T.C.A. § 6-56-106

Special assessments
T.C.A. Title 7, Ch. 32

Municipal bonds
T.C.A. Title 7, Ch. 33

Tourist accommodation tax
T.C.A. Title 7, Ch. 4

Fiscal affairs generally
T.C.A. Title 6, Ch. 56

Audits required
T.C.A. §§ 6-56-101 et seq.

Municipal Budget Law of 1982
T.C.A. §§ 6-56-201—6-56-212

Municipal Purchasing Law of 1983
T.C.A. §§ 6-56-301—6-56-307

Local government public obligations law
T.C.A. Title 9 Ch. 21

Business Licenses and Regulations

Licensing and taxing powers
T.C.A. Title 6, Ch. 55

Cable television
T.C.A. Title 7, Ch. 59

Alcoholic Beverages

Generally
T.C.A. Title 57

Local option
T.C.A. Title 57, Chs. 2, 3

Municipal inspection fees
T.C.A. §§ 57-3-501—57-3-504

Beer and alcoholic beverages containing less than five percent alcohol
T.C.A. Title 57, Ch. 5

Animals

Generally
T.C.A. Title 44

Dogs and cats
T.C.A. Title 44, Ch. 17

Rabies
T.C.A. Title 68, Ch. 8

Health and Safety

Resource recovery and solid waste disposal
T.C.A. Title 7, Ch. 58; T.C.A. Title 68, Ch. 211

Metropolitan hospital authorities
T.C.A. Title 7, Ch. 57

Ambulance services
T.C.A. Title 7, Ch. 61

Local health services
T.C.A. Title 68, Ch. 2

Vital records
T.C.A. Title 68, Ch. 3

Water and sewage
T.C.A. Title 68, Ch. 221

Fire prevention
T.C.A. Title 68, Ch. 102

Fireworks
T.C.A. Title 68, Ch. 104

Air pollution control
T.C.A. Title 68, Ch. 201

Hazardous substances
T.C.A. Title 68, Ch. 131

Food, Drug and Cosmetic Act
T.C.A. Title 53

Public Peace, Morals and Welfare

State criminal code
T.C.A. Title 39

Police authority and penalties
T.C.A. §§ 6-54-301 et seq.

Enforcement
T.C.A. §§ 6-54-401, 6-54-402

Certain offenses preempted by state law
T.C.A. § 7-3-312

Vehicles and Traffic

Motor vehicle fees
T.C.A. §§ 7-51-702, 7-51-703

Rules of the road
T.C.A. Title 55, Ch. 8

Size, weight and load
T.C.A. Title 55, Ch. 7

Traffic citations
T.C.A. Title 7, Ch. 63

Vehicle equipment
T.C.A. Title 55, Ch. 9

Accidents, arrests, crimes and penalties
T.C.A. Title 55, Ch. 10

Abandoned vehicles
T.C.A. Title 55, Ch. 16

Streets, Sidewalks and Public Places

Streets and other public improvements
T.C.A. Title 7, Ch. 31

Improvements by special assessments
T.C.A. Title 7, Ch. 32

Central business improvement districts
T.C.A. Title 7, Ch. 84

Transportation systems
T.C.A. Title 7, Ch. 56

Metropolitan Government Port Authority Act
T.C.A. Title 7, Ch. 5

Water, Sewers and Other Public Services

Municipal utilities
T.C.A. Title 7, Ch. 34; T.C.A. §§ 7-51-401 et seq.

Sewers and waterworks
T.C.A. Title 7, Ch. 35

Municipal electric plants
T.C.A. Title 7, Ch. 52

Sanitary districts
T.C.A. Title 7, Ch. 81

Utility districts
T.C.A. Title 7, Ch. 82

Power districts
T.C.A. Title 7, Ch. 83

Buildings and Construction

Building regulations
T.C.A. Title 68, Ch. 120

Demolition of unoccupied buildings
T.C.A. § 7-3-305

Zoning

County zoning
T.C.A. §§ 13-7-101 et seq.

Municipal zoning
T.C.A. §§ 13-7-201 et seq.

Historic zoning
T.C.A. §§ 13-7-401 et seq.

PRIOR CODE CROSS-REFERENCE TABLE

This table provides users with the legislative history and the current disposition of the sections in the Code of Ordinances of Memphis, Tennessee.

Thus, prior code Section 1-2 appears in this code in Section 1.04.020.

The legislative history information was derived from the Code of Ordinances of Memphis, Tennessee, comprising the general ordinances of the city enacted through Ordinance 5003.

Prior Code §	Ordinance History	Herein
1-1		1-4-1
1-2		1-4-2
1-3	Code 1967 § 1-3	1-4-3
1-4	Code 1967 § 1-4	1-4-4
1-5	Code 1967 § 1-5	1-8-1
1-6	Code 1967 § 1-6	1-8-2
1-7	Code 1967 § 1-7	1-8-3
1-8	Code 1967 § 1-8; Ord. 4116 § 1, 7-7-92	1-24-1
1-9	Code 1967 § 1-9	1-24-2
1-10	Code 1967 § 1-11	1-4-5
1-11		1-4-6
2-1	Code 1967 § 2-9.1; Ord. 63 § 1, 11-21-67; Res. of 12-12-67 §§ 1—5; Ord. 217 § 1, 7-23-68; Ord. 1352 §§ 1, 2, 7-5-72; Ord. 2358 §§ 1, 2, 12-30-75	3-4-1
2-2	Code 1967 § 2-12; Ord. 1268 § 1, 5-2-72; Ord. 1345 § 1, 6-27-72	3-4-2
2-3	Code 1967 § 2-9; Ord. 7-29 § 1, 6-9-70; Ord. 1049 §§ 1—3, 9-7-71; Ord. 1151 § 1, 1-11-72; Ord. 4339 § 1, 7-18-95	3-4-3
2-4—2-15		Reserved
2-16	Code 1967 § 2-2	2-2-1
2-17	Ord. 4301, 1-17-95	2-2-2
2-18—2-30		Reserved
2-31	Code 1967 § 2-20	2-4-1
2-32	Code 1967 § 2-21	2-4-2
2-33	Code 1967 § 2-22	2-4-3
2-34	Code 1967 § 2-23	2-4-4
2-35	Code 1967 § 2-24	2-4-5
2-36	Code 1967 § 2-25	2-4-6
2-37	Code 1967 § 2-26	2-4-7
2-38	Code 1967 § 2-27	2-4-8
2-39	Code 1967 § 2-29	2-4-9
2-40	Code 1967 § 2-30	2-4-10
2-41	Code 1967 § 2-28	2-4-11
2-42	Code 1967 § 2-31; Ord. 2168 §§ 2—4, 11-12-74; Ord. 2866 §§ 1—3, 5-8-79	2-4-12
2-43—2-55		Reserved
2-56	Code 1967 § 2-41	2-6-1
2-57	Code 1967 § 2-44	2-6-2
2-58	Code 1967 § 2-45	2-6-3
2-59	Code 1967 § 2-46	2-6-4
2-60	Code 1967 § 2-47	2-6-5
2-61	Code 1967 § 2-48	2-6-6
2-62	Code 1967 § 2-49; Ord. 2040, 5-16-67	2-6-7

Prior Code §	Ordinance History	Herein
2-63—2-70		Reserved
2-71	Code 1967 § 2-59	2-8-1
2-72	Code 1967 § 2-60	2-8-2
2-73	Code 1967 § 2-61	2-8-3
2-74	Code 1967 § 2-62	2-8-4
2-75	Code 1967 § 2-63	2-8-5
2-76	Code 1967 § 2-64	2-8-6
2-77	Code 1967 § 2-67	2-8-7
2-78—2-85		Reserved
2-86	Ord. 4934, 3-5-02	12-72-1
2-87	Ord. 4934, 3-5-02	12-72-2
2-88	Ord. 4934, 3-5-02	12-72-3
2-89	Ord. 4934, 3-5-02	12-72-4
2-90	Ord. 4934, 3-5-02	12-72-5
2-91—2-109		Reserved
2-110	Ord. 4764 §§ 2, 3, 4-25-00	2-66-1
2-111—2-115		Reserved
2-116	Code 1967 § 2-206; Ord. 660 § 2, 3-17-70; Ord. 3057 § 1, 9-9-80; Ord. 3272 § 1, 3-1-82	2-38-1
2-117	Code 1967 § 2-207; Ord. 660 § 2, 3-17-70; Ord. 3272 § 1, 3-1-82	2-38-2
2-118	Code 1967 § 2-208; Ord. 660 § 2, 3-17-70; Ord. 2023 § 1, 4-16-74; Ord. 3272 § 1, 3-1-82	2-38-3
2-119—2-125		Reserved
2-126	Code 1967 § 2-189; Ord. 659 § 2, 3-17-70	2-68-1
2-127	Code 1967 § 2-190; Ord. 659 § 2, 3-17-70; Ord. 3272 § 1, 3-1-82	2-68-2
2-128	Code 1967 § 2-191; Ord. 659 § 2, 3-17-70	2-68-3
2-129	Code 1967 § 2-192; Ord. 659 § 2, 3-17-70	2-68-4
2-130	Code 1967 § 2-193; Ord. 659 § 2, 3-17-70	2-68-5
2-131	Code 1967 § 2-194; Ord. 659 § 2, 3-17-70	2-68-6
2-132	Code 1967 § 2-195; Ord. 659 § 2, 3-17-70	2-68-7
2-133—2-140		Reserved
2-141	Code 1967 § 2-219	2-70-1
2-142	Code 1967 § 2-220; Ord. 4609 § 1, 9-1-98	2-70-2
2-143	Code 1967 § 2-221	2-70-3
2-144	Code 1967 § 2-222	2-70-4
2-145	Code 1967 § 2-223	2-70-5
2-146	Code 1967 § 2-224	2-70-6
2-147	Code 1967 § 2-225	2-70-7
2-148	Code 1967 § 2-226	2-70-8
2-149, 2-150		Reserved
2-151	Code 1967 § 2-169; Ord. 3525 § 1(1), 3-4-86	2-72-1
2-152	Code 1967 § 2-170; Ord. 1550 § 1, 7-20-65; Ord. 3525 § 1(2), 3-4-86	2-72-2
2-153	Code 1967 § 2-171	2-72-3
2-154	Code 1967 § 2-172	2-72-4
2-155	Code 1967 § 2-173	2-72-5
2-156	Code 1967 § 2-174	2-72-6
2-157	Code 1967 § 2-175; Ord. 3525 § 1(3), 3-4-86	2-72-7
2-158	Code 1967 § 2-176	2-72-8
2-159	Code 1967 § 2-177	2-72-9
2-160	Code 1967 § 2-178; Ord. 3525 § 1(4), 3-4-86	2-72-10

Prior Code §	Ordinance History	Herein
2-161—2-170		Reserved
2-171	Code 1967 § 2-311; Ord. 2891 § 1(a), (b), (d), 7-3-79; Ord. 3085 § 1, 11-25-80; Ord. 3100 § 1, 2-24-81; Ord. 4330, 6-6-95; Ord. 5150 (part), 2006	2-74-1
2-172	Code 1967 § 2-312; Ord. 2891 § 1(e), 7-3-79; Ord. 3100 § 1, 2-24-82; Ord. 3601 § 1, 9-2-86; Ord. 4330, 6-6-95; Ord. 5150 (part), 2006	2-74-2
2-173	Code 1967 § 2-313; Ord. 2891 § 1(g), 7-3-79; Ord. 3601 § 2, 9-2-86; Ord. 4330, 6-6-95; Ord. 5150 (part), 2006	2-74-3
2-174	Code 1967 § 2-314; Ord. 2891 § 1(f), 7-3-79; Ord. 3085 § 2, 11-25-80; Ord. 4330, 6-6-95; Ord. 5150 (part), 2006	2-74-4
2-175	Code 1967 § 2-315; Ord. 2891 § 1(h), 7-3-79; Ord. 3085 § 3, 11-25-80; Ord. 3100 § 2, 2-24-81; Ord. 4330, 6-6-95; Ord. 5150 (part), 2006	2-74-5
2-176	Code 1967 § 2-316; Ord. 2891 § 1(c), 7-3-79; Ord. 4330, 6-6-95; Ord. 5150 (part), 2006	2-74-6
2-177—2-200		Reserved
2-201	Code 1967 § 2-350; Ord. 3276 § 1, 3-15-83	2-40-1
2-202	Code 1967 § 2-351; Ord. 3276 § 1, 3-15-83	2-40-2
2-203	Code 1967 § 2-352; Ord. 3276 § 1, 3-15-83	2-40-3
2-204	Code 1967 § 2-353; Ord. 3276 § 1, 3-15-83	2-40-4
2-205	Code 1967 § 2-354; Ord. 3276 § 1, 3-15-83	2-40-5
2-206	Code 1967 § 2-355; Ord. 3276 § 1, 3-15-83	2-40-6
2-207	Code 1967 § 2-356; Ord. 3276 § 1, 3-15-83	2-40-7
2-208—2-215		Reserved
2-216	Code 1967 § 2-360; Ord. 3276 § 1, 3-15-83	2-60-1
2-217	Code 1967 § 2-361; Ord. 3276 § 1, 3-15-83	2-60-2
2-218	Code 1967 § 2-362; Ord. 3276 § 1, 3-15-83	2-60-3
2-219	Code 1967 § 2-363; Ord. 3276 § 1, 3-15-83	2-60-4
2-220	Code 1967 § 2-364; Ord. 3276 § 1, 3-15-83	2-60-5
2-221	Ord. 3421 § 1, 11-13-84; Ord. 4397 § 3, 3-5-96; Ord. 4740 § II, 2-15-00	2-22-1
2-222	Ord. 3421 § 1, 11-13-84	2-22-2
2-223	Ord. 3421 § 1, 11-13-84	2-22-3
2-224	Ord. 3421 § 1, 11-13-84	2-22-4
2-225	Ord. 3421 § 1, 11-13-84; Ord. 4397 § 3, 3-5-96; Ord. 4740 § II, 2-15-00	2-22-5
2-226	Ord. 3421 § 1, 11-13-84	2-22-6
2-227	Ord. 3421 § 1, 11-13-84; Ord. 3585 § 1, 9-2-86; Ord. 3746 § 1, 5-3-88; Ord. 3877 § 1, 6-27-89; Ord. 4536 § 1, 10-21-97; Ord. 5109 § 1, 2005	2-22-7
2-228	Ord. 3974 § 1, 7-31-90; Ord. 4241 § 1, 2-22-94	2-22-8
2-229	Ord. 4151 § 1, 12-29-92	2-76-1
2-230	Ord. 4151 § 2, 12-29-92	2-76-2
2-231	Ord. 4151 § 3, 12-29-92	2-76-3
2-232	Ord. 4151 § 4, 12-29-92	2-76-4
2-233	Ord. 4151 § 5, 12-29-92	2-76-5
2-234	Ord. 4151 § 6, 12-29-92	2-76-6
2-235	Ord. 4151 § 7, 12-29-92	2-76-7
2-235.1	Ord. 4151 § 8, 12-29-92	2-76-8
2-236	Ord. 4405, 5-7-96	2-78-1
2-237	Ord. 4405, 5-7-96	2-78-2
2-238	Ord. 4405, 5-7-96	2-78-3
2-239		Reserved
2-240	Ord. 4762 § 1, 6-6-00	2-42-1
2-240.1	Ord. 4762 § 1, 6-6-00	2-42-2

Prior Code §	Ordinance History	Herein
2-240.2	Ord. 4762 § 1, 6-6-00	2-42-3
2-240.3	Ord. 4762 § 1, 6-6-00	2-42-4
2-240.4	Ord. 4762 § 1, 6-6-00	2-42-5
2-240.5	Ord. 4762 § 1, 6-6-00	2-42-6
2-240.6	Ord. 4762 § 1, 6-6-00	2-42-7
2-240.7—2-240.9		Reserved
2-240.10	Ord. 4869 § 1, 6-5-01	5-36-1
2-240.11	Ord. 4869 § 2, 6-5-01	5-36-2
2-240.12	Ord. 4869 § 3, 6-5-01	5-36-3
2-240.13	Ord. 4869 § 4, 6-5-01	5-36-4
2-240.14	Ord. 4869 § 5, 6-5-01	5-36-5
2-240.15	Ord. 4869 § 6, 6-5-01	5-36-6
2-240.16	Ord. 4869 § 7, 6-5-01	5-36-7
2-240.17	Ord. 4869 § 8, 6-5-01	5-36-8
2-241—2-245		Reserved
2-246	Code 1967 § 2-244; Ord. 278, 6-9-70; Ord. 2156 § 1, 10-22-74	2-80-1
2-247—2-250		Reserved
2-251		2-80-2
2-252—2-255		Reserved
2-256	Code 1967 § 2-325; Ord. 3104 § 1, 3-17-81; Ord. 4380 12-19-95	2-20-1
2-257	Code 1967 § 2-370; Ord. 3288 § 1, 4-5-83; Ord. 4245 § 1, 3-22-94	2-20-2
2-258	Ord. 3509 §§ 1—4, 11-5-85	2-20-3
2-259	Ord. 3838 § 1, 1-31-89	2-20-4
2-260—2-270		Reserved
2-271	Code 1967 § 2-1	5-4-1
2-272	Code 1967 § 2-4	5-4-2
2-272.1	Code 1967 § 2-4.1; Ord. 3305 § 1, 5-4-83	5-4-3
2-273	Code 1967 § 2-5; Ord. 2206 § 1, 1-28-75	5-4-4
2-274	Code 1967 § 2-5.1; Ord. 2452 § 1, 6-29-76; Ord. 2588 § 1, 4-26-77; Ord. 3363 § 1, 2-21-84; Ord. 3602 § 1, 9-9-86	5-4-5
2-275	Code 1967 § 2-6	5-4-6
2-276	Code 1967 § 2-7	5-4-7
2-277	Code 1967 § 2-8; Ord. 4473 § 1, 1-21-97	5-4-8
2-277.1	Ord. 3615 § 1, 12-9-86	5-4-9
2-278	Code 1967 § 2-10	5-4-10
2-279	Code 1967 § 2-11	5-4-11
2-280—2-290		Reserved
2-291	Ord. 4381 § 1, 12-19-95	2-16-1
2-292—2-300		Reserved
2-301	Code 1967 § 2-131	2-18-1
2-302	Code 1967 § 2-132	2-18-2
2-303	Code 1967 § 2-133	2-18-3
2-304	Code 1967 § 2-134	2-18-4
2-305	Code 1967 § 2-135	2-18-5
2-306	Code 1967 § 2-136	2-18-6
2-307	Code 1967 § 2-137	2-18-7
2-308—2-315		Reserved
2-316	Code 1967 § 2-115	5-32-1
2-317	Code 1967 § 2-116	5-32-2
2-318	Code 1967 § 2-117	5-32-3

Prior Code §	Ordinance History	Herein
2-319	Code 1967 § 2-118	5-32-4
2-320	Code 1967 § 2-119	5-32-5
2-321	Code 1967 § 2-120	5-32-6
2-322—2-324		Reserved
2-325	Ord. 4388, 2-20-96	6-92-1—6-92-6
2-326	Ord. 4388, 2-20-96	6-92-7
2-327	Ord. 4388, 2-20-96	6-92-8
2-328	Ord. 4388, 2-20-96	6-92-9
2-329		Reserved
2-330	Ord. 4388, 2-20-96	6-92-10
2-331	Ord. 4388, 2-20-96; Ord. 4866 § 1, 6-5-01	6-92-11
2-332	Ord. 4222 § 1, 10-12-93; Ord. 4246 § 1, 3-29-94; Ord. 5114 § 1, 2005	6-96-1—6-96-3
2-333	Ord. 4665 § 1, 4-6-99; Ord. 4998 § 2, 5-6-03	5-4-12
2-334, 2-335		Reserved
2-336	Code 1967 § 2-279; Ord. 2252 § 2, 5-13-75; Ord. 4786 § 1, 8-1-00	2-56-1
2-337	Code 1967 § 2-280; Ord. 2252 § 3, 5-13-75	2-56-2
2-338	Code 1967 § 2-281; Ord. 2252 § 4, 5-13-75	2-56-3
2-339	Code 1967 § 2-282; Ord. 2252 § 5, 5-13-75	2-56-4
2-340	Code 1967 § 2-283; Ord. 2252 § 6, 5-13-75	2-56-5
2-341	Code 1967 § 2-284; Ord. 2252 § 7, 5-13-75	2-56-6
2-342	Code 1967 § 2-285; Ord. 2252 § 8, 5-13-75	2-56-7
2-343	Code 1967 § 2-286; Ord. 2252 § 9, 5-13-75	2-56-8
2-344	Code 1967 § 2-287; Ord. 2252 § 10, 5-13-75; Ord. 4230 § 1, 11-9-93; Ord. 4326 § 1, 5-16-95	2-56-9
2-345	Code 1967 § 2-288; Ord. 2252 § 11, 5-13-75	2-56-10
2-346	Code 1967 § 2-289; Ord. 2252 § 12, 5-13-75; Ord. 4230 §§ 2, 3, 11-9-93; Ord. 4326 § 2, 5-16-95	2-56-11
2-347	Code 1967 § 2-290; Ord. 2252 § 13, 5-13-75	2-56-12
2-348—2-369		Reserved
2-370	Ord. 4243 § 1, 3-22-94	5-4-13
2-371—2-375		Reserved
2-376	Code 1967 § 24 1/2 -2; Ord. 1780 § 1, 7-3-73	3-16-1
2-377	Code 1967 § 24 1/2 -1; Ord. 1780 § 1, 7-3-73	3-16-2
2-378	Code 1967 § 24 1/2 -3; Ord. 1780 § 1, 7-3-73	3-16-3
2-379	Code 1967 § 24 1/2 -4; Ord. 1780 § 1, 7-3-73	3-16-4
2-380	Code 1967 § 24 1/2 -5; Ord. 1780 § 1, 7-3-73	3-16-5
2-381	Code 1967 § 24 1/2 -6; Ord. 1780 § 1, 7-3-73	3-16-6
2-382	Code 1967 § 24 1/2 -7; Ord. 1780 § 1, 7-3-73	3-16-7
2-383	Code 1967 § 24 1/2 -8; Ord. 1780 § 1, 7-3-73	3-16-8
2-384	Code 1967 § 24 1/2 -9; Ord. 1780 § 1, 7-3-73	3-16-9
2-385	Code 1967 § 24 1/2 -10; Ord. 1780 § 1, 7-3-73	3-16-10
2-386	Code 1967 § 24 1/2 -11; Ord. 1780 § 1, 7-3-73	3-16-11
2-387	Code 1967 § 24 1/2 -12; Ord. 1780 § 1, 7-3-73; Ord. 1957 § 1, 2-2-74	3-16-12
2-388	Code 1967 § 24 1/2 -13; Ord. 1780 § 1, 7-3-73	3-16-13
2-389	Code 1967 § 24 1/2 -14; Ord. 1780 § 1, 7-3-73	3-16-14
2-390	Code 1967 § 24 1/2 -15; Ord. 1780 § 1, 7-3-73; Ord. 1957 § 2, 2-2-74	3-16-15
2-391		3-16-16
2-392		3-16-17
2-393		3-16-18
2-394		Reserved
2-395	Ord. 3834 § 1(1, 2), 1-3-89; Ord. 3919 § 1(1—3), 12-19-89	6-100-1

Prior Code §	Ordinance History	Herein
2-396	Ord. 3563 § 1, 5-27-86	6-100-2
2-397	Ord. 3563 § 1, 5-27-86; Ord. 3834 § 1(3), 1-3-89; Ord. 3919 § 1(4), 12-19-89	6-100-3
2-398	Ord. 3563 § 1, 5-27-86	6-100-4
2-399	Ord. 3563 § 1, 5-27-86; Ord. 3834 § 1(4), 1-3-89	6-100-5
2-400	Ord. 3563 § 1, 5-27-86	6-100-6
2-401	Ord. 3563 § 1, 5-27-86	6-100-7
2-402	Ord. 3563 § 1, 5-27-86	6-100-8
2-403	Ord. 3563 § 1, 5-27-86	6-100-9
2-404	Ord. 3563 § 1, 5-27-86	6-100-10
2-405	Ord. 3563 § 1, 5-27-86; Ord. 3919 § 1(5), 12-19-89	6-100-11
2-406	Ord. 3563 § 1, 5-27-86; Ord. 3834 § 1(5), 1-3-89	6-100-12
2-407		2-11-1
2-408		2-11-2
2.5-1	Ord. 4709 § 1, 10-12-99	2-10-1
2.5-2	Ord. 4709 § 1, 10-12-99	2-10-2
2.5-3—2.5-25		Reserved
2.5-26	Ord. 4709 § 1, 10-12-99	2-10-3
2.5-27	Ord. 4709 § 1, 10-12-99	2-10-4
2.5-28	Ord. 4709 § 1, 10-12-99	2-10-5
2.5-29	Ord. 4709 § 1, 10-12-99	2-10-6
2.5-30	Ord. 4709 § 1, 10-12-99	2-10-7
2.5-31	Ord. 4709 § 1, 10-12-99	2-10-8
2.5-32	Ord. 4709 § 1, 10-12-99	2-10-9
2.5-33	Ord. 4709 § 1, 10-12-99	2-10-10
2.5-34	Ord. 4709 § 1, 10-12-99	2-10-11
3-1	Code 1967 § 4-1	12-76-1
3-2	Code 1967 § 4-2	12-76-2
3-3	Code 1967 § 4-3	12-76-3
3-4	Code 1967 § 4-4	12-76-4
3-5—3-15		Reserved
3-16	Code 1967 § 4-19	12-76-5
3-17	Code 1967 § 4-20	12-76-6
3-18	Code 1967 § 4-21	12-76-7
3-19	Code 1967 § 4-22	12-76-8
3-20	Code 1967 § 4-26	12-76-9
3-21	Code 1967 § 4-27	12-76-10
3-22	Code 1967 § 4-28	12-76-11
3-23	Code 1967 § 4-29	12-76-12
3-24	Code 1967 § 4-30	12-76-13
3-25	Code 1967 § 4-31	12-76-14
3-26	Code 1967 § 4-32	12-76-15
3-27	Code 1967 § 4-34	12-76-16
3-28	Code 1967 § 4-35	12-76-17
3-29	Code 1967 § 4-37	12-76-18
3-30	Code 1967 § 4-38	12-76-19
3-31—3-40		Reserved
3-41	Code 1967 § 4-55	12-76-20
3-42—3-55		Reserved
3-56	Code 1967 § 4-76	12-76-21
3-57	Code 1967 § 4-77	12-76-22

Prior Code §	Ordinance History	Herein
3-58	Code 1967 § 4-88	12-76-23
3-59		Reserved
3-60	Code 1967 § 4-90	12-76-24
3-61	Code 1967 § 4-91	12-76-25
3-62	Code 1967 § 4-92	12-76-26
3-63	Code 1967 § 4-93	12-76-27
3-64		Reserved
3-65	Code 1967 § 4-95	12-76-28
3-66	Code 1967 § 4-96	12-76-29
3-67	Code 1967 § 4-97	12-76-30
3-68	Code 1967 § 4-98	12-76-31
3-69—3-80		Reserved
3-81	Code 1967 § 4-131	12-76-32
3-82	Code 1967 § 4-132	12-76-33
3-83	Code 1967 § 4-133	12-76-34
3-84	Code 1967 § 4-134	12-76-35
3-85	Code 1967 § 4-135	12-76-36
3-86	Code 1967 § 4-136	12-76-37
3-87	Code 1967 § 4-137	12-76-38
3-88	Code 1967 § 4-138	12-76-39
3-89	Code 1967 § 4-142	12-76-40
4-1	Code 1967 § 5-1; Ord. 3507 § 1, 11-5-85	7-4-1
4-2	Code 1967 § 6-2	7-4-2
4-3	Code 1967 § 5-7; Ord. 117 § 1, 2-20-68	7-4-3
4-4	Code 1967 § 5-8; Ord. 188 §§ 1, 2, 6-11-68; Ord. 286 § 1, 9-17-68	7-4-4
4-5	Code 1967 § 5-9; Ord. 188 § 3, 6-11-68; Res. of 8-6-68; Ord. 286 § 1, 9-17-68; Ord. 649 § 1, 2-3-70; Ord. 694 § 1, 5-12-70; Ord. 836 § 1, 12-22-70; Ord. 1683 § 1, 4-10-73; Ord. 3606 § 1, 9-23-86	7-4-5
4-6	Code 1967 § 5-11	7-4-6
4-6.1	Code 1967 § 5-10; Ord. 96 § 1, 12-19-80; Ord. 127 § 1, 5-8-51	7-4-7
4-7	Code 1967 § 5-12(a)—(c); Ord. 1509 § 1, 11-14-72	7-4-8
4-8	Code 1967 § 5-13	7-4-9
4-9	Code 1967 § 5-14	7-4-10
4-10	Code 1967 § 5-16	7-4-11
4-11	Code 1967 § 5-17; Ord. 2071 § 1, 6-25-74	7-4-12
4-12	Code 1967 § 5-18; Ord. 279 § 1, 9-10-68	7-4-13
4-13	Code 1967 § 5-21; Ord. 3029 § 1, 7-8-80	7-4-14
4-14	Ord. 4828 § 1, 11-21-00	7-4-15
4-15—4-25		Reserved
4-26	Code 1967 § 5-28; Ord. 117 § 1, 2-20-68	2-82-1
4-27	Code 1967 § 5-29; Ord. 117 § 1, 2-20-68; Ord. 190 § 1, 6-18-68; Ord. 3180 § 1, 12-29-81; Ord. 4539 § 1, 11-4-97	2-82-2
4-28	Code 1967 § 5-30; Ord. 117 § 1, 2-20-68	2-82-3
4-29	Code 1967 § 5-31; Ord. 117 § 1, 2-20-68	2-82-4
4-30	Code 1967 § 5-32; Ord. 117 § 1, 2-20-68	2-82-5
4-31	Code 1967 § 5-33; Ord. 117 § 1, 2-20-68	2-82-6
4-32	Code 1967 § 5-34; Ord. 117 § 1, 2-20-68	2-82-7
4-33	Code 1967 § 5-35; Ord. 117 § 1, 2-20-68	2-82-8
4-34	Code 1967 § 5-36; Ord. 117 § 1, 2-20-68	2-82-9
4-35	Code 1967 § 5-37; Ord. 117 § 1, 2-20-68	2-82-10
4-36	Code 1967 § 5-38; Ord. 117 § 1, 2-20-68	2-82-11

Prior Code §	Ordinance History	Herein
4-37—4-50		Reserved
4-51	Code 1967 § 5-70	7-8-1
4-52	Code 1967 § 5-71	7-8-2
4-53	Code 1967 § 5-72; Ord. 636 § 1, 1-27-70; Ord. 2411 § 1, 6-8-76	7-8-3
4-54	Code 1967 § 5-73	7-8-4
4-55	Code 1967 § 5-74	7-8-5
4-56—4-65		Reserved
4-66	Code 1967 § 5-80; Ord. 117 § 1, 2-20-68; Ord. 4352 § 1, 8-15-95	7-8-6
4-67	Code 1967 § 5-81; Ord. 2080 § 1, 7-18-67; Ord. 117 § 1, 2-20-68; Ord. 146 § 1, 12-26-68; Ord. 1848 §§ 1—3, 10-2-73; Ord. 2694 § 1, 2-13-79; Ord. 3284 §§ 1, 2, 11-9-82	7-8-7
4-68	Code 1967 § 5-82	7-8-8
4-69	Code 1967 § 5-83; Ord. 3958 § 1(1), 5-8-90	7-8-9
4-70	Code 1967 § 5-85; Ord. 117 § 1, 2-20-68	7-8-10
4-71	Code 1967 § 5-86; Ord. 117 § 1, 2-20-68; Ord. 3246 § 1, 11-9-82; Ord. 5000, 5-20-03; Ord. 5134 § 1, 2005	7-8-11
4-72	Code 1967 § 5-87; Ord. 2410 § 1, 6-8-76; Ord. 2507 § 1, 10-5-76; Ord. 2694 § 2, 2-13-79; Ord. 5000, 5-20-03	7-8-12
4-73	Code 1967 § 5-88; Ord. 117 § 1, 2-20-68	7-8-13
4-74	Code 1967 § 5-89	7-8-14
4-75	Code 1967 § 5-90; Ord. 3958 § 1(2), 5-8-90; Ord. 4112 § 1, 6-16-92	7-8-15
4-76	Code 1967 § 5-92; Ord. 117 § 1, 2-20-68; Ord. 2694 § 3, 2-13-79	7-8-16
4-77	Code 1967 § 5-93; Ord. 117 § 1, 2-20-68	7-8-17
4-78	Code 1967 § 5-94; Ord. 322 § 1, 11-12-68; Ord. 3066 § 1, 10-14-80	7-8-18
4-79	Code 1967 § 5-95; Ord. 323 § 1, 11-19-68; Ord. 3066 § 1(2), 10-14-80	7-8-19
4-80	Code 1967 § 5-97; Ord. 2071, 6-25-74; Ord. 3066 § 1(3), 10-14-80	7-8-20
4-81	Code 1967 § 5-98; Ord. 2694 § 4, 2-13-79; Ord. 3067 § 1, 10-21-80	7-8-21
4-82	Ord. 4049 § 1, 7-2-91	7-8-22
4-83	Ord. 4187 § 1, 6-22-93	7-8-23
4-84—4-115		Reserved
4-116	Code 1967 § 5-111; Ord. 604 § 1, 12-16-69	7-12-1
4-117	Code 1967 § 5-110; Ord. 604 § 2, 12-16-69	7-12-2
4-118—4-130		Reserved
4-131	Ord. 3508 § 2, 11-5-85	7-16-1
4-132	Ord. 3508 § 1, 11-5-85	7-16-2
4-133	Ord. 3508 § 3, 11-5-85	7-16-3
4-134	Ord. 3508 § 4, 11-5-85	7-16-4
5-1	Code 1967 § 7-1; Ord. 3189 § 1, 3-9-82; Ord. 3528 § 1(1), 3-25-86; Ord. 3973 § 1(1), 6-26-90; Ord. 4506 § 1, 9-16-97	8-4-1
5-2	Code 1967 § 7-20; Ord. 3189 § 1, 3-9-82	8-8-1
5-3	Code 1967 § 7-21; Ord. 3189 § 1, 3-9-82	8-8-2
5-4	Code 1967 § 7-22; Ord. 3189 § 1, 3-9-82; Ord. 4247 § 1, 4-5-94	8-8-3
5-5	Code 1967 § 7-24; Ord. 3189 § 1, 3-9-82	8-8-4
5-6	Code 1967 § 7-25; Ord. 3189 § 1, 3-9-82	8-8-5
5-7	Code 1967 § 7-26; Ord. 3189 § 1, 3-9-82	8-8-6
5-8	Code 1967 § 7-27; Ord. 3189 § 1, 3-9-82	8-8-7
5-9	Code 1967 § 7-28; Ord. 3189 § 1, 3-9-82	8-8-8

Prior Code §	Ordinance History	Herein
5-10	Code 1967 § 7-29; Ord. 3189 § 1, 3-9-82	8-8-9
5-11	Code 1967 § 7-30; Ord. 3189 § 1, 3-9-82	8-8-10
5-12	Code 1967 § 7-31; Ord. 3189 § 1, 3-9-82	8-8-11
5-13	Code 1967 § 7-32; Ord. 3189 § 1, 3-9-82	8-8-12
5-14	Code 1967 § 7-43; Ord. 3189 § 1, 3-9-82; Ord. 3973 § 1, 6-29-90; Ord. 4145 § 1, 11-17-92; Ord. 4247 § 2, 4-5-94; Ord. 4578 § 1, 5-5-98	8-16-3
5-15—5-25		Reserved
5-26	Code 1967 § 7-12; Ord. 3189 § 1, 3-9-82	8-12-1
5-27	Code 1967 § 7-13; Ord. 3189 § 1, 3-9-82	8-12-2
5-28	Code 1967 § 7-14; Ord. 3189 § 1, 3-9-82	8-12-3
5-29	Code 1967 § 7-44; Ord. 3189 § 1, 3-9-82	8-12-4
5-30—5-40		Reserved
5-41	Code 1967 § 7-6; Ord. 3189 § 1, 3-9-82; Ord. 3207 § 1, 6-1-82	8-12-5
5-42	Code 1967 § 7-7; Ord. 3189 § 1, 3-9-82	8-12-6
5-43	Code 1967 § 7-8; Ord. 3189 § 1, 3-9-82	8-12-7
5-44	Code 1967 § 7-9; Ord. 3189 § 1, 3-9-82	8-12-8
5-45—5-55		Reserved
5-56	Code 1967 § 7-36; Ord. 3189 § 1, 3-9-82; Ord. 3973 § 1(2), 6-26-90	8-16-1
5-57	Code 1967 § 7-37; Ord. 3189 § 1, 3-9-82; Ord. 3973 § 1(3), 6-26-90; Ord. 4145 § 2, 11-17-92; Ord. 4819 § 1, 11-21-00	8-16-2
5-58	Code 1967 § 7-38; Ord. 3189 § 1, 3-9-82	8-16-4
5-59	Code 1967 § 7-39; Ord. 3189 § 1, 3-9-82	8-16-5
5-60	Code 1967 § 7-40; Ord. 3189 § 1, 3-9-82; Ord. 4530 § 1, 6-4-98	8-16-6
5-61	Code 1967 § 7-41; Ord. 3189 § 1, 3-9-82; Ord. 3973 § 1(4), 6-26-90; Ord. 4247 § 3, 4-5-94; Ord. 4506 § 1, 9-16-97	8-16-7
5-62	Code 1967 § 7-42; Ord. 3189 § 1, 3-9-82; Ord. 4506 § 1, 9-16-97	8-16-8
5-63	Ord. 4826 § 1, 11-21-00	8-16-9
5-64	Ord. 4954 § 1, 8-6-02	8-20-1
5-65	Ord. 4954 § 1, 8-6-02	8-20-2
5-66	Ord. 4954 § 1, 8-6-02	8-20-3
5-67	Ord. 4954 § 1, 8-6-02	8-20-4
5-68	Ord. 4954 § 1, 8-6-02	8-20-5
5-69	Ord. 4954 § 1, 8-6-02	8-20-6
5-70	Ord. 4954 § 1, 8-6-02	8-20-7
5-71	Ord. 4954 § 1, 8-6-02	8-20-8
5-72	Ord. 4954 § 1, 8-6-02	8-20-9
5-73	Ord. 4954 § 1, 8-6-02	8-20-10
5-74, 5-75		Reserved
5-76	Code 1967 § 7-55; Ord. 3189 § 1, 3-9-82	8-24-1
5-77	Code 1967 § 7-56; Ord. 3189 § 1, 3-9-82	8-24-2
5-78	Code 1967 § 7-57; Ord. 3189 § 1, 3-9-82	8-24-3
5-79	Code 1967 § 7-58; Ord. 3189 § 1, 3-9-82; Ord. 3471 § 1, 7-2-85; Ord. 3973 § 1, 6-26-99	8-24-4
5-80	Code 1967 § 7-59; Ord. 3189 § 1, 3-9-82	8-24-5
5-81	Code 1967 § 7-60; Ord. 3189 § 1, 3-9-82	8-24-6
5-82	Code 1967 § 7-61; Ord. 3189 § 1, 3-9-82	8-24-7
6-1	Code 1967 § 9-1; Ord. 608 § 1, 12-23-69	6-8-1
6-2	Code 1967 § 9-2; Ord. 608 § 2, 12-23-69; Ord. 2952 § 1, 12-11-79	6-8-2
6-3	Code 1967 § 9-3; Ord. 608 § 3, 12-23-69; Ord. 2426 § 1, 6-1-76	6-8-3
6-3.1		6-8-4

Prior Code §	Ordinance History	Herein
6-4	Code 1967 § 9-4; Ord. 608 § 4, 12-23-69	6-8-5
6-5	Code 1967 § 9-5; Ord. 608 § 5, 12-23-69	6-8-6
6-6	Code 1967 § 9-6; Ord. 608 § 6, 12-23-69	6-8-7
6-7	Code 1967 § 9-7; Ord. 608 § 7, 12-23-69	6-8-8
6-8	Code 1967 § 9-8; Ord. 608 § 8, 12-23-69	6-8-9
6-8.1		6-8-10
6-9	Code 1967 § 9-9; Ord. 608 § 9, 12-23-69	6-8-11
6-10	Code 1967 § 9-10; Ord. 608 § 10, 12-23-69; Ord. 2882 § 1, 5-22-79	6-8-12
6-11	Code 1967 § 9-11; Ord. 608 § 11, 12-23-69	6-8-13
7-1—7-10		Reserved
7-11	Ord. 4468 § 1, 1-7-97	2-84-1
7-12	Ord. 4468 § 1, 1-7-97	2-84-2
7-13	Ord. 4468 § 1, 1-7-97	2-84-3
7-14	Ord. 4468 § 1, 1-7-97	2-84-4
7-15	Ord. 4468 § 1, 1-7-97; Ord. 4782, 7-25-00; Ord. 4825, 11-07-00	2-84-5
7-16	Ord. 4468 § 1, 1-7-97; Ord. 4782, 7-25-00	2-84-6
7-17	Ord. 4468 § 1, 1-7-97	2-84-7
7-18	Ord. 4468 § 1, 1-7-97	2-84-8
7-19	Ord. 4468 § 1, 1-7-97	2-84-9
7-20	Ord. 4468 § 1, 1-7-97	2-84-10
7-21	Ord. 4468 § 1, 1-7-97	2-84-11
7-22	Ord. 4468 § 1, 1-7-97	2-84-12
7-23	Ord. 4468 § 1, 1-7-97	2-84-13
7-24	Ord. 4468 § 1, 1-7-97	2-84-14
7-25—7-35		Reserved
7-36	Code 1967 § 10 1/2 -1; Ord. 1556 § 1, 1-23-73	12-32-1
7-37	Code 1967 § 10 1/2 -2; Ord. 1556 § 2, 1-23-73; Ord. 4268 § 1, 7-26-94	12-32-2
7-38	Code 1967 § 10 1/2 -3; Ord. 1556 § 3, 1-23-73	12-32-3
7-39	Code 1967 § 10 1/2 -5; Ord. 1556 § 5, 1-23-73	12-32-4
7-40	Code 1967 § 10 1/2 -6; Ord. 1556 § 6, 1-23-73; Ord. 2817 § 1, 12-5-78	12-32-5
7-41	Code 1967 § 10 1/2 -7	12-32-6
7-42	Code 1967 § 10 1/2 -8; Ord. 1556 § 8, 1-23-73; Ord. 2555 § 2, 2-22-77	12-32-7
7-43	Code 1967 § 10 1/2 -9; Ord. 1556, 1-23-73; Ord. 2318 § 1, 10-14-75	12-32-8
7-44—7-50		Reserved
7-51	Ord. 4750 § 1, 3-7-00	12-36-1
7-52	Ord. 4750 § 1, 3-7-00	12-36-2
7-53	Ord. 4750 § 1, 3-7-00	12-36-3—12-36-7
7-54	Ord. 4750 § 1, 3-7-00	12-36-8
7-55	Ord. 4750 § 1, 3-7-00	12-36-9
7-56—7-61		Reserved
7-62	Ord. 4177 § 1, 5-4-93	12-40-1
7-63	Ord. 4177 § 1, 5-4-93; Ord. 4269 § 1, 8-16-94	12-40-2
7-64	Ord. 4177 § 1, 5-4-93; Ord. 4827 § 1, 11-7-00	12-40-3
7-65	Ord. 4177 § 1, 5-4-93	12-40-4
7-66	Ord. 4177 § 1, 5-4-93	12-40-5
7-67	Ord. 4177 § 1, 5-4-93	12-40-6
7-68	Ord. 4268 § 2, 7-26-94	12-40-7
7-69	Ord. 4268 § 2, 7-26-94	12-40-8
7-70—7-75		Reserved

Prior Code §	Ordinance History	Herein
7-76	Code 1967 § 10 1/2 -40; Ord. 2383 § 2, 3-9-76; Ord. 2555 § 2, 2-22-77; Ord. 2839 § 1(1), (2), 3-6-79	12-48-1
7-77	Code 1967 § 10 1/2 -42; Ord. 2383 § 2, 3-9-76; Ord. 2555 § 2, 2-22-77; Ord. 2839 § 1(3), 3-6-79	12-48-2
7-78	Code 1967 § 10 1/2 -43; Ord. 2383 § 2, 3-9-76; Ord. 2555 § 2, 2-22-77	12-48-3
7-79	Code 1967 § 10 1/2 -44; Ord. 2383 § 2, 3-9-76; Ord. 2555 § 2, 2-22-77	12-48-4
7-80, 7-81		Reserved
7-82	Code 1967 § 10 1/2 -47; Ord. 2383 § 2, 3-9-76; Ord. 2555 § 2, 2-22-77; Ord. 2839 § 1(4), 3-6-79	12-48-5
7-83	Code 1967 § 10 1/2 -48; Ord. 2383 § 2, 3-9-76; Ord. 2555 § 2, 2-22-77	12-48-6
7-84	Code 1967 § 10 1/2 -49; Ord. 2383 § 2, 3-9-76; Ord. 2839 § 1(5), 3-6-79	12-48-7
7-85	Code 1967 § 10 1/2 -50; Ord. 2383 § 2, 3-9-76; Ord. 2839 § 1(6), 3-6-79	12-48-8
7-86	Ord. 4468 § 2, 1-7-97	12-44-1
7-87	Ord. 4468 § 2, 1-7-97	12-44-2
7-88	Ord. 4468 § 2, 1-7-97	12-44-3
7-89	Ord. 4468 § 2, 1-7-97	12-44-4
7-90	Ord. 4468 § 2, 1-7-97	12-44-5
7-91	Ord. 4468 § 2, 1-7-97	12-44-6
7-92	Ord. 4468 § 2, 1-7-97	12-44-7
7-93	Ord. 4468 § 2, 1-7-97	12-44-8
7-94	Ord. 4468 § 2, 1-7-97	12-44-9
7-95	Ord. 4468 § 2, 1-7-97	12-44-10
8-1	Code 1967 § 11-2; Ord. 3512 § 1(2), 12-31-85	2-58-1
8-2	Code 1967 § 11-3; Ord. 3512 § 1(3), 12-31-85	2-58-2
8-3	Code 1967 § 11-8; Ord. 3512 § 1(4), (5), 12-31-85	2-58-3
8-4	Code 1967 § 11-9; Ord. 3512 § 1(4), (5), 12-31-85	2-58-4
8-5	Code 1967 § 11-10; Ord. 3512 § 1(6), 12-31-85	2-58-5
8-6	Code 1967 § 11-11; Ord. 3512 § 1(4), 12-31-85	2-58-6
8-7	Code 1967 § 11-13	2-58-7
8-8	Code 1967 § 11-14; Ord. 3512 § 1(4), 12-31-85	2-58-8
8-9	Code 1967 § 11-15; Ord. 3512 § 1(4), 12-31-85	2-58-9
8-10	Code 1967 § 11-16; Ord. 3512 § 1(4), 12-31-85	2-58-10
8-11	Code 1967 § 11-17	2-58-11
8-12	Code 1967 § 11-18	2-58-12
9-1	Ord. 3881 § 1, 7-18-89	3-8-2
9-2		3-8-3
9-3		3-8-4
9-4		3-8-5
9-5		3-8-6
9-6—9-15		Reserved
9-16		3-8-1
9-17—9-20		Reserved
9-21		3-12-1
9-22		3-12-2
9-23		3-12-3
9-24		3-12-4
9-25		3-12-5
9-26		3-12-6
9-27		3-12-7
9-28—9-40		Reserved

Prior Code §	Ordinance History	Herein
9-41		3-8-7
9-42		3-8-8
9-43		3-8-9
9-44		3-8-10
10-1	Code 1967 § 12 1/2 -1; Ord. 1712 §§ 1—3, 5-1-73	10-16-1
10-16	Code 1967 § 12 1/2 -50; Ord. 1710 § 1, 5-1-73; Ord. 2599 § 1, 5-31-77	2-44-1
10-17	Code 1967 § 12 1/2 -51; Ord. 1710 § 2, 5-1-73	2-44-2
10-18	Code 1967 § 12 1/2 -52; Ord. 1710 § 3, 5-1-73	2-44-3
10-19	Code 1967 § 12 1/2 -53; Ord. 1710 § 4, 5-1-73	2-44-4
10-20	Code 1967 § 12 1/2 -54; Ord. 2599 § 2, 5-31-77; Ord. 3078 § 1, 10-28-80	2-44-5
10-21—10-35		Reserved
10-36	Code 1967 § 12 1/2 -65; Ord. 1711 § 1, 5-1-73	2-62-1
10-37	Code 1967 § 12 1/2 -66; Ord. 1711 § 2, 5-1-73	2-62-2
10-38	Code 1967 § 12 1/2 -67; Ord. 1711 § 3, 5-1-73	2-62-3
10-39	Code 1967 § 12 1/2 -68; Ord. 1711 § 4, 5-1-73	2-62-4
10-40	Code 1967 § 12 1/2 -69; Ord. 1711 § 5, 5-1-73	2-62-5
10-41—10-49		Reserved
10-50	Ord. 4260 § 1, 6-7-94	6-12-1
10-51	Ord. 4260 § 1, 6-7-94	6-12-2
10-52—10-75		Reserved
10-76	Ord. 4980 § 1, 12-3-02	6-24-1
10-77	Ord. 4980 § 2, 12-3-02	6-24-2
10-78	Ord. 4980 § 3, 12-3-02	6-24-3
10-79	Ord. 4980 § 4, 12-3-02	6-24-4
10-80	Ord. 4980 § 5, 12-3-02	6-24-5
10-81	Ord. 4980 § 6, 12-3-02	6-24-6
10-82	Ord. 4980 § 7, 12-3-02	6-24-7
10-83	Ord. 4980 § 8, 12-3-02	6-24-8
10-84	Ord. 4980 § 9, 12-3-02	6-24-9
10-85	Ord. 4980 § 10, 12-3-02	6-24-10
10-86	Ord. 4980 § 11, 12-3-02	6-24-11
10-87	Ord. 4980 § 12, 12-3-02	6-24-12
10-88	Ord. 4980 § 13, 12-3-02	6-24-13
10-89	Ord. 4980 § 14, 12-3-02	6-24-14
10-90	Ord. 4980 § 15, 12-3-02	6-24-15
10-91	Ord. 4980 § 16, 12-3-02	6-24-16
10-92	Ord. 4980 § 17, 12-3-02	6-24-17
10-93	Ord. 4980 § 18, 12-3-02	6-24-18
10-94	Ord. 4980 § 19, 12-3-02	6-24-19
10-95	Ord. 4980 § 20, 12-3-02	6-24-20
10-96	Ord. 4980 § 21, 12-3-02	6-24-21
10-97	Ord. 4980 § 22, 12-3-02	6-24-22
10-98	Ord. 4980 § 23, 12-3-02	6-24-23
10-99	Ord. 4980 § 24, 12-3-02	6-24-24
10-100	Ord. 4980 § 25, 12-3-02	6-24-25
10-101	Ord. 4980 § 26, 12-3-02	6-24-26
10-102	Ord. 4980 § 27, 12-3-02	6-24-27
10-103	Ord. 4980 § 28, 12-3-02	6-24-28
10-104	Ord. 4980 § 29, 12-3-02	6-24-29

Prior Code §	Ordinance History	Herein
10-105	Ord. 4980 § 30, 12-3-02	6-24-30
10-106	Ord. 4980 § 31, 12-3-02	6-24-31
10-107	Ord. 4980 § 32, 12-3-02	6-24-32
10-108	Ord. 4980 § 33, 12-3-02	6-24-33
10-109—10-135		Reserved
10-136	Ord. 4398 § 1, 11-19-96	6-28-1
10-137	Ord. 4398 § 2, 11-19-96	6-28-2
10-138	Ord. 4398 § 3, 11-19-96	6-28-3
10-139	Ord. 4398 § 4, 11-19-96	6-28-4
10-140		Reserved
10-141	Ord. 4398 § 6, 11-19-96	6-28-5
10-142	Ord. 4398 § 7, 11-19-96	6-28-6
10-143	Ord. 4398 § 8, 11-19-96	6-28-7
10-144	Ord. 4398 § 9, 11-19-96	6-28-8
10-145	Ord. 4398 § 10, 11-19-96	6-28-9
10-146	Ord. 4398 § 11, 11-19-96	6-28-10
10-147	Ord. 4398 § 12, 11-19-96	6-28-11
10-148	Ord. 4398 § 13, 11-19-96	6-28-12
10-149	Ord. 4398 § 14, 11-19-96	6-28-13
10-150	Ord. 4398 § 15, 11-19-96	6-28-14
10-151	Ord. 4398 § 16, 11-19-96	6-28-15
10-152	Ord. 4398 § 17, 11-19-96	6-28-16
10-153	Ord. 4398 § 18, 11-19-96	6-28-17
10-154	Ord. 4398 § 19, 11-19-96	6-28-18
10-155	Ord. 4398 § 20, 11-19-96	6-28-19
10-156	Ord. 4398 § 21, 11-19-96	6-28-20
10-157	Ord. 4398 § 22, 11-19-96	6-28-21
10-158	Ord. 4398 § 23, 11-19-96	6-28-22
10-159	Ord. 4398 § 24, 11-19-96	6-28-23
10-160	Ord. 4398 § 25, 11-19-96	6-28-24
10-161	Ord. 4398 § 26, 11-19-96	6-28-25
10-162	Ord. 4398 § 27, 11-19-96	6-28-26
10-163	Ord. 4398 § 28, 11-19-96	6-28-27
10-164	Ord. 4398 § 29, 11-19-96	6-28-28
10-165	Ord. 4398 § 30, 11-19-96	6-28-29
10-166	Ord. 4398 § 31, 11-19-96	6-28-30
10-167	Ord. 4398 § 32, 11-19-96	6-28-31
10-168	Ord. 4398 § 33, 11-19-96	6-28-32
10-169	Ord. 4398 § 34, 11-19-96	6-28-33
10-170	Ord. 4398 § 35, 11-19-96	6-28-34
10-171	Ord. 4398 Exh. A, 11-19-96	6-28-35
10-172	Ord. 4398 Exh. B, 11-19-96	Not codified
11-1—11-15		Reserved
11-16	Code 1967 § 13-11; Ord. 2233 § 1, 5-13-75	2-12-1
11-17	Code 1967 § 13-12; Ord. 2233 § 2, 5-13-75	2-12-2
11-18	Code 1967 § 13-13	2-12-3
11-19	Code 1967 § 13-14; Ord. 1277 § 1, 5-9-72	2-12-4
11-20	Code 1967 § 13-17	2-12-5
11-21	Code 1967 § 13-18; Ord. 328 § 1, 11-26-68	2-12-6

Prior Code §	Ordinance History	Herein
11-22	Code 1967 § 13-19; Ord. 944 § 1, 4-27-71	2-12-7
11-23	Code 1967 § 13-20; Ord. 926 §§ 1, 2, 4-27-71	2-12-8
11-24	Code 1967 § 13-22; Ord. 1408 § 1, 8-15-72; Ord. 2223 § 1, 3-11-75; Ord. 2531 § 1, 11-9-76; Ord. 3405 § 1, 9-4-84; Ord. 3972 § 1, 6-26-90; Ord. 4267 § 1, 7-26-94; Ord. 4314 § 1, 4-18-95	2-12-9
11-25	Ord. 3476 § 1, 7-9-85	2-12-10
11-26	Ord. 3460 § 1, 5-14-85	2-12-11
11-27	Ord. 3476 § 1, 7-9-85	2-12-12
11-28	Ord. 3573 § 1, 7-1-86	2-12-13
11-29	Ord. 4018 § 1, 2-12-91	2-12-14
12-1	Code 1967 § 14-1; Ord. 2401 § 1, 4-13-76	9-28-1
12-2	Code 1967 § 14-2; Ord. 2401 § 1, 4-13-76; Ord. 4705 § 1, 9-7-99	9-28-2
12-3	Code 1967 § 14-3; Ord. 2401 § 1, 4-13-76	9-28-3
12-4	Code 1967 § 14-4; Ord. 2401 § 1, 4-13-76	9-28-4
12-5	Code 1967 § 14-5; Ord. 2401 § 1, 4-13-76	9-28-5
12-6	Code 1967 § 14-6; Ord. 2401 § 1, 4-13-76	9-28-6
12-7	Code 1967 § 14-7; Ord. 2401 § 1, 4-13-76	9-28-7
12-8	Code 1967 § 14-8; Ord. 2401 § 1, 4-13-76	9-28-8
13-1	Code 1967 § 15-1; Ord. 1955 § 1, 2-7-67; Ord. 466 § 1, 5-6-69; Ord. 650 §§ 1, 2, 2-10-70; Ord. 970 § 1, 6-1-71; Ord. 1234 § 1, 4-11-72; Ord. 1235 § 1, 4-11-72; Ord. 1725 § 1, 5-15-73; Ord. 1887 § 1, 10-30-73; Ord. 1987 § 1, 3-19-74; Ord. 2118 § 1, 9-3-74; Ord. 2247 § 1, 4-29-75; Ord. 2257 § 1, 5-27-75; Ord. 2294 § 1, 8-26-75; Ord. 2657 § 1, 10-18-77	1-12-1
13-2	Code 1967 § 15-2	1-16-1
13-3	Code 1967 § 15-3	1-16-2
14-1	Code 1967 § 17-15; Ord. 718 § 1, 5-26-70; Ord. 928 § 1, 4-27-71; Ord. 3212 § 1, 6-15-82	9-44-1
14-2	Code 1967 § 17-16; Ord. 213 § 1, 7-16-68	9-44-2
14-3	Code 1967 § 17-13	9-44-3
14-4	Code 1967 § 17-14; Ord. 3479 § 1, 7-23-85	9-44-4
14-5	Code 1967 § 17-135; Ord. 3364 § 1, 2-21-84	9-44-5
14-6—14-15		Reserved
14-16	Ord. 1495, 10-10-72	2-24-1
14-17	Code 1967 § 17-37	2-24-2
14-18	Code 1967 § 17-38; Ord. 3940 § 1, 2-20-90	2-24-3
14-19	Code 1967 § 17-39	2-24-4
14-20	Code 1967 § 17-40	2-24-5
14-21	Code 1967 § 17-41	2-24-6
14-22	Code 1967 § 17-45	2-24-7
14-23	Code 1967 § 17-46	2-24-8
14-24	Code 1967 § 17-48	2-24-9
14-25	Code 1967 § 17-49	2-24-10
14-26	Code 1967 § 17-52	2-24-11
14-27	Code 1967 § 17-53	2-24-12
14-28	Code 1967 § 17-54	2-24-13
14-29	Code 1967 § 17-55; Ord. 1724 § 1, 5-15-73; Ord. 3113 § 1(1), 4-14-81	2-24-14
14-30	Code 1967 § 17-56; Ord. 1724 § 1, 5-15-73; Ord. 3113 § 1(2), 4-14-81	2-24-15
14-31	Code 1967 § 17-57; Ord. 1724 § 1, 5-15-73; Ord. 3113 § 1(3), 4-14-81	2-24-16
14-32	Code 1967 § 17-58; Ord. 2217 § 1, 3-4-75; Ord. 3113 § 1(4), 4-14-81	2-24-17

Prior Code §	Ordinance History	Herein
14-33	Code 1967 § 17-59; Ord. 2217 § 1, 3-4-75; Ord. 3113 § 1(5), 4-14-81	2-24-18
14-34	Code 1967 § 17-60; Ord. 2217 § 1, 3-4-75; Ord. 3113 § 1(6), 4-14-81	2-24-19
14-35	Code 1967 § 17-117; Ord. 1849 § 1, 9-4-73	2-24-20
14-36—14-50		Reserved
14-51	Ord. 3939 § 2, 1-30-90; Ord. 4389 § 1, 2-20-96; Ord. 4900 § 1, 10-16-01	9-36-1
14-52	Ord. 3939 § 2, 1-30-90; Ord. 4389 § 1, 2-20-96; Ord. 4900 § 1, 10-16-01	9-36-2
14-53	Ord. 3939 § 2, 1-30-90; Ord. 4389 § 1, 2-20-96; Ord. 4900 § 1, 10-16-01	9-36-3
14-54	Ord. 4186 § 1, 6-28-93; Ord. 4389 § 1, 2-20-96; Ord. 4471 § 1, 1-21-97; Ord. 4553 § 1, 12-2-97; Ord. 4900 § 1, 10-16-01	9-36-4
14-55—14-70		Reserved
14-71	Code 1967 § 17-91; Ord. 745 § 1, 7-28-70; Ord. 3291 § 1, 3-1-83; Ord. 4408 § 1, 6-4-96; Ord. 4766 §§ 1—3, 5-2-00	9-84-1
14-72	Code 1967 § 17-92; Ord. 745 § 2, 7-28-70; Ord. 3271 § 1, 3-1-83	9-84-2
14-73	Code 1967 § 17-93; Ord. 745 § 3, 7-28-70	9-84-3
14-74	Code 1967 § 17-94; Ord. 745 § 4, 7-28-70; Ord. 2856 §§ 1, 2, 4-17-79	9-84-4
14-75	Code 1967 § 17-95; Ord. 745 § 5, 7-28-70	9-84-5
17-76—14-90		Reserved
14-91	Code 1967 § 17-120; Ord. 2931 § 1, 10-23-79	9-48-1
14-92	Code 1967 § 17-121; Ord. 2931 § 1, 10-23-79	9-48-2
14-93—14-105		Reserved
14-106	Code 1967 § 17-131; Ord. 3114 § 1, 4-14-81; Ord. 3234 § 1, 7-20-82	9-44-6
14-107—14-109		Reserved
14-110	Ord. 4192 § 1, 6-22-93	9-40-1
14-111	Ord. 4192 § 1, 6-22-93	9-40-2
14-112	Ord. 4192 § 1, 6-22-93; Ord. 4962 § 1, 9-17-02	9-40-3
14-113	Ord. 4192 § 1, 6-22-93	9-40-4
14-114	Ord. 4192 § 1, 6-22-93	9-40-5
15-1	Code 1967 § 19-1; Ord. 187, 6-11-68; Ord. 1494 § 1, 10-17-72; Ord. 4000 § 1(1), 10-9-90; Ord. 4048, 6-25-91	9-56-1
15-2	Code 1967 § 2-250; Ord. 1184, 2-8-72; Ord. 4048, 6-25-91	9-56-2
15-3	Code 1967 § 19-2; Ord. 187, 6-11-68; Ord. 4048, 6-25-91	9-56-3
15-4	Code 1967 § 19-3; Ord. 187, 6-11-68; Ord. 495 § 1, 7-22-69; Ord. 1494 § 1, 10-17-72; Ord. 4048, 6-25-91	9-56-4
15-5	Code 1967 § 19-4; Ord. 187, 6-11-68; Ord. 1494 § 1, 10-17-72; Ord. 4048, 6-25-91	9-56-5
15-6	Code 1967 § 19-5; Ord. 187, 6-11-68; Ord. 495 § 1, 7-22-69; Ord. 704 § 1(A), (B), 5-12-70; Ord. 1494 § 1, 10-17-72; Ord. 4048, 6-25-91	9-56-6
15-7	Code 1967 § 19-6; Ord. 187, 6-11-68; Ord. 495 § 1, 7-22-69; Ord. 723 § 1, 6-2-70; Ord. 4048, 6-25-91	9-56-7
15-8	Code 1967 § 19-7; Ord. 187, 6-11-68; Ord. 723 § 1, 6-2-70; Ord. 1494 § 1, 10-17-72; Ord. 4048, 6-25-91	9-56-8
15-9		Reserved
15-10	Code 1967 § 19-9; Ord. 187, 6-11-68; Ord. 495 § 1, 7-22-69; Ord. 1494 § 1, 10-17-72; Ord. 2388 § 1, 3-23-76; Ord. 2835 § 1, 3-6-79; Ord. 3124 § 1, 5-26-81; Ord. 3541 § 1, 4-6-86; Ord. 4048, 6-25-91	9-56-9
15-11	Code 1967 § 19-10; Ord. 187, 6-11-68; Ord. 495 § 1, 7-22-69; Ord. 723 § 1, 6-2-70; Ord. 1494 § 1, 10-17-72; Ord. 4048, 6-25-91	9-56-10

Prior Code §	Ordinance History	Herein
15-12	Code 1967 § 19-11; Ord. 187, 6-11-68; Res. of 6-11-68; Ord. 267 § 1, 9-3-68; Ord. 298 § 1, 10-15-68; Ord. 860 § 1, 2-2-71; Ord. 2476 § 1, 7-13-76; Ord. 2610 § 1, 6-28-77; Ord. 2631 § 1, 8-30-77; Ord. 2876 § 1, 5-15-79; Ord. 3010 § 1, 6-9-80; Ord. 3298 § 1, 5-24-83; Ord. 3870 § 1, 6-13-89; Ord. 4027 § 1, 4-9-91; Ord. 4048, 6-25-91; Ord. 4776 § 1, 6-6-00; Ord. 5112 § 1, 2005	9-56-11
15-13	Code 1967 § 19-12; Ord. 187, 6-11-68; Ord. 4048, 6-25-91	9-56-12
15-14	Code 1967 § 19-13; Ord. 187, 6-11-68; Ord. 495 § 1, 7-22-69; Ord. 2388 § 1, 3-23-76; Ord. 4048, 6-25-91	9-56-13
15-15	Code 1967 § 19-14; Ord. 187, 6-11-68; Ord. 1742 § 1, 5-29-73; Ord. 2631 § 2, 8-30-77; Ord. 4048, 6-25-91	9-56-14
15-16	Ord. 4048, 6-25-91	9-56-15
15-17	Code 1967 § 19-15; Ord. 187, 6-11-68; Ord. 4048, 6-25-91	9-56-16
15-18	Code 1967 § 19-16; Ord. 187, 6-11-68; Ord. 4048, 6-25-91	9-56-17
15-19	Ord. 4048, 6-25-91	9-56-18
15-20	Code 1967 § 19-22; Ord. 187, 6-11-68; Ord. 704 § 1(G), 5-12-70; Ord. 4000 § 1(2), 10-9-90; Ord. 4048, 6-25-91	9-56-19
15-21	Code 1967 § 19-23; Ord. 187, 6-11-68; Ord. 4048, 6-25-91	9-56-20
15-22	Code 1967 § 19-24; Ord. 187, 6-11-68; Ord. 704 § 1(H), 5-12-70; Ord. 1494 § 1, 10-17-72; Ord. 4048, 6-25-91	9-56-21
15-23	Code 1967 § 19-25; Ord. 187, 6-11-68; Ord. 4048, 6-25-91	9-56-22
15-24	Ord. 4048, 6-25-91	9-56-23
15-25	Code 1967 § 19-18; Ord. 187, 6-11-68; Ord. 280 § 2, 9-10-68; Ord. 495 § 1, 7-22-69; Ord. 704 § 1(J), 5-12-70; Ord. 4048, 6-25-91; Ord. 4438 § 1, 9-10-96	9-56-24
15-26	Code 1967 § 19-19; Ord. 187, 6-11-68; Ord. 495 § 1, 7-22-69; Ord. 704 § 1(K), 5-12-70; Ord. 1062 § 1, 9-28-71; Ord. 4048, 6-25-91	9-56-25
15-26.1	Ord. 4860 § 1, 5-1-01	9-56-26
15-27	Code 1967 § 19-20; Ord. 187, 6-11-68; Ord. 495 § 1, 7-22-69; Ord. 572 § 1, 10-28-69; Ord. 704 § 1(L), 5-12-70; Ord. 1494 § 1, 10-17-72; Ord. 4048, 6-25-91; Ord. 4950, 7-2-02	9-56-27
15-28	Code 1967 § 19-21; Ord. 187, 6-11-68; Ord. 704 § 1(F), 5-12-70; Ord. 1494 § 1, 10-17-72; Ord.4048, 6-25-91	9-56-28
15-29	Code 1967 § 19-26; Ord. 704 § 1(I), 5-12-70; Ord. 4048, 6-25-91	9-56-29
15-30	Ord. 5091 § 1, 2005	9-56-30
15-31	Ord. 5091 § 2, 2005	9-56-31
15-32	Ord. 5091 § 3, 2005	9-56-32
15-33	Ord. 5091 § 4, 2005	9-56-33
15-34—15-40		Reserved
15-41	Code 1967 § 19-50; Ord. 3292 § 1, 4-26-83; Ord. 4048, 6-25-91	9-56-30
15-42	Code 1967 § 19-51; Ord. 3292 § 1, 4-26-83; Ord. 4048, 6-25-91	9-56-31
15-43	Code 1967 § 19-52; Ord. 3292 § 1, 4-26-83; Ord. 4048, 6-25-91	9-56-32
15-44	Code 1967 § 19-53; Ord. 3292 § 1, 4-26-83; Ord. 4048, 6-25-91	9-56-33
15-45	Code 1967 § 19-54; Ord. 3292 § 1, 4-26-83; Ord. 4048, 6-25-91	9-56-34
16-1	Code 1967 § 32-1	9-4-1
16-2	Code 1967 § 32-2	9-4-2
16-3	Code 1967 § 32-3	9-4-3
16-4	Code 1967 § 32-4	9-4-4

Prior Code §		Ordinance History	Herein
16-5	Code 1967 § 32-5		9-4-5
16-6	Code 1967 § 32-6		9-4-6
16-7	Code 1967 § 32-7		9-4-7
16-8	Code 1967 § 32-8		9-8-1
16-9	Code 1967 § 32-9		9-8-2

Prior Code §	Ordinance History	Herein
16-10	Code 1967 § 32-10	9-8-3
16-11	Code 1967 § 32-11	9-8-4
16-12	Code 1967 § 32-14	9-8-5
16-13	Code 1967 § 32-15	9-8-6
16-14	Code 1967 § 32-16; Ord. 215 § 1, 7-16-68	9-8-7
16-15		Reserved
16-16	Code 1967 § 32-18	9-8-8
16-17	Code 1967 § 32-19	9-8-9
16-18	Code 1967 § 32-20	9-8-10
16-19	Code 1967 § 32-21	9-8-11
16-20	Code 1967 § 32-22	9-8-12
16-21	Code 1967 § 32-23	9-8-13
16-22	Code 1967 § 32-24.1; Ord. 670 § 1, 4-14-70; Ord. 2591 § 1, 5-10-77; Ord. 2890 § 1, 7-3-79	2-86-1—2-86-9
16-23	Code 1967 § 32-27	9-8-14
16-24	Code 1967 § 32-28	9-8-15
16-25	Code 1967 § 32-29	9-8-16
16-26	Code 1967 § 32-30	9-8-17
16-27	Code 1967 §§ 32-31, 32-32; Ord. 837 § 2, 1-12-71; Ord. 1227 § 1, 4-4-72	9-8-21
16-28	Code 1967 § 32-33	9-8-22
16-29	Code 1967 § 32-34	9-8-23
16-30	Code 1967 § 32-35; Ord. 1227 § 1, 4-4-72	9-8-24
16-31	Code 1967 § 32-36; Ord. 1227 § 1, 4-4-72	9-4-8
16-32	Code 1967 § 32-37; Ord. 354 §§ 1, 2, 1-14-69	9-8-18
16-33	Ord. 3436 § 1(6), 2-19-85	9-8-19
16-34—16-45		Reserved
16-46	Code 1967 § 3-1(A); Ord. 3230 §1(1), 8-3-82; Ord. 4320 § 1, 5-2-95; Ord. 4636 § 5, 12-15-98; Ord. 4867 § 1, 6-19-01; Ord. 4981 § 12, 12-17-02	9-12-1
16-47		Reserved
16-48	Code 1967 § 3-1.11; Ord. 2921 § 1(5), 10-9-79; Ord. 4320 § 3, 5-2-95; Ord. 4636 § 1, 12-15-98; Ord. 4981 § 1, 12-17-02	9-12-2
16-49	Code 1967 § 3-6; Ord. 1265 § 1, 4-25-72; Ord. 2921 § 1(1), 10-9-79; Ord. 4320 § 4, 5-2-95; Ord. 4636 § 6, 12-15-98; Ord. 4867 § 1, 6-19-01; Ord. 4981 § 1, 12-17-02	9-12-3
16-50	Code 1967 § 3-16; Ord. 1265 § 1, 4-25-72; Ord. 4981 § 2, 12-17-02	9-12-4
16-51		Not codified
16-52	Ord. 3784 § 1, 8-2-88; Ord. 4320 § 5, 5-2-95; Ord. 4636 § 7, 12-15-98; Ord. 4867 § 1, 6-19-01; Ord. 4981 § 12, 12-17-02	9-12-5
16-53—16-55		Reserved
16-56	Code 1967 § 3-2; Ord. 1265 § 1, 4-25-72	9-12-6
16-57	Code 1967 § 3-3; Ord. 1265 § 1, 4-25-72; Ord. 3230 § 1(2), 8-3-82; Ord. 4981 § 3, 12-17-02	9-12-7
16-58	Code 1967 § 3-10; Ord. 1265 § 1, 4-25-72; Ord. 4981 § 4, 12-17-02	9-12-8
16-59	Code 1967 § 3-4; Ord. 1265 § 1, 4-25-72	9-12-9
16-60	Ord. 4981 § 13, 12-17-02	9-12-10
16-61	Ord. 4981 § 5, 12-17-02	9-12-11
16-62—16-70		Reserved

Prior Code §	Ordinance History	Herein
16-71	Code 1967 § 13-35; Ord. 1265 § 1, 4-25-72; Ord. 3230 § 1(5), 8-3-82; Ord. 4320 § 6, 5-2-95; Ord. 4867 § 1, 6-19-01; Ord. 4981 § 6, 12-17-02	9-12-12
16-76	Ord. 4320 § 7, 5-2-95; Ord. 4636 § 8, 12-15-98; Ord. 4867 § 1, 6-19-01; Ord. 4981 § 12, 12-17-02	9-12-13
16-77	Code 1967 § 3-5; Ord. 1265 § 1, 4-25-72; Ord. 2671 § 1, 1-17-78; Ord. 4320 § 8, 5-2-95; Ord. 4636 § 9, 12-15-98; Ord. 4867 § 1, 6-19-01; Ord. 4981 § 12, 12-17-02	9-12-14
16-78	Code 1967 § 3-20; Ord. 1265 § 1, 4-25-72; Ord. 2921 § 1(8), 10-9-79; Ord. 4320 § 9, 5-2-95; Ord. 4636 § 10, 12-15-98; Ord. 4867 § 1, 6-19-01; Ord. 4981 § 12, 12-17-02	9-12-15
16-79	Code 1967 § 3-21; Ord. 1265 § 1, 4-25-72; Ord. 2921 § 1(9), 10-9-79; Ord. 4320 § 10, 5-2-95; Ord. 4636 § 11, 12-15-98; Ord. 4867 § 1, 6-19-01; Ord. 4981 § 12, 12-17-02	9-12-16
16-80	Code 1967 § 3-22; Ord. 1265 § 1, 4-25-72; Ord. 2921 § 1(10), 10-9-79; Ord. 4320 § 11, 5-2-95; Ord. 4636 § 12, 12-15-98; Ord. 4867 § 1, 6-19-01; Ord. 4981 § 12, 12-17-02	9-12-17
16-81	Code 1967 § 3-25; Ord. 1265 § 1, 4-25-72; Ord. 2921 § 1(11), 10-9-79; Ord. 4320 § 12, 5-2-95; Ord. 4636 § 13, 12-15-98; Ord. 4867 § 1, 6-19-01; Ord. 4981 § 12, 12-17-02	9-12-18
16-82	Code 1967 § 3-24; Ord. 1265 § 1, 4-25-72; Ord. 1988 § 1, 3-19-74; Ord. 2761 § 1, 1-17-78; Ord. 4320 § 13, 5-2-95; Ord. 4636 § 14, 12-15-98; Ord. 4867 § 1, 6-19-01; Ord. 4981 § 12, 12-17-02	9-12-19
16-83	Code 1967 § 3-17; Ord. 1265 § 1, 4-25-72; Ord. 2921 § 1(7), 10-9-79; Ord. 4320 § 14, 5-2-95; Ord. 4636 § 15, 12-15-98; Ord. 4867 § 1, 6-19-01; Ord. 4981 § 12, 12-17-02	9-12-20
16-84	Code 1967 § 3-23; Ord. 1265 § 1, 4-25-72; Ord. 3230 § 1(4), 8-3-82	9-12-21
16-84.1		9-12-21.5
16-85	Code 1967 § 3-7; Ord. 1265 § 1, 4-25-72; Ord. 2921 § 1(2), 10-9-79; Ord. 4320 § 15, 5-2-95; Ord. 4636 § 16, 12-15-98; Ord. 4867 § 1, 6-19-01; Ord. 4981 § 12, 12-17-02	9-12-22
16-86	Code 1967 § 3-8; Ord. 1265 § 1, 4-25-72; Ord. 2921 § 1(3), 10-9-79; Ord. 4320 § 16, 5-2-95; Ord. 4636 § 17, 12-15-98; Ord. 4867 § 1, 6-19-01; Ord. 4981 § 12, 12-17-02	9-12-23
16-87	Code 1967 § 3-9; Ord. 1265 § 1, 4-25-72; Ord. 2921 § 1(4), 10-9-79; Ord. 4320 § 17, 5-2-95; Ord. 4636 § 18, 12-15-98; Ord. 4867 § 1, 6-19-01; Ord. 4981 § 12, 12-17-02	9-12-24
16-88	Code 1967 § 3-19; Ord. 1265 § 1, 4-25-72; Ord. 3230 § 1(3), 8-3-82	9-12-25
16-89	Code 1967 § 3-18; Ord. 1265 § 1, 4-25-72	9-12-26
16-90	Ord. 3464 § 1, 6-4-85; Ord. 4320 § 18, 5-2-95; Ord. 4636 § 19, 12-15-98; Ord. 4867 § 1, 6-19-01; Ord. 4981 § 12, 12-17-02	9-12-27
16-91	Ord. 3465 § 1, 6-4-85; Ord. 4320 § 19, 5-2-95; Ord. 4636 § 20, 12-15-98; Ord. 4867 § 1, 6-19-01; Ord. 4981 § 12, 12-17-02	9-12-28
16-91.1	Ord. 3889 § 1, 8-15-89; Ord. 4320 § 20, 5-2-95; Ord. 4636 § 21, 12-15-98; Ord. 4867 § 1, 6-19-01; Ord. 4981 § 12, 12-17-02	9-12-29
16-91.2	Ord. 4320 § 21, 5-2-95; Ord. 4636 § 22, 12-15-98; Ord. 4867 § 1, 6-19-01; Ord. 4981 § 12, 12-17-02	9-12-30
16-91.3	Ord. 4320 § 22, 5-2-95; Ord. 4636 § 23, 12-15-98; Ord. 4867 § 1, 6-19-01; Ord. 4981 § 12, 12-17-02	9-12-31
16-91.4	Ord. 4320 § 23, 5-2-95; Ord. 4636 § 24, 12-15-98; Ord. 4867 § 1, 6-19-01; Ord. 4981 § 12, 12-17-02	9-12-32

Prior Code §	Ordinance History	Herein
16-91.5	Ord. 4981 § 13, 12-17-02	9-12-33
16-92		Reserved
16-93	Ord. 4105 § 1, 5-26-92	9-12-34
16-94	Ord. 4105 § 1, 5-26-92; Ord. 4867 § 1, 6-19-01; Ord. 4899 § 1, 10-2-01	9-12-35
16-95	Ord. 4105 § 1, 5-26-92; Ord. 4636 §§ 2, 3, 12-15-98; Ord. 4867 § 1, 6-19-01; Ord. 4899 § 1, 10-2-01; Ord. 4981 §§ 7—9, 12-17-02	9-12-36
16-96	Ord. 4105 § 1, 5-26-92	9-12-37
16-97	Ord. 4105 § 1, 5-26-92; Ord. 4636 § 4, 12-15-98; Ord. 4981 §§ 10, 11, 12-17-02	9-12-38
16-98	Ord. 4105 § 1, 5-26-92; Ord. 4320 § 25, 5-2-95	9-12-39
16-99	Ord. 4105 § 1, 5-26-92	9-12-40
16-100	Ord. 4105 § 1, 5-26-92	9-12-41
16-101	Ord. 4105 § 1, 5-26-92	9-12-42
16-102	Ord. 4105 § 1, 5-26-92	9-12-43
16-103	Ord. 4105 § 1, 5-26-92	Not codified
16-104, 16-105		Reserved
16-106	Code 1967 § 6-1	9-20-1
16-107	Code 1967 § 6-2	9-20-2
16-108	Code 1967 § 6-3	9-20-3
16-109	Code 1967 § 6-4	9-20-4
16-110	Code 1967 § 6-7	9-20-5
16-111	Code 1967 § 6-8	9-20-6
16-112	Code 1967 § 6-9	9-20-7
16-113—16-125		Reserved
16-126	Code 1967 § 6-20; Ord. 4667 § 1, 4-20-99	9-20-8
16-127	Code 1967 § 6-21	9-20-9
16-128	Code 1967 § 6-22; Ord. 1822 § 1, 8-14-73; Ord. 2379 § 1, 2-17-76; Ord. 2542 § 1, 1-4-77; Ord. 2904 § 1, 7-31-79; Ord. 3196 § 1, 4-6-82; Ord. 3210 § 1, 6-15-82; Ord. 3406 § 1, 9-25-84; Ord. 3920 § 1, 1-9-90	9-20-10
16-129	Code 1967 § 6-23	9-20-11
16-130	Code 1967 § 6-24	9-20-12
16-131—16-145		Reserved
16-146	Code 1967 § 32-130; Ord. 2949 § 1, 12-11-79	6-16-1
16-147	Code 1967 § 32-131; Ord. 2949 § 1, 12-11-79	6-16-2
16-148	Code 1967 § 32-132; Ord. 2949 § 1, 12-11-79	6-16-3
16-149	Code 1967 § 32-133; Ord. 2949 § 1, 12-11-79	6-16-4
16-150	Code 1967 § 32-134; Ord. 2949 § 1, 12-11-79	6-16-5
16-151	Code 1967 § 32-135; Ord. 2949 § 1, 12-11-79	6-16-6
16-152	Code 1967 § 32-136; Ord. 2949 § 1, 12-11-79	6-16-7
16-153	Code 1967 § 32-137; Ord. 2949 § 1, 12-11-79	6-16-8
16-154	Code 1967 § 32-138; Ord. 2949 § 1, 12-11-79	6-16-9
16-155	Code 1967 § 32-139; Ord. 2949 § 1, 12-11-79	6-16-10
16-156	Code 1967 § 32-140; Ord. 2949 § 1, 12-11-79	6-16-11
16-157	Code 1967 § 32-141; Ord. 2949 § 1, 12-11-79	6-16-12
16-158	Code 1967 § 32-142; Ord. 2949 § 1, 12-11-79	6-16-13
16-159	Code 1967 § 32-143; Ord. 2949 § 1, 12-11-79	6-16-14
16-160	Code 1967 § 32-144; Ord. 2949 § 1, 12-11-79	6-16-15

Prior Code §	Ordinance History	Herein
16-161—16-175		Reserved
16-176	Code 1967 §§ 18-1, 18-136, 18-184; Ord. 2171 § 1, 12-3-74; Ord. 2520 § 1, 10-26-76; Ord. 2630 § 1, 8-30-77; Ord. 2713 § 1, 4-25-78; Ord. 2868 § 1, 5-1-79; Ord. 2950 § 1(1)—(5), 12-11-79; Ord. 3228 § 1(1)—(7), 8-3-82; Ord. 3394 §§ 1, 2, 7-31-84; Ord. 3432 § 1, 1-29-85	9-52-1
16-177	Code 1967 § 18-6; Ord. 2171 § 1, 12-3-74	9-52-2
16-178	Code 1967 §§ 18-7, 18-185; Ord. 2171 § 1, 12-3-74; Ord. 2630 § 1, 8-30-77; Ord. 2713 § 1, 4-25-78; Ord. 2950 § 1(6), 12-11-79; Ord. 3228 § 1(8), (9), 8-3-82; Ord. 3394 § 3, 7-31-84; Ord. 3616 § 1, 12-9-86	9-52-3
16-179	Code 1967 § 18-8; Ord. 2171 § 1, 12-3-74; Ord. 3228 § 1(10), 8-3-82	9-52-4
16-180	Code 1967 § 18-9; Ord. 2171 § 1, 12-3-74; Ord. 3228 § 1(11), 8-3-82	9-52-5
16-181	Code 1967 § 18-10; Ord. 2171 § 1, 12-3-74	9-52-6
16-182	Code 1967 § 18-11; Ord. 2171 § 1, 12-3-74; Ord. 3228 § 1(12), 8-3-82	9-52-7
16-183	Code 1967 § 18-9; Ord. 2171 § 1, 12-3-74; Ord. 3228 § 1(11), 8-3-82	9-52-8
16-184	Code 1967 § 18-12; Ord. 2171 § 1, 12-3-74; Ord. 4733 § 1, 2-1-00	9-52-9
16-185	Code 1967 § 18-13; Ord. 2171 § 1, 12-3-74	9-52-10
16-186	Code 1967 § 18-14; Ord. 2171 § 1, 12-3-74	9-52-11
16-187	Code 1967 § 18-15; Ord. 2171 § 1, 12-3-74	9-52-12
16-188	Code 1967 § 18-16; Ord. 2171 § 1, 12-3-74	9-52-13
16-189	Code 1967 § 18-17; Ord. 2171 § 1, 12-3-74	9-52-14
16-190	Code 1967 § 18-18; Ord. 2171 § 1, 12-3-74	9-52-15
16-191	Code 1967 § 18-153	9-52-16
16-192	Code 1967 § 18-185; Ord. 421 § 1, 3-25-69; Ord. 1070 § 1, 10-5-71; Ord. 2953 § 1, 12-11-79	9-52-17
16-193	Code 1967 § 18-194; Ord. 421 § 1, 3-25-69	9-52-18
16-194	Code 1967 § 18-195; Ord. 421 § 1, 3-25-69	9-52-19
16-195	Code 1967 § 18-19; Ord. 2171 § 1, 12-3-74	9-52-20
16-196	Code 1967 § 18-20; Ord. 2171 § 1, 12-3-74	9-52-21
16-197	Code 1967 § 18-21; Ord. 2171 § 1, 12-3-74	9-52-22
16-198	Ord. 4733 § 1, 2-1-00	9-52-23
16-199, 16-200		Reserved
16-201	Code 1967 § 18-26; Ord. 2171 § 1, 12-3-74	9-52-24
16-202	Code 1967 § 18-27; Ord. 2171 § 1, 12-3-74; Ord. 3228 § 1(13), 8-3-82; Ord. 4328, 5-16-95	9-52-25
16-203	Code 1967 § 18-28; Ord. 2171 § 1, 12-3-74	9-52-26
16-204	Code 1967 § 18-30; Ord. 2171 § 1, 12-3-74	9-52-27
16-205	Code 1967 § 18-31; Ord. 2171 § 1, 12-3-74	9-52-28
16-206	Code 1967 § 18-32; Ord. 2171 § 1, 12-3-74	9-52-29
16-207	Code 1967 § 18-33; Ord. 2171 § 1, 12-3-74	9-52-30
16-208	Code 1967 § 18-34; Ord. 2171 § 1, 12-3-74	9-52-31
16-209	Code 1967 § 18-35; Ord. 2171 § 1, 12-3-74	9-52-32
16-210	Code 1967 § 18-36; Ord. 2171 § 1, 12-3-74; Ord. 3432 § 2, 1-29-85	9-52-33
16-211	Code 1967 § 18-37; Ord. 2171 § 1, 12-3-74	9-52-34
16-212	Code 1967 § 18-38; Ord. 2171 § 1, 12-3-74; Ord. 3228 § 1(15), 8-3-82	9-52-35
16-213	Code 1967 § 18-39; Ord. 2171 § 1, 12-3-74	9-52-36
16-214	Code 1967 § 18-40; Ord. 2171 § 1, 12-3-74	9-52-37
16-215	Code 1967 § 18-41; Ord. 2171 § 1, 12-3-74; Ord. 3228 § 1(16), 8-3-82	9-52-38
16-216	Code 1967 § 18-42; Ord. 2171 § 1, 12-3-74	9-52-39
16-217	Code 1967 § 18-43; Ord. 2171 § 1, 12-3-74	9-52-40

Prior Code §	Ordinance History	Herein
16-218	Code 1967 § 18-44; Ord. 2171 § 1, 12-3-74	9-52-41
16-219	Code 1967 § 18-45; Ord. 2171 § 1, 12-3-74	9-52-42
16-220	Code 1967 § 18-46; Ord. 2171 § 1, 12-3-74	9-52-43
16-221	Code 1967 § 18-47; Ord. 2171 § 1, 12-3-74	9-52-44
16-222	Code 1967 § 18-48; Ord. 2171 § 1, 12-3-74; Ord. 3228 § 1(17), 8-3-82	9-52-45
16-223	Code 1967 § 18-49; Ord. 2171 § 1, 12-3-74; Ord. 3226 § 1, 8-3-82	9-52-46
16-224	Code 1967 § 18-50; Ord. 2171 § 1, 12-3-74	9-52-47
16-225	Code 1967 § 18-51; Ord. 2171 § 1, 12-3-74	9-52-48
16-226	Code 1967 § 18-52; Ord. 2171 § 1, 12-3-74; Ord. 2712 §§ 1, 2, 4-25-78; Ord. 3228 § 1(18), 8-3-82; Ord. 3432 § 3, 1-29-85	9-52-49
16-227	Code 1967 § 18-53; Ord. 2171 § 1, 12-3-74; Ord. 3432 § 4, 1-29-85	9-52-50
16-228	Code 1967 § 18-54; Ord. 2171 § 1, 12-3-74	9-52-51
16-229	Code 1967 § 18-55; Ord. 2171 § 1, 12-3-74	9-52-52
16-230	Code 1967 § 18-56; Ord. 2171 § 1, 12-3-74	9-52-53
16-231	Code 1967 § 18-57; Ord. 2171 § 1, 12-3-74; Ord. 3228 § 1(19), 8-3-82	9-52-54
16-232	Code 1967 § 18-58; Ord. 2171 § 1, 12-3-74	9-52-55
16-233	Code 1967 § 18-59; Ord. 2171 § 1, 12-3-74	9-52-56
16-234	Code 1967 § 18-60; Ord. 2171 § 1, 12-3-74	9-52-57
16-235	Code 1967 § 18-61; Ord. 2171 § 1, 12-3-74	9-52-58
16-236	Code 1967 § 18-62; Ord. 2171 § 1, 12-3-74	9-52-59
16-237—16-245		Reserved
16-246	Code 1967 § 18-67; Ord. 2171 § 1, 12-3-74	9-52-60
16-247	Code 1967 § 18-68; Ord. 2171 § 1, 12-3-74; Ord. 3228 § 1(20), 8-3-82	9-52-61
16-248	Code 1967 § 18-69; Ord. 2171 § 1, 12-3-74; Ord. 3228 § 1(21), 8-3-82	9-52-62
16-249	Code 1967 § 18-70; Ord. 2171 § 1, 12-3-74	9-52-63
16-250	Code 1967 § 18-71; Ord. 2171 § 1, 12-3-74	9-52-64
16-251	Code 1967 § 18-72; Ord. 2171 § 1, 12-3-74; Ord. 3228 § 1(22), 8-3-82	9-52-65
16-252	Code 1967 § 18-73; Ord. 2171 § 1, 12-3-74; Ord. 3228 § 1(23), 8-3-82	9-52-66
16-253	Code 1967 § 18-74; Ord. 2171 § 1, 12-3-74; Ord. 2713 § 1, 4-25-78; Ord. 3228 § 1(24), 8-3-82	9-52-67
16-254	Code 1967 § 18-75; Ord. 2171 § 1, 12-3-74; Ord. 3228 § 1(25), 8-3-82	9-52-68
16-255	Code 1967 § 18-76; Ord. 2171 § 1, 12-3-74	9-52-69
16-256	Code 1967 § 18-77; Ord. 2171 § 1, 12-3-74	9-52-70
16-257	Code 1967 § 22-41.1; Ord. 3227 § 1, 12-7-82	9-52-71
16-258	Code 1967 § 18-78; Ord. 2171 § 1, 12-3-74; Ord. 3394 § 4, 7-31-84	9-52-72
16-259	Code 1967 § 18-79; Ord. 2630 § 2, 8-30-77	9-52-73
16-260	Code 1967 § 18-80; Ord. 3228 § 1(26), 8-3-82	9-52-74
16-261—16-275		Reserved
16-276	Code 1967 § 18-214	9-52-75
16-277	Code 1967 § 18-207	9-52-76
16-278	Code 1967 § 18-208	9-52-77
16-279	Code 1967 § 18-209	9-52-78
16-280	Code 1967 § 18-210	9-52-79
16-281	Code 1967 § 18-211	9-52-80
16-282	Code 1967 § 18-212	9-52-81
16-283	Code 1967 § 18-213	9-52-82
16-284	Code 1967 § 18-215	9-52-83

Prior Code §	Ordinance History	Herein
16-285—16-300		Reserved
16-301	Code 1967 § 32-47	9-64-1
16-302	Code 1967 § 32-48	9-64-2
16-303	Code 1967 § 32-49	9-64-3
16-304	Code 1967 § 32-50	9-64-4
16-305	Code 1967 § 32-51	9-64-5
16-306	Code 1967 § 32-52	9-64-6
16-307—16-315		Reserved
16-316	Code 1967 § 32-58	9-64-7
16-317	Code 1967 § 32-59	9-64-8
16-318	Code 1967 § 32-62	9-64-9
16-319	Code 1967 § 32-63	9-64-10
16-320	Code 1967 § 32-64	9-64-11
16-321—16-335		Reserved
16-336	Code 1967 § 32-120; Ord. 3229 § 1, 8-3-82	9-72-1
16-337	Code 1967 § 32-121; Ord. 3229 § 1, 8-3-82	9-72-2
16-338	Code 1967 § 32-122; Ord. 3229 § 1, 8-3-82	9-72-3
16-339	Code 1967 § 32-123; Ord. 3229 § 1, 8-3-82	9-72-4
16-340	Code 1967 § 32-124; Ord. 3229 § 1, 8-3-82	9-72-5
16-341	Code 1967 § 32-125; Ord. 3229 § 1, 8-3-82	9-72-6
16-342	Code 1967 § 32-126; Ord. 3229 § 1, 8-3-82	9-72-7
16-343	Code 1967 § 32-127; Ord. 3229 § 1, 8-3-82	9-72-8
16-344	Code 1967 § 32-128; Ord. 3229 § 1, 8-3-82; Ord. 4029 § 1, 4-23-91	9-72-9
16-345	Code 1967 § 32-130; Ord. 3229 § 1, 8-3-82	9-72-10
16-346	Code 1967 § 32-131; Ord. 3229 § 1, 8-3-82	9-72-11
16-347	Code 1967 § 32-132; Ord. 3229 § 1, 8-3-82	9-72-12
16-348	Code 1967 § 32-133; Ord. 3229 § 1, 8-3-82	9-72-13
16-349	Code 1967 § 32-134; Ord. 3229 § 1, 8-3-82	9-72-14
16-350—16-360		Reserved
16-361	Code 1967 § 32-77; Ord. 3436 § 1(1—5), 2-19-85	9-80-1
16-362	Code 1967 § 32-78	9-80-2
16-363	Code 1967 § 32-79; Ord. 387 § 2, 1-12-71	9-80-3
16-364	Code 1967 § 32-80	9-80-4
16-365	Ord. 3436 § 1(6), 2-19-85	9-80-5
16-366	Ord. 3436 § 1(6), 2-19-85	9-80-6
16-367—16-375		Reserved
16-376	Code 1967 § 32-86	9-80-7
16-377	Code 1967 § 32-87	9-80-8
16-378	Code 1967 § 32-88	9-80-9
16-379	Code 1967 § 32-89	9-80-10
16-380	Code 1967 § 32-90	9-80-11
16-381	Code 1967 § 32-91	9-80-12
16-382—16-395		Reserved
16-396	Code 1967 § 32-102	9-76-1

Prior Code §	Ordinance History	Herein
16-397	Code 1967 § 32-103	9-76-2
16-398	Code 1967 § 32-104; Ord. 352 § 1, 12-3-68	9-76-3
16-399	Code 1967 § 32-105	9-76-4
16-400	Code 1967 § 32-106	9-76-5
16-401	Code 1967 § 32-107	9-76-6
16-402	Code 1967 § 32-108	9-76-7
16-403	Code 1967 § 32-109	9-76-8
16-404	Code 1967 § 32-110	9-76-9
16-405	Code 1967 § 32-111	9-76-10
16-406	Code 1967 § 32-112	9-76-11
16-407	Code 1967 § 32-113	9-76-12
16-408	Code 1967 § 32-114	9-76-13
16-409	Code 1967 § 32-115	9-76-14
16-410	Code 1967 § 32-116	9-76-15
16-411	Code 1967 § 32-117	9-76-16
16-412	Code 1967 § 32-118	9-76-17
16-413	Code 1967 § 32-119	9-76-18
16-414		Reserved
16-415	Ord. 3736 § 1, 3-8-88	2-46-1
16-416	Ord. 3736 § 1, 3-8-88	2-46-2
16-417	Ord. 3736 § 1, 3-8-88	2-46-3
16-418	Ord. 3736 § 1, 3-8-88	2-46-4
16-419	Ord. 3736 § 1, 3-8-88	2-46-5
16-420	Ord. 3736 § 1, 3-8-88	2-46-6
16-421	Ord. 3736 § 1, 3-8-88	Not codified
16-422	Ord. 3736 § 1, 3-8-88	2-46-7
16-423—16425		Reserved
16-426	Code 1967 § 31-78	9-92-1
16-427	Code 1967 § 31-79; Ord. 350 § 1, 12-31-68; Ord. 2956 § 1(1), (2), 12-11-79	9-92-2
16-428	Code 1967 § 31-80	9-92-3
16-429	Code 1967 § 31-81	9-92-4
16-430	Code 1967 § 31-82	9-92-5
16-431	Code 1967 § 31-83	9-92-6
16-432	Code 1967 § 31-84	9-92-7
16-433	Code 1967 § 31-85	9-92-8
16-434	Code 1967 § 31-86	9-92-9
16-435	Code 1967 § 31-87	9-92-10
16-436	Code 1967 § 31-88	9-92-11
16-437	Code 1967 § 31-89	9-92-12
16-438	Code 1967 § 31-90	9-92-13
16-439	Code 1967 § 31-91	9-92-14
16-440	Code 1967 § 31-92	9-92-15
16-441	Code 1967 § 31-93	9-92-16
16-442	Code 1967 § 31-94	9-92-17
16-443	Code 1967 § 31-95	9-92-18
16-444—16-455		Reserved
16-456	Code 1967 § 22-53.2; Ord. 837 § 1, 1-12-71; Ord. 4724 § 1, 12-7-99; Ord. 4978 § 1, 12-3-02	9-96-1
16-457	Code 1967 § 22-53; Ord. 837 § 1, 1-12-71; Ord. 4724 § 1, 12-7-99; Ord. 4978 § 1, 12-3-02	9-96-2

Prior Code §	Ordinance History	Herein
16-458	Code 1967 § 22-53.1; Ord. 837 § 1, 1-12-71; Ord. 4724 § 1, 12-7-99; Ord. 4978 § 1, 12-3-02	9-96-3
16-459	Code 1967 § 22-54; Ord. 837 § 1, 1-12-71; Ord. 4724 § 1, 12-7-99; Ord. 4978 § 1, 12-3-02	9-96-4
16-460	Code 1967 § 22-25; Ord. 837 § 1, 1-12-71; Ord. 4724 § 1, 12-7-99; Ord. 4978 § 1, 12-3-02	9-96-5
16-461—16-470		Reserved
16-471	Code 1967 § 22-58; Ord. 837 § 1, 1-12-71; Ord. 4724 § 1, 12-7-99; Ord. 4978 § 1, 12-3-02	9-96-6
16-472	Code 1967 § 22-59; Ord. 837 § 1, 1-12-71; Ord. 4724 § 1, 12-7-99	9-96-7
16-473	Ord. 4978 § 1, 12-3-02	9-8-20
16-474—16-490		Reserved
16-491	Ord. 3442 § 1, 4-2-85; Ord. 4610 §§ 1, 2, 9-15-98	9-60-1
16-492	Ord. 3442 § 1, 4-2-85; Ord. 4610 § 3, 9-15-98	9-60-2
16-493	Ord. 3442 § 1, 4-2-85	9-60-3
16-494	Ord. 3442 § 1, 4-2-85	9-60-4
16-495	Ord. 3442 § 1, 4-2-85	9-60-5
16-496	Ord. 3442 § 1, 4-2-85; Ord. 4610 § 4, 9-15-98	9-60-6
16-497	Ord. 3442 § 1, 4-2-85	9-60-7
16-498, 16-499		Reserved
16-500	Ord. 3817 § 1, 10-18-88	9-100-1
16-501	Ord. 3817 § 1, 10-18-88	9-100-2
16-502	Ord. 3817 § 1, 10-18-88	9-100-3
16-503	Ord. 3817 § 1, 10-18-88	9-100-4
16-504	Ord. 3817 § 1, 10-18-88	9-100-5
16-505	Ord. 3817 § 1, 10-18-88	9-100-6
17-1—17-15		Reserved
17-16	Code 1967 § 40-30; Ord. 2805 § 1, 12-5-78	6-36-1
17-17	Code 1967 § 40-31; Ord. 2805 § 1, 12-5-78	6-36-2
17-18	Code 1967 § 40-32; Ord. 2805 § 1, 12-5-78	6-36-3
17-19	Code 1967 § 40-33; Ord. 2805 § 1, 12-5-78	6-36-4
17-20	Code 1967 § 40-34; Ord. 2805 § 1, 12-5-78; Ord. 2888 § 1, 6-26-79; Ord. 4046 § 1, 6-25-91; Ord. 4070 § 1, 9-10-91	6-36-5
17-21	Code 1967 § 40-35; Ord. 2805 § 1, 12-5-78	6-36-6
18-1	Code 1967 § 22-42; Ord. 1207 § 1, 3-7-72; Ord. 3009 § 1, 5-13-80	10-12-1
18-16	Code 1967 § 21-51; Ord. 1891 § 1, 11-6-73; Ord. 5093 § 1, 2005	2-14-1
18-17	Code 1967 § 21-52; Ord. 1891 § 2, 11-6-73; Ord. 5093 § 2, 2005	2-14-2
18-18	Code 1967 § 21-53; Ord. 1891 § 3, 11-6-73; Ord. 5093 § 3, 2005	2-14-3
18-19	Code 1967 § 21-54; Ord. 1891 § 4, 11-6-73; Ord. 5093 § 4, 2005	2-14-4
18-20	Code 1967 § 21-55; Ord. 1891 § 5, 11-6-73; Ord. 5093 § 5, 2005	2-14-5
18-21	Code 1967 § 21-56; Ord. 1891 § 6, 11-6-73	2-14-6
18-22	Code 1967 § 21-57; Ord. 1891 § 7, 11-6-73	2-14-7
18-23	Code 1967 § 21-58; Ord. 1891 § 8, 11-6-73; Ord. 3293 § 1, 5-3-83; Ord. 5093 § 6, 2005	2-14-8
18-24	Code 1967 § 21-59; Ord. 1891 § 9, 11-6-73	2-14-9
18-25—18-40		Reserved
18-41	Ord. 4173 § 1, 4-16-93	4-32-1

Prior Code §	Ordinance History	Herein
18-42	Ord. 4173 § 1, 4-16-93	4-32-3
18-43	Ord. 4173 § 1, 4-16-93	4-32-4
18-44	Ord. 4173 § 1, 4-16-93; Ord. 4833, 12-19-00	4-32-5
18-45	Ord. 4173 § 1, 4-16-93	4-32-6
18-46	Ord. 4173 § 1, 4-16-93	4-32-7
18-47	Ord. 4173 § 1, 4-16-93	4-32-8
18-48	Ord. 4173 § 1, 4-16-93	4-32-9
18-49	Ord. 4173 § 1, 4-16-93	4-32-10
18-50	Ord. 4173 § 1, 4-16-93	4-32-11
18-51	Ord. 4173 § 1, 4-16-93	4-32-12
18-52	Ord. 4173 § 1, 4-16-93	4-32-13
18-53	Ord. 4173 § 1, 4-16-93	4-32-14
18-54	Ord. 4173 § 1, 4-16-93	4-32-15
18-55	Ord. 4173 § 1, 4-16-93	4-32-16
18-56	Ord. 4173 § 1, 4-16-93	4-32-17
18-57	Ord. 4173 § 1, 4-16-93	4-32-18
18-58	Ord. 4173 § 1, 4-16-93	4-32-19
18-59	Ord. 4173 § 1, 4-16-93	4-32-20
18-60	Ord. 4173 § 1, 4-16-93	4-32-21
18-61	Ord. 4173 § 1, 4-16-93	4-32-22
18-62	Ord. 4173 § 1, 4-16-93	4-32-23
18-63	Ord. 4173 § 1, 4-16-93; Ord. 4487 § 1, 5-6-97	4-32-24
18-64	Ord. 4173 § 1, 4-16-93	4-32-25
18-65	Ord. 4173 § 1, 4-16-93; Ord. 4674, 6-1-99	4-32-26
18-66	Ord. 4173 § 1, 4-16-93	4-32-27
18-67	Ord. 4173 § 1, 4-16-93	4-32-28
18-68	Ord. 4173 § 1, 4-16-93	4-32-29
18-69	Ord. 4173 § 1, 4-16-93	4-32-30
18-70	Ord. 4173 § 1, 4-16-93	4-32-31
18-71	Ord. 4173 § 1, 4-16-93	4-32-32
18-72	Ord. 4173 § 1, 4-16-93	4-32-33
18-73	Ord. 4173 § 1, 4-16-93	4-32-34
18-74	Ord. 4173 § 1, 4-16-93	4-32-35
18-75	Ord. 4173 § 1, 4-16-93	4-32-36
18-76	Ord. 4173 § 1, 4-16-93	4-32-37
18-77	Ord. 4173 § 1, 4-16-93	4-32-38
18-78	Ord. 4173 § 1, 4-16-93	4-32-39
18-79	Ord. 4173 § 1, 4-16-93	4-32-40
18-80	Ord. 4173 § 1, 4-16-93	4-32-41
18-81	Ord. 4173 § 1, 4-16-93	4-32-42
18-82	Ord. 4173 § 1, 4-16-93	4-32-43
18-83	Ord. 4173 § 1, 4-16-93	4-32-44
18-84	Ord. 4173 § 1, 4-16-93	4-32-45
18-85	Ord. 4173 § 1, 4-16-93	4-32-46
18-86	Ord. 4173 § 1, 4-16-93	4-32-47
18-87	Ord. 4173 § 1, 4-16-93	4-32-48
18-88	Ord. 4173 § 1, 4-16-93	4-32-2
19-1	Code 1967 § 21 1/2 -1; Ord. 2027 § 1, Art. I § 1-1, 4-23-74	6-48-1
19-2	Code 1967 § 21 1/2 -2; Ord. 2027 § 1, Art. III § 13-13, 4-23-74	6-48-2
19-3—19-15		Reserved

Prior Code §	Ordinance History	Herein
19-16	Code 1967 § 21 1/2 -15; Ord. 2027 § 1, Art. II § 12-1, 4-23-74; Ord. 4352 § 2, 8-15-95	6-48-3
19-17	Code 1967 § 21 1/2 -16; Ord. 2027 § 1, Art. II § 12-2, 4-23-74	6-48-4
19-18	Code 1967 § 21 1/2 -17; Ord. 2027 § 1, Art. II § 12-3, 4-23-74	6-48-5
19-19	Code 1967 § 21 1/2 -18; Ord. 2027 § 1, Art. II § 2-4, 4-23-74	6-48-6
19-20	Code 1967 § 21 1/2 -21; Ord. 2027 § 1, Art. II § 2-7, 4-23-74	6-48-7
19-21	Code 1967 § 21 1/2 -15; Ord. 2027 § 1, Art. II § 12-1, 4-23-74	6-48-8
19-22	Code 1967 § 21 1/2 -20; Ord. 2027 § 1, Art. II § 2-6, 4-23-74	6-48-9
19-23	Code 1967 § 21 1/2 -15; Ord. 2027 § 1, Art. II § 2-1, 4-23-74	6-48-10
19-24	Code 1967 § 21 1/2 -19; Ord. 2027 § 1, Art. II § 5, 4-23-74	6-48-11
19-25—19-40		Reserved
19-41	Code 1967 § 21 1/2 -32; Ord. 2027 § 1, Art. III § 3-11, 4-23-74	6-48-12
19-42	Code 1967 § 21 1/2 -33; Ord. 2027 § 1, Art. III § 3-10, 4-23-74	6-48-13
19-43	Code 1967 § 21 1/2 -34; Ord. 2027 § 1, Art. III § 3-5, 4-23-74	6-48-14
19-44	Code 1967 § 21 1/2 -35; Ord. 2027 § 1, Art. III § 3-7, 4-23-74	6-48-15
19-45	Code 1967 § 21 1/2 -36; Ord. 2027 § 1, Art. III § 3-1, 4-23-74	6-48-16
19-46	Code 1967 § 21 1/2 -37; Ord. 2027 § 1, Art. III § 3-3, 4-23-74	6-48-17
19-47	Code 1967 § 21 1/2 -38; Ord. 2027 § 1, Art. III § 3-2, 4-23-74	6-48-18
19-48	Code 1967 § 21 1/2 -39; Ord. 2027 § 1, Art. III § 3-4, 4-23-74	6-48-19
19-49	Code 1967 § 21 1/2 -40; Ord. 2027 § 1, Art. III § 3-6, 4-23-74	6-48-20
19-50	Code 1967 § 21 1/2 -41; Ord. 2027 § 1, Art. III § 3-8, 4-23-74	6-48-21
19-51	Code 1967 § 21 1/2 -42; Ord. 2027 § 1, Art. III § 3-9, 4-23-74	6-48-22
20-1	Code 1967 § 22-45	10-4-1
20-2	Code 1967 § 22-1	10-28-1
20-3	Code 1967 § 22-3	10-32-1
20-4	Code 1967 § 22-4	10-8-1
20-5	Code 1967 § 22-8	10-28-2
20-6	Code 1967 § 22-10	10-12-2
20-7	Code 1967 § 22-11	10-12-3
20-8	Code 1967 § 22-12; Ord. 869 § 1, 2-16-71; Ord. 930 § 1, 4-27-71	10-8-2
20-9	Code 1967 § 22-15; Ord. 931 § 1, 4-27-71	10-8-3
20-10	Code 1967 § 22-15.1	10-8-4
20-11	Code 1967 § 22-17; Ord. 933 § 1, 4-27-71	10-8-5
20-12	Code 1967 § 22-17.1	10-8-6
20-13	Code 1967 § 22-20	10-12-4
20-14	Code 1967 § 22-25; Ord. 936 § 1, 4-27-71	10-8-7
20-15	Code 1967 § 22-33	10-12-5
20-16	Code 1967 § 22-35; Ord. 4689 § 1, 7-20-99	10-12-6
20-17	Code 1967 § 22-41(b)	10-12-7
20-18	Code 1967 § 22-43.2; Ord. 607 §§ 1—5, 12-23-69; Ord. 938 § 1, 4-27-71	10-16-2
20-19	Code 1967 § 22-48	10-12-8
20-20	Code 1967 § 22-48.1; Ord. 86 §§ 1, 2, 2-16-71	10-8-8
20-21	Code 1967 § 22-50; Ord. 940 § 1, 4-27-71; Ord. 2232 § 1, 4-8-75; Ord. 2732 § 1, 7-11-78; Ord. 3343 § 1, 11-1-83; Ord. 3724 § 1(1), 2-16-88	10-32-2
20-22	Ord. 3724 § 1(3), 2-16-88	10-32-3
20-23	Code 1967 § 22-52; Ord. 941 § 1, 4-27-71; Ord. 3724 § 1(2), 2-16-88	10-32-4
20-24	Code 1967 § 22-60; Ord. 2308 § 1, 9-9-75; Ord. 4022 § 1(1)—(3), 3-5-91	10-16-3

Prior Code §	Ordinance History	Herein
20-25	Code 1967 §§ 17-13, 22-61; Ord. 2852 § 1, 4-3-79; Ord. 3517 § 1(1)—(4), 2-11-86	9-88-1—9-88-6
20-26	Code 1967 § 22-43; Ord. 1432 § 1, 9-26-72; Ord. 3156 § 1, 9-29-81; Ord. 4999, 5-20-03	10-12-9
20-27	Ord. 4202 § 1, 7-6-93	12-64-1—12-64-5
20-28	Ord. 4211 § 1, 12-14-93; Ord. 4352 § 4, 8-15-95	6-56-1—6-56-9
20-29	Ord. 4329 § 1, 6-6-95	10-28-3
20-30	Ord. 4400 § 1, 3-19-96	10-8-9
20-31		Reserved
20-32	Ord. 4430 § 1, 8-6-96	10-28-4
20-33—20-65		Reserved
20-66	Code 1968 § 22-91; Ord. 170 § 1, 5-14-68; Ord. 1226 § 1, 4-11-72	9-24-1
20-67	Code 1967 § 22-92; Ord. 170 § 2, 5-14-68	9-24-2
20-68	Code 1967 § 22-93; Ord. 170 § 3, 5-14-68	9-24-3
20-69	Code 1967 § 22-94; Ord. 170 § 4, 5-14-68	9-24-4
20-70	Code 1967 § 22-94.1; Ord. 1226 § 2, 4-11-72	9-24-5
20-71	Code 1967 § 22-96; Ord. 170 § 6, 5-14-68	9-24-6
20-72	Code 1967 § 22-98; Ord. 2072 § 1, 6-18-74	9-24-7
20-73	Code 1967 § 22-99; Ord. 2072 § 2, 6-18-74	9-24-8
20-74	Code 1967 § 22-95; Ord. 170 § 5, 5-14-68	9-24-9
20-75—20-85		Reserved
20-86	Code 1967 § 22-105; Ord. 2186 § 1, 12-17-74; Ord. 2563 § 1, 2-22-77	9-32-1
20-87	Code 1967 § 22-106; Ord. 2186 § 2, 12-17-74; Ord. 2563 § 1, 2-22-77	9-32-2
20-88	Code 1967 § 22-107; Ord. 2186 § 3, 12-17-74; Ord. 2563 § 1, 2-22-77	9-32-3
20-89	Code 1967 § 22-108; Ord. 2186 § 4, 12-17-74; Ord. 2563 § 1, 2-22-77	9-32-4
20-90	Code 1967 § 22-109; Ord. 2186 § 5, 12-17-74	9-32-5
20-91	Code 1967 § 22-110; Ord. 2186 § 6, 12-17-74	9-32-6
20-92	Code 1967 § 22-111; Ord. 2186 § 7, 12-17-74	9-32-7
20-93—20-105		Reserved
20-106	Code 1967 § 22-23; Ord. 934 § 1, 4-27-71	10-8-10
20-107	Code 1967 § 22-22; Ord. 3369 § 1, 4-3-84	10-8-11
20-108—20-115		Reserved
20-116	Code 1967 §§ 22-35.1, 22-35.2; Ord. 1209 § 1, 3-14-72	10-20-1
20-117	Code 1967 § 22-35.3; Ord. 1209 § 1, 3-14-72	10-20-2
20-118	Code 1967 § 22-35.4; Ord. 1209 § 1, 3-14-72	10-20-3
20-119	Code 1967 § 22-35.7; Ord. 1209 § 1, 3-14-72	10-20-4
20-120	Code 1967 § 22-35.8; Ord. 666 § 1, 3-31-70	10-20-5
20-121	Ord. 4013 § 1, 1-15-91	6-72-1—6-72-3
20-122	Ord. 4013 § 1, 1-15-91; Ord. 4198 §§ 1, 2, 6-29-93; Ord. 4352 § 3, 8-15-95	6-72-4
20-123	Ord. 4013 § 1, 1-15-91	6-72-5
20-124	Ord. 4013 § 1, 1-15-91	6-72-6
20-125	Ord. 4013 § 1, 1-15-91	6-72-7
20-126	Ord. 4013 § 1, 1-15-91	6-72-8
20-127	Ord. 4013 § 1, 1-15-91	6-72-9
20-128	Ord. 4013 § 1, 1-15-91	6-72-10
20-129	Ord. 4013 § 1, 1-15-91	6-72-11
20-130	Ord. 4013 § 1, 1-15-91	6-72-12
20-131	Ord. 4013 § 1, 1-15-91	6-72-13

Prior Code §	Ordinance History	Herein
20-132	Ord. 4013 § 1, 1-15-91	6-72-14
20-133	Ord. 4013 § 1, 1-15-91	6-72-15
20-134	Ord. 4013 § 1, 1-15-91	6-72-16
20-135	Ord. 4013 § 1, 1-15-91	6-72-17
20-135.1	Ord. 3957 § 1, 4-10-90	10-24-1
20-135.2	Ord. 3957 § 1, 4-10-90	10-24-2
20-135.3	Ord. 3957 § 1, 4-10-90	10-24-3
20-135.4	Ord. 3957 § 1, 4-10-90	10-24-4
20-136	Code 1967 § 22-42.1; Ord. 868 § 1(1), 2-2-71	12-68-1
20-137	Code 1967 § 22-42.2; Ord. 868 § 1(2), 2-2-71	12-68-2
20-138	Code 1967 § 22-42.3; Ord. 868 § 1(3), 2-2-71	12-68-3
20-139	Code 1967 § 22-42.4; Ord. 868 § 1(4), 2-2-71; Ord. 4237 § 1, 1-18-94	12-68-4
20-140	Code 1967 § 22-42.5; Ord. 868 § 1(4), 2-2-71	12-68-5
20-141—20-150		Reserved
20-150	Ord. 4102 § 1, 5-12-92	10-8-15
21-1	Ord. 3586 § 1, 9-2-86	11-4-1
21-2	Code 1967 § 23-2	11-4-2
21-3	Code 1967 § 23-3	11-4-3
21-4	Code 1967 § 23-4; Ord. 3586 § 2, 9-2-86	11-4-4
21-5	Code 1967 § 23-5	11-4-5
21-6	Code 1967 § 23-6	11-4-6
21-7	Code 1967 § 23-7	11-4-7
21-8	Code 1967 § 23-8	11-4-8
21-9	Code 1967 § 23-9	11-4-9
21-10	Code 1967 § 23-16	11-4-10
21-11	Code 1967 § 23-17	11-4-11
21-12	Code 1967 § 23-18	11-4-12
21-13	Code 1967 § 23-19	11-4-13
21-14	Code 1967 § 23-10	11-68-1
21-15	Code 1967 § 23-11	11-68-2
21-16	Code 1967 § 23-12	11-68-3
21-17	Code 1967 § 23-13; Ord. 4387 § 1, 2-6-96	11-68-4
21-18	Code 1967 § 23-14	11-20-1
21-19	Code 1967 § 23-186; Ord. 214 § 1, 7-16-68; Res. of 7-16-68; Ord. 2046 § 1, 5-21-74	11-20-2
21-20	Code 1967 § 23-187; Ord. 214 § 2, 7-16-68; Res. of 7-16-68	11-20-3
21-21	Code 1967 § 23-188; Ord. 214 § 3, 7-16-68; Res. of 7-16-68	11-20-4
21-22	Code 1967 § 23-189; Ord. 214 § 4, 7-16-68; Res. of 7-16-68	11-20-5
21-23	Code 1967 § 23-190; Ord. 214 § 5, 7-16-68; Res. of 7-16-68	11-20-6
21-23.1	Code 1967 § 23-36; Ord. 3287 § 1, 4-5-83; Ord. 3557 § 1, 6-17-86	11-36-1
21-23.2	Ord. 4264 § 1, 6-14-94; Ord. 4982 § 1, 12-17-02	11-36-2
21-24	Code 1967 § 23-15	11-68-5
21-25	Code 1967 23-21	11-4-14
21-26	Code 1967 23-22	11-4-15
21-27	Code 1967 23-23	11-4-16
21-28	Ord. 4576 § 1, 4-21-98; Ord. 4875 §§ 1, 2, 6-19-01	12-52-1—12-52-18
21-29, 21-30		Reserved
21-31	Ord. 4432 § 1, 8-6-96	11-4-17
21-32	Ord. 4433 § 1, 8-6-96	11-4-18

Prior Code §	Ordinance History	Herein
21-33—21-45		Reserved
21-46	Code 1967 § 23-24; Ord. 2229 § 2, 5-13-75; Ord. 2223 § 1(1—3), 7-11-75	11-8-1
21-47	Code 1967 § 23-25; Ord. 2229 § 2, 5-13-75; Ord. 2455 § 1, 6-29-76	11-8-2
21-48	Code 1967 § 23-26; Ord. 2229 § 2, 5-13-75	11-8-3
21-49	Code 1967 § 23-27; Ord. 2229 § 2, 5-13-75; Ord. 2223 § 1(4—6), 7-11-75; Ord. 3201 § 1(1), 5-18-82	11-8-4
21-50	Code 1967 §§ 23-28, 23-242; Ord. 2229 § 2, 5-13-75; Ord. 2719 § 1, 5-16-78; Ord. 2883 § 1, 5-29-79; Ord. 3168 § 1, 10-20-81; Ord. 3201 § 1(2), 5-18-82; Ord. 3314 § 1, 6-28-83; Ord. 3375 § 1(1), 5-22-84; Ord. 3758 § 1, 5-17-88; Ord. 3783 § 1, 7-26-88; Ord. 3975 § 1, 6-26-90; Ord. 4263 § 1, 6-14-94; Ord. 4296 § 1, 12-6-94; Ord. 4310 § 1, 3-21-95; Ord. 4387 § 2, 2-6-96; Ord. 4953 § 2, 8-6-02	11-8-5
21-51	Code 1967 § 23-29; Ord. 2229 § 2, 5-13-75	11-8-6
21-52	Code 1967 § 23-30; Ord. 2229 § 2, 5-13-75	11-8-7
21-53	Code 1967 § 23-31; Ord. 2229 § 2, 5-13-75	11-8-8
21-54	Code 1967 § 23-35; Ord. 2719 § 1, 5-16-78; Ord. 3171 § 1, 11-17-81; Ord. 3375 § 1(2), 5-22-84; Ord. 3783 §§ 2, 3, 7-26-88; Ord. 4303 § 1, 2-21-95	11-8-9
21-55	Ord. 4930 § 1, 8-20-02	11-8-10
21-56	Ord. 4940, 5-21-02	11-16-30
21-57—21-65		Reserved
21-66	Code 1967 § 23-39	2-88-1
21-67	Code 1967 § 23-40; Ord. 3586 § 3, 9-2-86	2-88-2
21-68	Code 1967 § 23-41	2-88-3
21-69	Code 1967 § 23-42	2-88-4
21-70	Code 1967 § 23-43; Ord. 3586 § 4, 9-2-86	2-88-5
21-71	Code 1967 § 23-44	2-88-6
21-72	Code 1967 § 23-45; Ord. 3586 § 5, 9-2-86	2-88-7
21-73	Code 1967 § 23-48; Ord. 3586 § 6, 9-2-86	2-88-8
21-74	Code 1967 § 23-47	2-88-9
21-75	Code 1967 § 23-46; Ord. 3586 § 7, 9-2-86	2-88-10
21–76	Ord. 5108 (part), 2005	11-14-1
21–77	Ord. 5108 (part), 2005	11-14-2
21–78	Ord. 5108 (part), 2005	11-14-3
21–79	Ord. 5108 (part), 2005	11-14-4
21–80	Ord. 5108 (part), 2005	11-14-5
21-81—21-85		Reserved
21-86	Code 1967 § 23-138	11-16-1
21-87	Code 1967 § 23-139	11-16-2
21-88	Code 1967 § 23-155	11-16-3
21-89	Code 1967 § 23-156	11-16-4
21-90	Code 1967 § 23-157	11-16-5
21-91	Code 1967 § 23-172	11-16-6
21-92	Code 1967 § 23-173	11-16-7
21-93	Code 1967 § 23-140	11-16-8
21-94	Code 1967 § 23-141	11-16-9
21-95	Code 1967 § 23-142	11-16-10
21-96	Code 1967 § 23-143	11-16-11
21-97	Code 1967 § 23-144	11-16-12
21-98	Code 1967 § 23-140.1; Ord. 1636 § 1, 2-20-73	11-16-13
21-99		11-16-14
21-100	Code 1967 § 23-146; Ord. 3586 § 8, 9-2-86	11-16-15
21-101	Code 1967 § 23-147; Ord. 3586 § 9, 9-2-86	11-16-16

Prior Code §	Ordinance History	Herein
21-102	Code 1967 § 23-148	11-16-17
21-103	Code 1967 § 23-149	11-16-18
21-104	Code 1967 § 23-150	11-16-19
21-105	Code 1967 § 23-151	11-16-20
21-106	Code 1967 § 23-152; Ord. 2236 § 1, 4-15-75; Ord. 3586 § 10, 9-2-86; Ord. 4491 § 1, 5-20-97	11-16-21
21-107	Code 1967 § 23-153	11-16-22
21-108	Code 1967 § 23-154	11-16-23
21-109	Code 1967 § 23-158	11-16-24
21-110	Code 1967 § 23-159	11-16-25
21-111	Code 1967 § 23-160; Ord. 3675 § 1, 7-7-87	11-16-26
21-112	Code 1967 § 23-161; Ord. 3586 § 11, 9-2-86	11-16-27
21-113	Code 1967 § 23-162	11-16-28
21-114	Code 1967 § 23-163; Ord. 3586 § 12, 9-2-86	11-16-29
21-115	Code 1967 § 23-164	11-16-31
21-116	Code 1967 § 23-165; Ord. 748 § 1, 7-21-70; Ord. 3586 § 13, 9-2-86	11-16-32
21-117	Code 1967 § 23-166	11-16-33
21-118	Code 1967 § 23-167	11-16-34
21-119	Code 1967 § 23-168	11-16-35
21-120	Code 1967 § 23-169	11-16-36
21-121	Code 1967 § 23-170	11-16-37
21-122	Code 1967 § 23-175	11-16-38
21-123	Code 1967 § 23-171	11-16-39
21-124	Code 1967 § 23-176	11-16-40
21-125	Code 1967 § 23-177	11-16-41
21-126	Code 1967 § 23-178	11-16-42
21-127	Code 1967 § 23-179; Ord. 4808 § 1, 9-19-00	11-16-43
21-128	Code 1967 § 23-180; Ord. 942 § 1, 4-27-71	11-16-44
21-129	Code 1967 § 23-182	11-16-45
21-130	Code 1967 § 23-183	11-16-46
21-131	Code 1967 § 23-184; Ord. 2345 § 1, 12-16-75; Ord. 2439 § 1, 6-1-76; Ord. 2996 § 1(1), 4-1-80; Ord. 3586 § 14, 9-2-86	11-16-47
21-132	Code 1967 § 23-185; Ord. 2996 § 1(2), 4-1-80; Ord. 3586 § 15, 9-2-86	11-16-48
21-133	Code 1967 § 23-174	11-16-49
21-134	Ord. 4953 § 1, 8-6-02	11-16-50
21-135	Code 1967 § 23-242; Ord. 3186 § 1, 10-20-81	11-40-1
21-136	Code 1967 § 23-219; Ord. 2399 § 11, 4-13-76; Ord. 3109 § 1, 4-7-81	11-40-2
21-137	Code 1967 § 23-4.1; Ord. 2138 § 1, 10-1-74; Ord. 3586 § 16, 9-2-86	11-40-3
21-138	Code 1967 § 23-220	11-40-4
21-139	Code 1967 § 23-221	11-40-5
21-140	Code 1967 § 23-227	11-40-6
21-141	Code 1967 § 23-222	11-40-7
21-142	Code 1967 § 23-223; Ord. 3586 § 17, 9-2-86	11-40-8
21-143	Code 1967 § 23-224; Ord. 3586 § 18, 9-2-86	11-40-9
21-144	Code 1967 § 23-225; Ord. 3586 § 19, 9-2-86	11-40-10
21-145	Code 1967 § 23-238; Ord. 1639 § 1, 2-27-73; Ord. 3790 § 1, 8-30-88; Ord. 4906 § 1, 11-20-01; Ord. 4959, 9-3-02; Ord. 5002, 6-3-03	11-40-11
21-146	Code 1967 § 23-239; Ord. 2136 § 1, 10-1-74; Ord. 3790 § 2, 8-30-88; Ord. 4960, 9-3-02; Ord. 5002, 6-3-03	11-40-12
21-147	Code 1967 § 23-240; Ord. 2262 § 1, 6-10-75	11-40-13
21-148	Code 1967 § 23-226; Ord. 2838 § 1, 3-12-79	11-40-14

Prior Code §	Ordinance History	Herein
21-148.1	Code 1967 § 23-219.1; Ord. 3323 § 2, 8-2-83	11-40-15
21-148.2	Ord. 4263 § 1, 6-14-94; Ord. 4296 § 1, 12-6-94	11-40-16
21-149	Code 1967 § 23-228; Ord. 3586 § 20, 9-2-86	11-40-17
21-150	Code 1967 § 23-229; Ord. 2838 § 1, 3-12-79	11-40-18
21-151	Code 1967 § 23-230; Ord. 3586 § 21, 9-2-86	11-40-19
21-152	Code 1967 § 23-231; Ord. 1782 § 1, 12-11-73; Ord. 3586 § 22, 9-2-86	11-40-20
21-153	Code 1967 § 23-233; Ord. 3586 § 23, 9-2-86	11-40-21
21-154	Code 1967 § 23-234	11-40-22
21-155	Code 1967 § 23-232	11-40-23
21-156	Code 1967 § 23-235; Ord. 1874 § 1, 10-9-73	11-40-24
21-157	Code 1967 § 23-236; Ord. 2205 § 1, 2-4-75	11-40-25
21-158	Code 1967 § 23-237; Ord. 1353 § 1, 7-5-72; Ord. 1433 § 1, 10-24-72; Ord. 3137 § 1, 7-7-81	11-40-26
21-159	Code 1967 § 23-241; Ord. 2433 § 1, 6-176; Ord. 2482 § 1, 8-10-76; Ord. 2858 § 1, 5-8-79; Ord. 2920 §§ 1, 2, 9-25-79; Ord. 3201 § 1(3), 5-18-82	11-40-27
21-160	Code 1967 § 23-241.1; Ord. 3201 § 1(4), 5-18-82	11-40-28
21-161—21-175		Reserved
21-176	Code 1967 § 23-243	11-44-1
21-177	Code 1967 § 23-244	11-44-2
21-178	Code 1967 § 23-245	11-44-3
21-179	Code 1967 § 23-246; Ord. 2250 § 1, 5-6-75; Ord. 3110 § 1, 5-12-81; Ord. 3586 § 24, 9-2-86	11-44-4
21-180	Code 1967 § 23-247	11-44-5
21-181	Code 1967 § 23-248	11-44-6
21-182		11-44-7
21-183—21-196		Reserved
21-196	Code 1967 § 10-1; Ord. 2155 § 1, 5-20-75	11-24-1
21-197	Code 1967 § 10-3; Ord. 2155 § 1, 5-20-75	11-24-2
21-198	Code 1967 § 10-4; Ord. 2155 § 1, 5-20-75	11-24-3
21-199	Code 1967 § 10-5; Ord. 2155 § 1, 5-20-75	11-24-4
21-200	Code 1967 § 10-6; Ord. 2155 § 1, 5-20-75	11-24-5
21-201	Code 1967 § 10-7; Ord. 2155 § 1, 5-20-75	11-24-6
21-202	Code 1967 § 10-8; Ord. 2155 § 1, 5-20-75	11-24-7
21-203	Code 1967 § 10-9; Ord. 2155 § 1, 5-20-75	11-24-8
21-204	Code 1967 § 10-10; Ord. 2155 § 1, 5-20-75	11-24-9
21-205	Code 1967 § 10-11; Ord. 2155 § 1, 5-20-75	11-24-10
21-206	Code 1967 § 10-12; Ord. 2155 § 1, 5-20-75	11-24-11
21-207	Code 1967 § 10-13; Ord. 2155 § 1, 5-20-75	11-24-12
21-208	Code 1967 § 10-14; Ord. 2155 § 1, 5-20-75	11-24-13
21-209	Code 1967 § 10-15; Ord. 2155 § 1, 5-20-75	11-24-14
21-210	Code 1967 § 10-16; Ord. 2155 § 1, 5-20-75	11-24-15
21-211	Code 1967 § 10-17; Ord. 2155 § 1, 5-20-75	11-24-16
21-212	Code 1967 § 10-18; Ord. 2155 § 1, 5-20-75	11-24-17
21-213	Code 1967 § 10-19; Ord. 2155 § 1, 5-20-75	11-24-18
21-214—21-225		Reserved
21-226	Code 1967 § 23-259	11-28-1

Prior Code §	Ordinance History	Herein
21-227	Code 1967 § 23-260	11-28-2
21-228	Code 1967 § 23-261	11-28-3
21-229	Code 1967 § 23-262	11-28-4
21-230	Code 1967 § 23-263	11-28-5
21-231	Code 1967 § 23-264	11-28-6
21-232	Code 1967 § 23-265	11-28-7
21-233	Code 1967 § 23-266	11-28-8
21-234	Code 1967 § 23-267	11-28-9
21-235	Code 1967 § 23-268	11-28-10
21-236	Code 1967 § 23-269	11-28-11
21-237—21-245		Reserved
21-246	Code 1967 § 23-284; Ord. 497 § 1, 7-8-69	11-48-1
21-247	Code 1967 § 23-285	11-48-2
21-248	Code 1967 § 23-286.1; Ord. 490 § 2, 6-24-69; Ord. 3138 § 1(2), 8-11-81; Ord. 4896, 10-2-01	11-48-3
21-249	Code 1967 § 23-287; Ord. 4896, 10-2-01	11-48-4
21-250—21-265		Reserved
21-266	Code 1967 § 23-59; Ord. 244 § 1, 8-20-68; Ord. 2491 § 1, 9-7-76; Ord. 3187 § 1(1), 2-2-82	11-60-1
21-267	Code 1967 § 23-60; Ord. 244 § 1, 8-20-68; Ord. 425 § 1, 4-1-69; Ord. 462 § 1, 4-29-69; Ord. 1979 § 5, 3-5-74; Ord. 2491 § 1, 9-7-76; Ord. 2558 § 1, 2-1-77; Ord. 3187 § 1(2), 2-2-82; Ord. 3310 § 1, 5-31-83	11-60-2
21-267.1	Ord. 3458 § 1, 4-30-85	11-60-3
21-268	Code 1967 § 23-61; Ord. 244 § 1, 8-20-68; Ord. 425 § 2, 4-1-69; Ord. 462 § 2, 4-29-69; Ord. 596 § 1, 12-9-69; Ord. 1357 § 1, 7-5-72; Ord. 1979 § 1, 3-5-74; Ord. 2491 § 1, 9-7-76; Ord. 2559 § 1, 2-1-77; Ord. 3187 § 1(3), 2-2-82	11-60-4
21-269	Code 1967 § 23-68; Ord. 218 § 1, 7-23-68	11-60-5
21-270	Code 1967 § 23-69; Ord. 573 § 3, 10-28-69	11-60-6
21-271—21-280		Reserved
21-281	Code 1967 § 23-74; Ord. 1137 § 1, 12-14-71; Ord. 2491 § 1, 9-7-76; Ord. 3187 § 1, 2-2-82	11-60-7
21-282	Code 1967 § 23-75; Ord. 3187 § 1, 2-2-82	11-60-8
21-283	Code 1967 § 23-76; Ord. 245 § 1, 8-13-68; Ord. 599 § 1, 12-9-69; Ord. 1375 § 1, 7-5-72; Ord. 1979 § 4, 3-5-74; Ord. 2491 § 1, 9-7-76; Ord. 3187 § 1(13), 2-2-82	11-60-9
21-301	Code 1967 § 23-88; Ord. 243 §§ 1, 2, 8-13-68; Ord. 335 § 1, 12-3-68; Ord. 390 §§ 1, 2, 5, 1-28-69; Ord. 1018 § 1, 8-3-71; Ord. 3306 § 1, 7-5-83; Ord. 3457 § 1, 7-16-85	11-64-1
21-302		Reserved
21-303	Code 1967 § 23-90; Ord. 390 §§ 3, 4, 1-28-69; Ord. 3306 § 1, 7-5-83; Ord. 3497 § 1(1), 10-1-85; Ord. 3591 § 1, 8-5-86	11-64-2
21-304—21-306		Reserved
21-307	Code 1967 § 23-95; Ord. 573 § 4, 10-28-69	11-64-3
21-308—21-320		Reserved

Prior Code §	Ordinance History	Herein
21-321	Code 1967 § 23-105	11-32-1
21-322	Code 1967 § 23-106	11-32-2
21-323	Code 1967 § 23-107	11-32-3
21-324	Code 1967 § 23-108	11-32-4
21-325	Code 1967 § 23-109	11-32-5
21-326	Code 1967 § 23-110	11-32-6
21-327	Code 1967 §§ 23-111(e), 23-115; Ord. 4938 § 1, 4-16-02	11-32-7
21-328	Code 1967 § 23-111(a), (c), (d)	11-32-8
21-329	Code 1967 § 23-111(b)	11-32-9
21-330	Code 1967 § 23-111(f)	11-32-10
21-331	Code 1967 §§ 23-111(c), (e)—(g), 23-112, 23-113; Ord. 3514 § 1(1), (2), 1-7-86	11-32-11
21-332	Code 1967 § 23-111(e)	11-32-12
21-333	Code 1967 § 23-111(e)	11-32-13
21-334	Code 1967 § 23-114	11-32-14
21-335	Code 1967 § 23-116	11-32-15
21-336	Code 1967 § 23-117	11-32-16
21-337	Code 1967 §§ 23-118, 23-118.1, 23-119	11-32-17
21-338	Code 1967 § 23-120; Ord. 334 § 1, 12-3-68; Ord. 573 § 1, 10-28-69; Ord. 3804 § 1, 8-30-88	11-32-18
21-339	Code 1967 § 23-121	11-32-19
21-340	Code 1967 § 23-122	11-32-20
21-341	Code 1967 § 23-123	11-32-21
21-342	Code 1967 § 23-124; Ord. 737 § 1, 6-23-70; Ord. 1447 § 1, 9-19-72; Ord. 1519 §§ 1, 2, 12-19-72	11-52-1
21-343	Code 1967 § 23-125	11-52-2
21-344	Code 1967 § 23-126	11-52-3
21-345	Code 1967 § 23-127	11-52-4
21-346	Code 1967 § 23-128; Ord. 573 § 2, 10-28-69	11-52-5
21-347	Code 1967 § 23-131; Ord. 2103 § 1, 7-30-74	11-52-6
21-348	Code 1967 § 23-130; Ord. 1272 § 1, 5-9-72	11-52-7
21-349	Code 1967 § 23-129; Ord. 1017 § 1, 7-20-71	11-32-22
21-350	Code 1967 § 23-132; Ord. 2106 § 1, 8-20-74	11-56-1—11-56-7
21-351	Code 1967 § 23-133; Ord. 3306 § 1, 7-5-83	11-32-23
21-352		11-32-24
21-353		11-32-25
21-354		11-32-26
21-355—21-365		Reserved
21-366	Code 1967 § 23-196; Ord. 3586 § 25, 9-2-86	11-12-1
21-367	Code 1967 § 23-197	11-12-2
21-368	Code 1967 § 23-203	11-12-3
21-369	Code 1967 § 23-207	11-12-4
21-370	Code 1967 § 23-208; Ord. 2371 § 1, 2-10-76	11-12-5
21-371	Code 1967 § 23-204; Ord. 2456 § 1, 6-29-76; Ord. 3586 § 26, 9-2-86	11-12-6
21-372	Code 1967 § 23-205	11-12-7
21-373	Code 1967 § 23-206	11-12-8
21-374	Code 1967 § 23-198; Ord. 3586 § 27, 9-2-86	11-12-9
21-375	Code 1967 § 23-199; Ord. 3586 § 28, 9-2-86	11-12-10
21-376	Code 1967 § 23-200; Ord. 3586 § 29, 9-2-86	11-12-11

Prior Code §	Ordinance History	Herein
21-377	Code 1967 § 23-201	11-12-12
21-378	Code 1967 § 23-202	11-12-13
22-1	Code 1967 § 24-1	9-68-1
22-2	Code 1967 § 24-2	9-68-2
22-3	Code 1967 § 24-3	9-68-3
22-4	Code 1967 § 24-4; Ord. 1189 § 1, 2-8-72	9-68-4
22-5	Code 1967 § 24-5	9-68-5
22-6	Code 1967 § 24-6	9-68-6
22-7	Code 1967 § 24-7	9-68-7
22-8	Code 1967 § 24-8	9-68-8
22-9	Code 1967 § 24-9	9-68-9
22-10	Code 1967 § 24-11	9-68-10
22-11	Code 1967 § 24-12	9-68-11
22-12	Code 1967 § 24-13	9-68-12
22-13	Code 1967 § 24-14; Ord. 20 § 1, 9-12-67	9-68-13
23-1	Ord. 4763, 4-25-00	2-26-1
23-2	Ord. 4763, 4-25-00	2-26-2
23-3	Ord. 4763, 4-25-00	2-26-3
23-4	Ord. 4763, 4-25-00	2-26-4
23-5—23-20		Reserved
23-21	Ord. 4763, 4-25-00	12-88-1
23-22	Ord. 4763, 4-25-00	12-88-2
23-23—23-40		Reserved
23-41	Ord. 4763, 4-25-00	2-64-1
23-42	Ord. 4763, 4-25-00	2-64-2
23-43	Ord. 4763, 4-25-00	2-64-3
23-44—23-65		Reserved
23-66	Ord. 4763, 4-25-00	12-84-1
23-67	Ord. 4763, 4-25-00	12-84-2
23-68	Ord. 4763, 4-25-00	12-84-3
23-69	Ord. 4763, 4-25-00	12-84-4
23-70	Ord. 4763, 4-25-00	12-84-5
23-71	Ord. 4763, 4-25-00	12-84-6
23-72	Ord. 4763, 4-25-00	12-84-7
23-73	Ord. 4763, 4-25-00	12-84-8
23-74	Ord. 4763, 4-25-00	12-84-9
23-75	Ord. 4763, 4-25-00	12-84-10
23-76	Ord. 4763, 4-25-00	12-84-11
23-77	Ord. 4763, 4-25-00	12-84-12
23-78	Ord. 4763, 4-25-00	12-84-13
23-79	Ord. 4763, 4-25-00	12-84-14
23-80	Ord. 4763, 4-25-00	12-84-15
23-81	Ord. 4763, 4-25-00	12-84-16
23-82	Ord. 4763, 4-25-00	12-84-17
23-83	Ord. 4763, 4-25-00	12-84-18
23-84	Ord. 4763, 4-25-00	12-84-19
23-85	Ord. 4763, 4-25-00	12-84-20
24-1—24-15		Reserved
24-16	Code 1967 § 26-11	6-60-1
24-17	Code 1967 § 26-12	6-60-2

Prior Code §	Ordinance History	Herein
24-18	Code 1967 § 26-13	6-60-3
24-19	Code 1967 § 26-14	6-60-4
24-20	Code 1967 § 26-15	6-60-5
24-21	Code 1967 § 26-16	6-60-6
24-22	Code 1967 § 26-17	6-60-7
24-23	Code 1967 § 26-18; Ord. 3376 § 1, 5-22-84	6-60-8
24-24	Code 1967 § 26-19	6-60-9
24-25	Code 1967 § 26-20; Ord. 4212 § 1, 10-5-93	6-60-10
24-26	Code 1967 § 26-21	6-60-11
24-27	Code 1967 § 26-22	6-60-12
24-28	Code 1967 § 26-23	6-60-13
24-29	Code 1967 § 26-24	6-60-14
24-30	Code 1967 § 26-25	6-60-15
24-31—24-40		Reserved
24-41	Code 1967 § 26-31	6-60-16
24-42	Code 1967 § 26-32	6-60-17
24-43	Code 1967 § 26-33	6-60-18
24-44	Code 1967 § 26-34; Ord. 545 § 1, 9-9-69	6-60-19
24-45	Code 1967 § 26-35	6-60-20
24-46	Code 1967 § 26-36	6-60-21
24-47	Ord. 4212 § 1, 10-5-93	6-60-22
24-48	Ord. 4212 § 1, 10-5-93	6-60-23
24-49—24-55		Reserved
24-56	Code 1967 § 26-47	6-40-1
24-57	Code 1967 § 26-48	6-40-10
24-58	Code 1967 § 26-49	6-40-11
24-59	Code 1967 § 26-50	6-40-12
24-60	Code 1967 § 26-51	6-40-13
24-61	Code 1967 § 26-52	6-40-14
24-62	Code 1967 § 26-53	6-40-15
24-63	Code 1967 § 26-54	6-40-16
24-64—24-75		Reserved
24-76	Code 1967 § 26-65	6-68-1
24-77	Code 1967 § 26-66	6-68-2
24-78	Code 1967 § 26-67	6-68-3
24-79	Code 1967 § 26-68	6-68-4
24-80	Code 1967 § 26-69	6-68-5
24-81—24-90		Reserved
24-91	Code 1967 § 26-75	6-68-6
24-92	Code 1967 § 26-76	6-68-7
24-93	Code 1967 § 26-77	6-68-8
24-94	Code 1967 § 26-78	6-68-9
24-95	Code 1967 § 26-79	6-68-10
24-96	Ord. 4212 § 1, 10-5-93	6-68-11
24-97	Ord. 4212 § 1, 10-5-93	6-68-12
25-1	Ord. 3907 § 1, 12-5-89; Ord. 4068 § 1, 8-20-91; Ord. 4244 § 1, 3-22-94; Ord. 4363 §§ 2, 3, 10-1-95; Ord. 4837 § 1, 1-22-01	4-4-1
25-2	Ord. 3907 § 1, 12-5-89	4-8-1
25-3	Ord. 3907 § 1, 12-5-89	4-8-2
25-4	Ord. 3907 § 1, 12-5-89	4-8-3

Prior Code §	Ordinance History	Herein
25-5	Ord. 3907 § 1, 12-5-89	4-8-4
25-6	Ord. 3907 § 1, 12-5-89	4-8-5
25-7	Ord. 3907 § 1, 12-5-89	4-8-6
25-8	Ord. 3907 § 1, 12-5-89	4-8-7
25-9	Ord. 3907 § 1, 12-5-89	4-8-8
25-10	Ord. 3907 § 1, 12-5-89	4-8-9
25-11	Ord. 3907 § 1, 12-5-89	4-8-10
25-12	Ord. 3907 § 1, 12-5-89	4-8-11
25-13	Ord. 3907 § 1, 12-5-89	4-8-12
25-14	Ord. 3907 § 1, 12-5-89	4-8-13
25-15	Ord. 3907 § 1, 12-5-89	4-8-14
25-16		Reserved
25-17	Ord. 3907 § 1, 12-5-89	4-8-15
25-18	Ord. 3907 § 1, 12-5-89	4-8-16
25-19	Ord. 3907 § 1, 12-5-89	4-8-17
25-20	Ord. 3907 § 1, 12-5-89	4-8-18
25-21—25-29		Reserved
25-30	Ord. 3907 § 1, 12-5-89	4-12-1
25-31	Ord. 3907 § 1, 12-5-89	4-12-2
25-32	Ord. 3907 § 1, 12-5-89	4-12-3
25-33	Ord. 3907 § 1, 12-5-89	4-12-4
25-34	Ord. 3907 § 1, 12-5-89	4-12-5
25-35	Ord. 3907 § 1, 12-5-89	4-12-6
25-36—25-39		Reserved
25-40	Ord. 3907 § 1, 12-5-89	4-16-1
25-41	Ord. 3907 § 1, 12-5-89	4-16-2
25-42	Ord. 3907 § 1, 12-5-89	4-16-3
25-43	Ord. 3907 § 1, 12-5-89	4-16-4
25-44	Ord. 3907 § 1, 12-5-89	4-16-5
25-45	Ord. 3907 § 1, 12-5-89	4-16-6
25-46	Ord. 3907 § 1, 12-5-89	4-16-7
25-47	Ord. 3907 § 1, 12-5-89	4-16-8
25-48, 25-49		Reserved
25-50	Ord. 3907 § 1, 12-5-89	4-20-1
25-51	Ord. 3907 § 1, 12-5-89	4-20-2
25-52—25-54		Reserved
25-55	Ord. 3907 § 1, 12-5-89	4-4-2
25-56	Ord. 3907 § 1, 12-5-89; Ord. 4021 § 1, 3-19-91; Ord. 4047 § 1, 6-25-91; Ord. 4069 § 1, 8-20-91; Ord. 4265 § 1, 7-19-94	4-4-3
25-57	Ord. 3907 § 1, 12-5-89	4-4-4
25-58	Ord. 3907 § 1, 12-5-89	4-4-5
25-59	Ord. 3907 § 1, 12-5-89	4-4-6
25-60	Ord. 3907 § 1, 12-5-89	4-24-1
25-61	Ord. 3907 § 1, 12-5-89	4-24-2
25-62	Ord. 3907 § 1, 12-5-89	4-24-3
25-63	Ord. 3907 § 1, 12-5-89	4-24-4
25-64	Ord. 3907 § 1, 12-5-89	4-24-5
25-65—25-69		Reserved
25-70	Ord. 3907 § 1, 12-5-89; Ord. 4673 §§ 1, 3, 6-1-99	4-24-6

Prior Code §	Ordinance History	Herein
25-71	Ord. 3907 § 1, 12-5-89; Ord. 4047 § 2, 6-25-91; Ord. 4265 § 2, 7-19-94; Ord. 4673 § 5, 6-1-99	4-24-7
25-72	Ord. 3907 § 1, 12-5-89	4-24-8
25-73	Ord. 3907 § 1, 12-5-89	4-24-9
25-74—25-76		Reserved
25-78	Ord. 3907 § 1, 12-5-89	4-24-10
25-79, 25-80		Reserved
25-81	Ord. 3907 § 1, 12-5-89	4-24-11
25-82	Ord. 3907 § 1, 12-5-89	4-24-12
25-83	Ord. 3907 § 1, 12-5-89	4-24-13
25-84	Ord. 3907 § 1, 12-5-89	4-24-14
25-85	Ord. 3907 § 1, 12-5-89	4-24-15
25-86—25-89		Reserved
25-90	Ord. 3907 § 1, 12-5-89	4-24-16
25-91	Ord. 3907 § 1, 12-5-89	4-24-17
25-92		Reserved
25-93	Ord. 3907 § 1, 12-5-89	4-24-18
25-94	Ord. 3907 § 1, 12-5-89	4-24-19
25-95	Ord. 3971 § 1, 6-5-90; Ord. 4066 § 1, 8-13-91; Ord. 4119 § 1, 7-14-92; Ord. 4197 § 1, 6-29-93; Ord. 4265 § 3, 7-19-94; Ord. 4300 § 1, 12-20-94; Ord. 4344 § 1, 7-25-95; Ord. 4422 § 1, 6-18-96; Ord. 4505 § 1, 7-1-97; Ord. 4611 § 1, 9-15-98; Ord. 4688 § 1, 7-6-99; Ord. 4775 § 1, 6-20-00; Ord. 4874 § 1, 6-19-01; Ord. 4964 § 1, 6-18-02; Ord. 5003 § 1, 6-3-03; Ord. 5107 § 1, 2005	4-24-20
25-96—25-99		Reserved
25-100	Ord. 4548 § 2, 11-18-97	4-24-21
25-101—25-159		
25-160	Ord. 3907 § 1, 12-5-89	4-28-1
25-161	Ord. 3907 § 1, 12-5-89	4-28-2
25-162	Ord. 3907 § 1, 12-5-89	4-28-3
25-163	Ord. 3907 § 1, 12-5-89	4-28-4
25-164	Ord. 3907 § 1, 12-5-89	4-28-5
25-165—25-169		Reserved
25-170	Ord. 3907 § 1, 12-5-89; Ord. 4363 § 4, 10-1-95; Ord. 4547 § 1, 11-18-97; Ord. 4673 §§ 2, 4, 6-1-99; Ord. 4837 § 1, 1-22-01	4-28-6
25-171	Ord. 3907 § 1, 12-5-89; Ord. 4047 § 3, 6-25-91; Ord. 4265 § 2, 7-19-94; Ord. 4673 § 6, 6-1-99	4-28-7
25-172	Ord. 3907 § 1, 12-5-89	4-28-8
25-173	Ord. 3907 § 1, 12-5-89	4-28-9
25-174—25-177		Reserved
25-178	Ord. 3907 § 1, 12-5-89; Ord. 4837 § 1, 1-22-01	4-28-10
25-179		Reserved
25-181	Ord. 3907 § 1, 12-5-89; Ord. 4837 § 1, 1-22-01	4-28-11
25-182	Ord. 3907 § 1, 12-5-89; Ord. 3959 § 1, 4-24-90	4-28-12
25-183	Ord. 3907 § 1, 12-5-89; Ord. 4837 § 1, 1-22-01	4-28-13
25-184	Ord. 3907 § 1, 12-5-89	4-28-14
25-185	Ord. 3907 § 1, 12-5-89	4-28-15

Prior Code §	Ordinance History	Herein
25-186—25-189		Reserved
25-190	Ord. 3907 § 1, 12-5-89	4-28-16
25-191	Ord. 3907 § 1, 12-5-89	4-28-17
25-192	Ord. 3907 § 1, 12-5-89	4-28-18
25-193	Ord. 3907 § 1, 12-5-89	4-28-19
25-194	Ord. 3907 § 1, 12-5-89	4-28-20
25-195	Ord. 3971 § 2, 6-5-90; Ord. 4066 § 2, 8-13-91; Ord. 4119 § 2, 7-14-92; Ord. 4197 § 2, 6-29-93; Ord. 4265 § 3, 7-19-94; Ord. 4300 § 1, 12-20-94; Ord. 4344 § 2, 7-25-95; Ord. 4422 § 2, 6-18-96; Ord. 4505 § 2, 7-1-97; Ord. 4611 § 2, 9-15-98; Ord. 4688 § 2, 7-6-99; Ord. 4775 § 2, 6-20-00; Ord. 4874 § 2, 6-19-01; Ord. 4946 § 2, 6-18-02; Ord. 5003 § 2, 6-3-03; Ord. 5107 § 2, 2005	4-28-21
25-196—25-199		Reserved
25-200	Ord. 4548 § 3, 11-18-97	4-28-22
26-1	Code 1967 § 28-1	1-20-1
26-2—26-15		Reserved
26-16	Code 1967 § 28-28.1; Ord. 722 § 1, 6-2-70	2-48-1
26-17	Code 1967 § 28-28.2; Ord. 722 § 1, 6-2-70	2-48-2
26-18	Code 1967 § 28-28.3; Ord. 722 § 1, 6-2-70	2-48-3
26-19	Code 1967 § 28-28.4; Ord. 722 § 1, 6-2-70	2-48-4
26-20	Code 1967 § 28-28.5; Ord. 722 § 1, 6-2-70	2-48-5
26-21	Code 1967 § 28-28.6; Ord. 722 § 1, 6-2-70	2-48-6
26-22	Code 1967 § 28-28.7; Ord. 722 § 1, 6-2-70	2-48-7
26-23	Code 1967 § 28-28.8; Ord. 722 § 1, 6-2-70	2-48-8
26-24	Code 1967 § 28-28.9; Ord. 722 § 1, 6-2-70	2-48-9
26-25	Code 1967 § 28-28.10; Ord. 722 § 1, 6-2-70	2-48-10
26-26	Code 1967 § 28-28.11; Ord. 722 § 1, 6-2-70	2-48-11
26-27	Code 1967 § 28-28.12; Ord. 722 § 1, 6-2-70	2-48-12
26-28	Code 1967 § 28-28.14; Ord. 722 § 1, 6-2-70	2-48-13
26-29	Code 1967 § 28-28.15; Ord. 722 § 1, 6-2-70; Ord. 2932 § 1(1), 10-23-79; Ord. 3105 § 1, 3-17-81; Ord. 3472 § 1, 7-2-85; Ord. 3754 § 1, 5-10-88; Ord. 4345 § 1, 7-25-95; Ord. 4691 § 1, 11-16-99	2-48-14
26-30—26-40		Reserved
26-41	Code 1967 § 28-12; Ord. 2524 § 1, 12-12-76	2-50-1
26-42	Code 1967 § 28-13; Ord. 2524 § 1, 12-12-76	2-50-2
26-43	Code 1967 § 28-14; Ord. 2524 § 1, 12-12-76	2-50-3
26-44	Code 1967 § 28-15; Ord. 2524 § 1, 12-12-76	2-50-4
26-45	Code 1967 § 28-16; Ord. 2524 § 1, 12-12-76	2-50-5
26-46	Code 1967 § 28-17; Ord. 2524 § 1, 12-12-76	2-50-6
26-47	Code 1967 § 28-18; Ord. 2524 § 1, 12-12-76	2-50-7
26-48	Code 1967 § 28-19; Ord. 2524 § 1, 12-12-76	2-50-8
26-49	Code 1967 § 28-20; Ord. 2524 § 1, 12-12-76	2-50-9
26-50	Code 1967 § 28-22; Ord. 2524 § 1, 12-12-76	2-50-10
26-51	Code 1967 § 28-23; Ord. 2524 § 1, 12-12-76	2-50-11
26-52—26-65		Reserved
26-66	Ord. 3751 § 1, 5-3-88	14-24-1
26-67	Ord. 3751 § 1, 5-3-88	14-24-2
26-68	Ord. 3751 § 1, 5-3-88	14-24-3

Prior Code §	Ordinance History	Herein
26-69	Ord. 3751 § 1, 5-3-88	14-24-4
26-70	Ord. 3751 § 1, 5-3-88; Ord. 4172 § 1, 4-27-93	14-24-5
26-71	Ord. 3751 § 1, 5-3-88	14-24-6
26-72	Ord. 3751 § 1, 5-3-88; Ord. 4127 § 1, 4-27-93	14-24-7
26-73	Ord. 3751 § 1, 5-3-88	14-24-8
26-74	Ord. 3751 § 1, 5-3-88	14-24-9
26-75—26-90		Reserved
26-91	Code 1967 § 36-169; Ord. 3077 § 2(1), 10-28-80	12-60-1
26-92	Code 1967 § 36-170; Ord. 3077 § 2(2), 10-28-80	12-60-2
26-93	Code 1967 § 36-171; Ord. 3077 § 2(3), 10-28-80	12-60-3
26-94	Code 1967 § 36-172; Ord. 3077 § 2(4), 10-28-80	12-60-4
26-95	Code 1967 § 36-173; Ord. 3077 § 2(5), 10-28-80; Ord. 3184 § 1, 1-12-82; Ord. 3691 § 1, 10-13-87; Ord. 4249 § 1, 4-5-94	12-60-5
26-96	Code 1967 § 36-174; Ord. 3077 § 2(6), 10-28-80	12-60-6
26-97	Code 1967 § 36-175; Ord. 3077 § 2(7), 10-28-80	12-60-7
26-98	Code 1967 § 36-176; Ord. 3077 § 2(8), 10-28-80	12-60-8
27-1	Code 1967 § 29-1; Ord. 456 § 1, 4-22-69	12-56-1
27-2	Code 1967 § 29-2	12-56-2
27-3	Code 1967 § 29-3	12-56-3
27-4—27-15		Reserved
27-16	Code 1967 § 29-14	12-56-4
27-17	Code 1967 § 29-15	12-56-5
27-18	Code 1967 § 29-16	12-56-6
27-19	Code 1967 § 29-17	12-56-7
27-20	Code 1967 § 29-18; Ord. 456 § 1, 4-22-69	12-56-8
27-21	Code 1967 § 29-19; Ord. 456 § 1, 4-11-69	12-56-9
27-22	Code 1967 § 29-20	12-56-10
27-23	Code 1967 § 29-21.1	12-56-11
27-24	Code 1967 § 29-22	12-56-12
27-25—27-35		Reserved
27-36	Code 1967 § 29-33	12-56-13
27-37	Code 1967 § 29-34	12-56-14
27-38	Code 1967 § 29-35	12-56-15
27-39	Code 1967 § 29-36	12-56-16
27-40	Code 1967 § 29-37	12-56-17
27-41	Code 1967 § 29-38	12-56-18
27-42	Code 1967 § 29-39	12-56-19
27-43	Code 1967 § 29-40; Ord. 3587 § 1, 9-2-86	12-56-20
27-44	Code 1967 § 29-41	12-56-21
27-45	Code 1967 § 29-42; Ord. 3587 § 2, 9-2-86	12-56-22
27-46	Code 1967 § 29-43; Ord. 3587 § 3, 9-2-86	12-56-23
27-47	Code 1967 § 29-44	12-56-24
27-48	Code 1967 § 29-45; Ord. 3587 § 4, 9-2-86	12-56-25
27-49	Code 1967 § 29-46	12-56-26
27-50	Code 1967 § 29-47	12-56-27
27-51	Code 1967 § 29-49	12-56-28
27-52	Code 1967 § 29-50	12-56-29
27-53	Code 1967 § 29-51	12-56-30
27-54	Code 1967 § 29-52	12-56-31
27-55	Code 1967 § 29-53	12-56-32

Prior Code §	Ordinance History	Herein
28-1	Code 1967 §§ 2-256, 30-1; Ord. 1495, 10-10-72	2-28-1
28-2	Code 1967 § 30-1	2-28-2
28-3	Code 1967 § 30-2	2-28-3
28-4	Code 1967 § 30-4	2-28-4
28-5	Code 1967 § 30-5	2-28-5
28-6	Code 1967 § 30-7; Ord. 241 § 1, 8-6-68; Ord. 411 §§ 1—6, 3-18-69	2-28-6
28-7	Code 1967 § 30-8	2-28-7
28-8	Code 1967 § 30-9	2-28-8
28-9	Code 1967 § 30-10	2-28-9
28-10	Code 1967 § 30-11	2-28-10
28-11	Code 1967 § 30-12	2-28-11
28-12	Code 1967 § 30-13	2-28-12
28-13	Code 1967 § 30-14	2-28-13
28-14	Code 1967 § 22-34.1; Ord. 953 § 1, 5-11-71	2-28-14
28-15	Code 1967 § 30-16	2-28-15
28-16	Code 1967 § 30-17	2-28-16
28-17—28-30		Reserved
28-31	Code 1967 § 30-28; Ord. 498 § 2, 7-8-69; Ord. 985 § 1, 7-13-71	2-30-1
28-32	Code 1967 § 30-29; Ord. 498 § 3, 7-8-69; Ord. 985 § 2, 7-13-71	2-30-2
28-33	Code 1967 § 30-30; Ord. 498 § 4, 7-8-69; Ord. 1714 § 1, 5-8-73	2-30-3
28-34	Code 1967 § 30-31; Ord. 498 § 5, 7-8-69	2-30-4
28-35	Code 1967 § 30-32; Ord. 498 § 6, 7-8-69; Ord. 536 § 1, 8-26-69; Ord. 985 § 3, 7-13-71; Ord. 1714 § 2, 5-8-73	2-30-5
28-36	Code 1967 § 30-33; Ord. 498 § 7, 7-8-69; Ord. 985 § 4, 7-13-71	2-30-6
28-37	Code 1967 § 30-34; Ord. 498 § 8, 7-8-69; Ord. 985 § 5, 7-13-71; Ord. 2131 § 1, 10-1-74	2-30-7
28-38	Code 1967 § 30-35; Ord. 498 § 9, 7-8-69; Ord. 985 § 6, 7-13-71; Ord. 1507 § 1, 10-31-72	2-30-8
28-39	Code 1967 § 30-35.1; Ord. 498 § 10, 7-8-69; Ord. 985 § 7, 7-13-71	2-30-9
28-40	Code 1967 § 30-35.2; Ord. 498 § 11, 7-8-69; Ord. 985 § 8, 7-13-71	2-30-10
28-41	Code 1967 § 30-35.3; Ord. 498 § 12, 7-8-69; Ord. 985 § 9, 7-13-71	2-30-11
28-42	Code 1967 § 30-35.5; Ord. 2910 § 1, 8-21-79	2-30-12
28-43—28-55		Reserved
28-56	Code 1967 § 30-36; Ord. 270 § I, 9-3-68; Ord. 486 § 1, 6-17-69	2-32-1
28-57	Code 1967 § 30-37; Ord. 270 § VII, 9-3-68	2-32-2
28-58	Code 1967 § 30-38; Ord. 270 § II, 9-3-68	2-32-3
28-59	Code 1967 § 30-39; Ord. 270 § III, 9-3-68; Ord. 486 § 2, 6-17-69	2-32-4
28-60	Code 1967 § 30-40; Ord. 270 § VI, 9-3-68	2-32-5
28-61	Code 1967 § 30-41; Ord. 270 § IX, 9-3-68	2-32-6
28-62	Code 1967 § 30-42; Ord. 270 § XI, 9-3-68	2-32-7
28-63	Code 1967 § 30-43; Ord. 270 § V, 9-3-68	2-32-8
28-64	Code 1967 § 30-44; Ord. 270 § IV, 9-3-68	2-32-9
28-65	Code 1967 § 30-45; Ord. 270 § VIII, 9-3-68; Ord. 486 § 3, 6-17-69; Ord. 1617 § 1, 1-30-73	2-32-10
28-66	Code 1967 § 30-46; Ord. 270 § X, 9-3-68	2-32-11
28-67	Code 1967 § 30-47; Ord. 486 § 4, 6-17-69	2-32-12
28-68—28-80		Reserved
28-81	Code 1967 § 30-59; Ord. 2107 § 1, 10-8-74	2-34-1
28-82	Code 1967 § 30-58; Ord. 2107 § 1, 10-8-74	2-34-2
28-83	Code 1967 § 30-60; Ord. 2107 § 1, 10-8-74	2-34-3

Prior Code §	Ordinance History	Herein
28-84	Code 1967 § 30-61; Ord. 2107 § 1, 10-8-74	2-34-4
28-85	Code 1967 § 30-62; Ord. 2107 § 1, 10-8-74	2-34-5
28-86	Code 1967 § 30-63; Ord. 2107 § 1, 10-8-74	2-34-6
28-87	Code 1967 § 30-64; Ord. 2107 § 1, 10-8-74	2-34-7
28-88	Code 1967 § 30-65; Ord. 2107 § 1, 10-8-74	2-34-8
28-89	Code 1967 § 30-66; Ord. 2107 § 1, 10-8-74	2-34-9
28-90	Code 1967 § 30-67; Ord. 2107 § 1, 10-8-74	2-34-10
28-91	Code 1967 § 30-68; Ord. 2107 § 1, 10-8-74	2-34-11
28-92	Code 1967 § 30-69; Ord. 2107 § 1, 10-8-74	2-34-12
28-93—28-107		Reserved
28-106	Code 1967 § 30-80; Ord. 2437 § 1, 6-1-76	2-36-1
28-107	Code 1967 § 30-81; Ord. 2437 § 1, 6-1-76	2-36-2
28-108	Code 1967 § 30-82; Ord. 2437 § 1, 6-1-76	2-36-3
28-109	Code 1967 § 30-83; Ord. 2437 § 1, 6-1-76	2-36-4
28-110	Code 1967 § 30-84; Ord. 2437 § 1, 6-1-76	2-36-5
28-111	Code 1967 § 30-85; Ord. 2437 § 1, 6-1-76	2-36-6
28-112—28-127		Reserved
28-126	Ord. 4640 § 1, 1-19-99; Ord. 4847 §§ 1—3, 2-20-01	9-16-1
28-127	Ord. 4640 § 1, 1-19-99	9-16-2
28-128	Ord. 4640 § 1, 1-19-99; Ord. 4847 § 4, 2-20-01	9-16-3
28-129	Ord. 4640 § 1, 1-19-99	9-16-4
28-130	Ord. 4640 § 1, 1-19-99; Ord. 4942 § 1, 5-21-02	9-16-5
28-131	Ord. 4640 § 1, 1-19-99	9-16-6
28-132	Ord. 4640 § 1, 1-19-99; Ord. 4847 §§ 6, 7, 2-20-01	9-16-7
28-133	Ord. 4640 § 1, 1-19-99	9-16-8
28-134	Ord. 4640 § 1, 1-19-99; Ord. 4847 § 8, 2-20-01	9-16-9
28-135	Ord. 4640 § 1, 1-19-99; Ord. 4847 § 9, 2-20-01	9-16-10
28-136	Ord. 4640 § 1, 1-19-99	9-16-11
28-137	Ord. 4640 § 1, 1-19-99; Ord. 4847 §§ 10—15, 2-20-01	9-16-12
28-138	Ord. 4640 § 1, 1-19-99	9-16-13
28-139	Ord. 4640 § 1, 1-19-99	9-16-14
28-140	Ord. 4640 § 1, 1-19-99	9-16-15
28-141—28-150		Reserved
28-151	Ord. 4285 § 1, 10-25-94	2-52-1
28-152	Ord. 4285 § 1, 10-25-94	2-52-2
28-153	Ord. 4285 § 1, 10-25-94	2-52-3
28-154	Ord. 4285 § 1, 10-25-94	2-52-4
28-155	Ord. 4285 § 1, 10-25-94	2-52-5
28-156	Ord. 4285 § 1, 10-25-94	2-52-6
28-157	Ord. 4285 § 1, 10-25-94	2-52-7
28-158	Ord. 4285 § 1, 10-25-94	2-52-8
28-159	Ord. 4285 § 1, 10-25-94	2-52-9
28-160	Ord. 4285 § 1, 10-25-94	2-52-10
28-161	Ord. 4285 § 1, 10-25-94	2-52-11
29-1	Code 1967 § 31-1	6-4-1
29-2	Code 1967 § 31-2; Ord. 2726 § 1, 7-5-78	6-4-2
29-3	Code 1967 § 31-3; Ord. 2726 § 1, 7-5-78	6-4-3
29-4		Reserved

Prior Code §	Ordinance History	Herein
29-5	Code 1967 § 31-6; Ord. 2726 § 3, 7-5-78	6-4-4
29-6	Code 1967 § 31-6.1; Ord. 1926 §§ 1, 2, 1-2-74; Ord. 3433 § 1, 2-5-85	6-4-5
29-7	Code 1967 § 31-7; Ord. 2726 §§ 1, 4, 7-5-78	6-4-6
29-8	Code 1967 § 31-8	6-4-7
29-9—2920		Reserved
29-21	Code 1967 § 31-21; Ord. 925 § 1, 4-27-71; Ord. 2575 § 1, 3-15-77; Ord. 3213 §§ 1, 2, 7-20-82	6-20-1
29-22	Code 1967 § 31-22; Ord. 925 § 1, 4-27-71; Ord. 2726 §§ 1, 5, 7-5-78	6-20-2
29-23	Code 1967 § 31-23; Ord. 925 § 1, 4-27-71; Ord. 2481 § 1, 8-3-76	6-20-3
29-24—29-35		Reserved
29-36	Code 1967 § 31-24; Ord. 925 § 1, 4-27-71; Ord. 2726 § 1, 7-5-78; Ord. 4352 § 6, 8-15-95	6-20-4
29-37	Code 1967 § 31-25; Ord. 925 § 1, 4-27-71; Ord. 2726 §§ 1, 6, 7-5-78; Ord. 2828 § 1, 1-30-79; Ord. 3213 § 3, 7-20-82	6-20-5
29-38	Code 1967 § 31-26; Ord. 925 § 1, 4-27-71	6-20-6
29-39	Code 1967 § 31-27; Ord. 925 § 1, 4-27-71; Ord. 2726 § 1, 7-5-78	6-20-7
29-40	Code 1967 § 31-28; Ord. 925 § 1, 4-27-71	6-20-8
29-41	Code 1967 § 31-29; Ord. 925 § 1, 4-27-71; Ord. 2726 § 1, 7-5-78	6-20-9
29-42	Code 1967 § 31-30; Ord. 925 § 1, 4-27-71; Ord. 2726 § 1, 7-5-78	6-20-10
29-43	Code 1967 § 31-31; Ord. 925 § 1, 4-27-71; Ord. 2726 § 1, 7-5-78; Ord. 2828 § 2, 1-30-79; Ord. 3213 § 4, 7-20-82	6-20-11
29-44	Code 1967 § 31-32; Ord. 3213 § 1, 7-20-82	6-20-12
29-45—29-55		Reserved
29-56	Code 1967 § 31-39; Ord. 2726 § 8, 7-5-78; Ord. 3215 § 1(1), (2), 8-17-82	6-52-1
29-57	Code 1967 § 31-40; Ord. 3215 § 1(3), 8-17-82	6-52-2
29-58	Code 1967 § 31-41	6-52-3
29-59	Code 1967 § 31-42	6-52-4
29-60	Code 1967 § 31-46	6-52-5
29-61	Code 1967 § 31-47; Ord. 2726 § 1, 7-5-78	6-52-6
29-62	Code 1967 § 31-48	6-52-7
29-63—29-70		Reserved
29-71	Code 1967 § 31-54; Ord. 420 § 1, 4-1-69; Ord. 2726 § 1, 7-5-78; Ord. 3215 § 1(4), 8-17-82	6-52-8
29-72	Code 1967 § 31-55; Ord. 420 § 1, 4-1-69; Ord. 2726 §§ 1, 10, 7-5-78; Ord. 3215 § 1(5), 8-17-82	6-52-9
29-73		Reserved
29-74	Code 1967 § 31-57; Ord. 420 § 1, 4-1-69; Ord. 2726 §§ 1, 12, 7-5-78; Ord. 3215 § 1(7), 8-17-82	6-52-10
29-75	Code 1967 § 31-62; Ord. 420 § 1, 4-1-69; Ord. 2726 § 13, 7-5-78	6-52-11
29-76	Code 1967 § 31-63; Ord. 420 § 1, 4-1-69; Ord. 2726 §§ 1, 17, 7-5-78; Ord. 3215 § 1(8), 8-17-82	6-52-12
29-77	Code 1967 § 31-64; Ord. 420 § 1, 4-1-69; Ord. 3215 § 1(9), 8-17-82	6-52-13
29-78	Code 1967 § 31-68; Ord. 3215 § 1(11), 8-17-82	6-52-14
29-79	Code 1967 § 31-67; Ord. 420 § 1, 4-1-69; Ord. 1113 § 2, 11-2-67; Ord. 2726 §§ 1, 16, 7-5-78	6-52-15
29-80	Code 1967 § 31-66; Ord. 420 § 1, 4-1-69; Ord. 2726 § 15, 7-5-78; Ord. 3215 § 1(10), 8-17-82	6-52-16
30-1	Code 1967 § 33-1	6-64-1
30-2	Code 1967 § 33-2	6-64-2

Prior Code §	Ordinance History	Herein
30-3—30-15		Reserved
30-16	Code 1967 § 33-13	2-54-1
30-17	Code 1967 § 33-14	2-54-2
30-18	Code 1967 § 33-15	2-54-3
30-19	Code 1967 § 33-16	2-54-4
30-20	Code 1967 § 33-17	2-54-5
30-21	Code 1967 § 33-18	2-54-6
30-22	Code 1967 § 33-19	2-54-7
30-23	Code 1967 § 33-20	2-54-8
30-24	Code 1967 § 33-21	2-54-9
30-25—30-35		Reserved
30-36	Code 1967 § 33-32	6-64-3
30-37	Code 1967 § 33-33	6-64-4
30-38	Code 1967 § 33-34	6-64-5
30-39	Code 1967 § 33-35	6-64-6
30-40	Code 1967 § 33-36	6-64-7
30-41	Code 1967 § 33-37	6-64-8
31-1	Code 1967 § 34-19	12-80-1
31-2	Code 1967 § 34-13	12-80-2
31-3	Code 1967 § 34-1	12-80-3
31-4	Code 1967 § 34-2	12-80-4
31-5	Code 1967 § 34-3	12-80-5
31-6	Code 1967 § 34-4; Ord. 1426 § 1, 9-5-72	12-80-6
31-7	Code 1967 § 34-5; Ord. 1426 § 2, 9-5-72	12-80-7
31-8	Code 1967 § 34-15	12-80-8
31-9	Code 1967 § 34-16	12-80-9
31-10	Code 1967 § 34-17	12-80-10
31-11	Code 1967 § 34-20; Ord. 1426 § 7, 9-5-72	12-80-11
31-12	Code 1967 § 34-21	12-80-12
31-13	Code 1967 § 34-23	12-80-13
31-14—31-25		Reserved
31-26	Code 1967 § 34-7; Ord. 1426 § 3, 9-5-72; Ord. 3588 § 1, 9-2-86	12-80-14
31-27	Code 1967 § 34-8; Ord. 1426 § 4, 9-5-72; Ord. 3588 § 2, 9-2-86	12-80-15
31-28	Code 1967 § 34-9; Ord. 1426 § 5, 9-5-72; Ord. 3588 § 3, 9-2-86	12-80-16
31-29	Code 1967 § 34-10; Ord. 1426 § 6, 9-5-72; Ord. 3588 § 4, 9-2-86	12-80-17
31-30	Code 1967 § 34-11	12-80-18
31-31	Code 1967 § 34-12	12-80-19
32-1	Code 1967 § 35-1	12-92-1
32-2	Code 1967 § 35-2	12-92-2
32-3	Code 1967 § 35-3	12-92-3
32-4	Code 1967 § 35-4	12-92-4
32-5—32-45		Reserved
32-46	Code 1967 § 35-41	12-96-1
32-47	Code 1967 § 35-42	12-96-2
32-48	Code 1967 § 35-43	12-96-3
32-49	Code 1967 § 35-44	12-96-4
32-50	Code 1967 § 35-45	12-96-5
32-51	Code 1967 § 35-46	12-96-6
32-52	Code 1967 § 35-47	12-96-7
32-53	Code 1967 § 35-48	12-96-8

Prior Code §	Ordinance History	Herein
32-54	Code 1967 § 35-49; Ord. 553 § 1, 10-7-69	12-96-9
33-1—33-15		Reserved
33-16	Ord. 4023 § 1, 3-26-91; Ord. 4443 § 1, 11-5-96	13-4-1
33-17—33-25		Reserved
33-26	Ord. 4023 § 1, 3-26-91	13-8-1
33-27	Ord. 4023 § 1, 3-26-91	13-8-2
33-28	Ord. 4023 § 1, 3-26-91	13-8-3
33-29	Ord. 4023 § 1, 3-26-91	13-8-4
33-30—33-40		Reserved
33-41	Ord. 4023 § 1, 3-26-91	13-12-1
33-42	Ord. 4023 § 1, 3-26-91	13-12-2
33-43	Ord. 4023 § 1, 3-26-91	13-12-3
33-44	Ord. 4023 § 1, 3-26-91	13-12-4
33-45	Ord. 4023 § 1, 3-26-91	13-12-5
33-46	Ord. 4023 § 1, 3-26-91	13-12-6
33-47	Ord. 4023 § 1, 3-26-91	13-12-7
33-48	Ord. 4023 § 1, 3-26-91	13-12-8
33-49—33-60		Reserved
33-61	Ord. 4023 § 1, 3-26-91	13-16-1
33-62	Ord. 4023 § 1, 3-26-91; Ord. 4143 § 1, 3-4-93; Ord. 4292 § 1, 11-22-94	13-16-2
33-63	Ord. 4023 § 1, 3-26-91	13-16-3
33-64	Ord. 4023 § 1, 3-26-91	13-16-4
33-65	Ord. 4023 § 1, 3-26-91; Ord. 4143 § 1, 3-4-93	13-16-5
33-66	Ord. 4023 § 1, 3-26-91	13-16-6
33-67	Ord. 4023 § 1, 3-26-91	13-16-7
33-68	Ord. 4023 § 1, 3-26-91	13-16-8
33-69	Ord. 4023 § 1, 3-26-91	13-16-9
33-70	Ord. 4023 § 1, 3-26-91	13-16-10
33-71	Ord. 4023 § 1, 3-26-91	13-16-11
33-72	Ord. 4023 § 1, 3-26-91	13-16-12
33-73	Ord. 4023 § 1, 3-26-91	13-16-13
33-74	Ord. 4023 § 1, 3-26-91	13-16-14
33-75	Ord. 4023 § 1, 3-26-91	13-16-15
33-76	Ord. 4023 § 1, 3-26-91	13-16-16
33-77	Ord. 4023 § 1, 3-26-91	13-16-17
33-78	Ord. 4023 § 1, 3-26-91	13-16-18
33-79	Ord. 4443 § 2, 11-5-96	13-16-19
33-80		Reserved
33-81	Ord. 4023 § 1, 3-26-91	13-20-1
33-82	Ord. 4023 § 1, 3-26-91	13-20-2
33-83	Ord. 4023 § 1, 3-26-91; Ord. 5099 § 1, 2005	13-20-3
33-84	Ord. 4023 § 1, 3-26-91	13-20-4
33-85	Ord. 4023 § 1, 3-26-91	13-20-5
33-86	Ord. 4023 § 1, 3-26-91	13-20-6
33-87	Ord. 4023 § 1, 3-26-91	13-20-7
33-88	Ord. 4023 § 1, 3-26-91	13-20-8
33-89	Ord. 4023 § 1, 3-26-91	13-20-9
33-90, 33-100		Reserved
33-101	Ord. 4023 § 1, 3-26-91	13-24-1
33-102	Ord. 4023 § 1, 3-26-91	13-24-2

Prior Code §	Ordinance History	Herein
33-103	Ord. 4023 § 1, 3-26-91; Ord. 5099 § 2, 2005	13-24-3
33-104	Ord. 4023 § 1, 3-26-91; Ord. 5099 § 3, 2005	13-24-4
33-105	Ord. 4023 § 1, 3-26-91	13-24-5
33-106	Ord. 4023 § 1, 3-26-91	13-24-6
33-107	Ord. 4023 § 1, 3-26-91	13-24-7
33-108	Ord. 4023 § 1, 3-26-91	13-24-8
33-109	Ord. 4023 § 1, 3-26-91	13-24-9
33-110	Ord. 4023 § 1, 3-26-91	13-24-10
33-111	Ord. 4023 § 1, 3-26-91; Ord. 5099 § 4, 2005	13-24-11
33-112	Ord. 5099 § 5, 2005	13-26-1
33-113—33-125		Reserved
33-126	Ord. 4023 § 1, 3-26-91	13-8-5
33-127—33-130		Reserved
33-131	Ord. 4023 § 1, 3-26-91; Ord. 5099 § 6, 2005	13-28-1
33-132	Ord. 4023 § 1, 3-26-91	13-28-2
33-133	Ord. 4023 § 1, 3-26-91	13-28-3
33-134	Ord. 4023 § 1, 3-26-91	13-28-4
33-135	Ord. 4443 § 3, 11-5-96	13-28-5
33-136	Ord. 4734 § 1, 1-18-00	13-28-6
33-137—33-140		Reserved
33-141	Ord. 4023 § 1, 3-26-91	13-32-1
33-142	Ord. 4023 § 1, 3-26-91	13-32-2
33-143	Ord. 4023 § 1, 3-26-91	13-32-3
33-144	Ord. 4023 § 1, 3-26-91	13-32-4
33-145—33-155		Reserved
33-156	Ord. 4023 § 1, 3-26-91; Ord. 5099 § 7, 2005	13-28-7
33-157—33-170		Reserved
33-171	Ord. 4023 § 1, 3-26-91	13-36-1
33-172	Ord. 4023 § 1, 3-26-91	13-36-2
33-173	Ord. 4023 § 1, 3-26-91; Ord. 5099 § 8, 2005	13-36-3
33-174	Ord. 4023 § 1, 3-26-91	13-36-4
33-175—33-199		Reserved
33-200	Ord. 4538 § 1, 11-18-97	13-40-1
33-201	Ord. 4538 § 1, 11-18-97	13-40-2
33-202	Ord. 4538 § 1, 11-18-97	13-40-3
33-203—33-205		Reserved
33-206	Ord. 4538 § 1, 11-18-97	13-40-4
33-207	Ord. 4538 § 1, 11-18-97	13-40-5
33-208	Ord. 4538 § 1, 11-18-97	13-40-6
33-209	Ord. 4538 § 1, 11-18-97	13-40-7
33-210	Ord. 4538 § 1, 11-18-97	13-40-8
33-211—33-220		Reserved

Prior Code §	Ordinance History	Herein
33-221	Ord. 4538 § 1, 11-18-97; Ord. 5116 (part), 2005	13-40-9
33-222	Ord. 4538 § 1, 11-18-97; Ord. 5116 (part), 2005	13-40-10
33-223	Ord. 4538 § 1, 11-18-97; Ord. 5116 (part), 2005	13-40-11
33-224	Ord. 4538 § 1, 11-18-97	13-40-12
33-225—33-228		Reserved
33-229	Ord. 4538 § 1, 11-18-97	13-40-13
33-230	Ord. 4538 § 1, 11-18-97	13-40-14
33-231	Ord. 4538 § 1, 11-18-97	13-40-15
33-232—33-235		Reserved
33-236	Ord. 4538 § 1, 11-18-97	13-40-16
33-237	Ord. 4538 § 1, 11-18-97	13-40-17
33-238	Ord. 4538 § 1, 11-18-97	13-40-18
33-239	Ord. 4538 § 1, 11-18-97	13-40-19
33-240	Ord. 4538 § 1, 11-18-97	13-40-20
33-241	Ord. 4538 § 1, 11-18-97	13-40-21
33-242	Ord. 4538 § 1, 11-18-97	13-40-22
33-243	Ord. 4538 § 1, 11-18-97	13-40-23
33-244	Ord. 4538 § 1, 11-18-97	13-40-24
33-245	Ord. 4538 § 1, 11-18-97	13-40-25
33-246	Ord. 4538 § 1, 11-18-97	13-40-26
33-247	Ord. 4538 § 1, 11-18-97	13-40-27
33-248	Ord. 4538 § 1, 11-18-97	13-40-28
33-249	Ord. 4538 § 1, 11-18-97	13-40-29
33-250	Ord. 4538 § 1, 11-18-97	13-40-30
33-251	Ord. 4538 § 1, 11-18-97	13-40-31
33-252	Ord. 4538 § 1, 11-18-97	13-40-32
33-253	Ord. 4538 § 1, 11-18-97	13-40-33
33-254	Ord. 4538 § 1, 11-18-97	13-40-34
33-260	Ord. 5135 § 1 (part), 2005	11-41-1
33-261	Ord. 5135 § 1 (part), 2005	11-41-2
33-262	Ord. 5135 § 1 (part), 2005	11-41-3
33-263	Ord. 5135 § 1 (part), 2005	11-41-4
33-264	Ord. 5135 § 1 (part), 2005	11-41-5
33-265	Ord. 5135 § 1 (part), 2005	11-41-6
33-266	Ord. 5135 § 1 (part), 2005	11-41-7
33-267	Ord. 5135 § 1 (part), 2005	11-41-8
33-268	Ord. 5135 § 1 (part), 2005	11-41-9
33-269	Ord. 5135 § 1 (part), 2005	11-41-10
33-270	Ord. 5135 § 1 (part), 2005	11-41-11
33-271	Ord. 5135 § 1 (part), 2005	11-41-12
33-272	Ord. 5135 § 1 (part), 2005	11-41-13
33-273	Ord. 5135 § 1 (part), 2005	11-41-14
33-274	Ord. 5135 § 1 (part), 2005	11-41-15
33-275	Ord. 5135 § 1 (part), 2005	11-41-16
33-276	Ord. 5135 § 1 (part), 2005	11-41-17
33-277	Ord. 5135 § 1 (part), 2005	11-41-18
34-1	Code 1967 § 36-1	12-4-1
34-2	Code 1967 § 36-2	12-4-2

Prior Code §	Ordinance History	Herein
34-3	Code 1967 § 36-3	12-4-3
34-4	Ord. 4364 § 1, 10-10-95	12-4-4
34-5	Code 1967 § 36-5; Ord. 837 § 3, 1-12-71; Ord. 4352 § 7, 8-15-95	12-4-5
34-6	Code 1967 § 36-5.1	12-4-6
34-7	Code 1967 § 36-6; Ord. 3164 § 1, 10-6-81; Ord. 3590 § 1(1), 9-2-86	12-4-7
34-8	Code 1967 § 36-7	12-4-8
34-9	Code 1967 § 36-8	12-4-9
34-10	Code 1967 § 36-9	12-4-10
34-11	Code 1967 § 36-11	12-4-11
34-12	Code 1967 § 36-12; Ord. 2413 § 1, 4-27-76; Ord. 3047 § 1(1), 8-12-80	12-4-12
34-13—34-30		Reserved
34-31	Code 1967 § 36-20	12-12-1
34-32	Code 1967 § 36-21; Ord. 3047 § 1(2), 8-12-80	12-12-2
34-33	Code 1967 § 36-22	12-12-3
34-34	Code 1967 § 36-23	12-12-4
34-35	Code 1967 § 36-24	12-12-5
34-36	Code 1967 § 36-25	12-12-6
34-37	Code 1967 § 36-26	12-12-7
34-38	Code 1967 § 36-27	12-12-8
34-39—34-50		Reserved
34-51	Code 1967 § 36-38; Ord. 3047 § 1(2), 8-12-80; Ord. 4196 § 1, 8-24-93	12-8-1
34-52	Code 1967 § 36-39; Ord. 1061 § 1, 9-28-71	12-8-2
34-53	Code 1967 § 36-40	12-8-3
34-54	Code 1967 § 36-41	12-8-4
34-55	Code 1967 § 36-42	12-8-5
34-56	Code 1967 § 36-43	12-8-6
34-57	Code 1967 § 36-44; Ord. 1061 § 1, 9-28-71	12-8-7
34-58	Code 1967 § 36-45; Ord. 1061 § 1, 9-28-71; Ord. 4196 § 8-24-93	12-8-8
34-59	Code 1967 § 36-46; Ord. 1061 § 1, 9-28-71; Ord. 3590 § 1(2), 9-2-86; Ord. 4196 § 1, 8-24-93	12-8-9
34-60	Code 1967 § 36-47; Ord. 1061 § 1, 9-28-71; Ord. 4196 § 1, 8-24-93	12-8-10
34-76	Code 1967 § 36-60	12-16-1
34-77	Code 1967 § 36-62; Ord. 3047 § 1(4), 8-12-80	12-16-2
34-78	Code 1967 § 36-63	12-16-3
34-79	Code 1967 § 36-64	12-16-4
34-80	Code 1967 § 36-65	12-16-5
34-81	Code 1967 § 36-66; Ord. 3590 § 1(3), 9-2-86	12-16-6
34-82	Code 1967 § 36-67	12-16-7
34-83—34-95		Reserved
34-96	Code 1967 § 36-78	12-20-1
34-97	Code 1967 § 36-79	12-20-2
34-98	Code 1967 § 36-80	12-20-3
34-99	Code 1967 § 36-81	12-20-4
34-100	Code 1967 § 36-82	12-20-5
34-101	Code 1967 § 36-83	12-20-6
34-102	Code 1967 § 36-84; Ord. 3024 § 1, 6-9-80	12-20-7
34-103	Code 1967 § 36-85; Ord. 2286 § 1, 7-29-75	12-20-8
34-104	Code 1967 § 36-87	12-20-9
34-105—34-115		Reserved

Prior Code §	Ordinance History	Herein
34-116	Code 1967 § 36-96; Ord. 894 § 1, 4-6-71; Ord. 4196 § 1, 8-24-93	12-24-1
34-117	Code 1967 § 36-104; Ord. 894 § 1, 4-6-71	12-24-2
34-118	Code 1967 § 36-105; Ord. 894 § 1, 4-6-71; Ord. 1635 § 3, 3-13-73; Ord. 3590 § 1(5), 9-2-86	12-24-3
34-119	Code 1967 § 36-106; Ord. 894 § 1, 4-6-71	12-24-4
34-120	Code 1967 § 36-107; Ord. 894 § 1, 4-6-71	12-24-5
34-121	Code 1967 § 36-108; Ord. 894 § 1, 4-6-71	12-24-6
34-122	Code 1967 § 36-109; Ord. 894 § 1, 4-6-71	12-24-7
34-123	Code 1967 § 36-110; Ord. 894 § 1, 4-6-71	12-24-8
34-124	Code 1967 § 36-111; Ord. 894 § 1, 4-6-71; Ord. 3590 § 1(6), 9-2-86	12-24-9
34-125	Code 1967 § 36-112; Ord. 894 § 1, 4-6-71; Ord. 4196 § 1, 8-24-93	12-24-10
34-126	Code 1967 § 36-113; Ord. 894 § 1, 4-6-71	12-24-11
34-127	Code 1967 § 36-114; Ord. 894 § 1, 4-6-71	12-24-12
34-128	Code 1967 § 36-115; Ord. 894 § 1, 4-6-71	12-24-13
34-129	Code 1967 § 36-116; Ord. 894 § 1, 4-6-71	12-24-14
34-130	Code 1967 § 36-117; Ord. 894 § 1, 4-6-71	12-24-15
34-131	Code 1967 § 36-118; Ord. 894 § 1, 4-6-71	12-24-16
34-132	Code 1967 § 36-119; Ord. 894 § 1, 4-6-71	12-24-17
34-133	Code 1967 § 36-120; Ord. 894 § 1, 4-6-71	12-24-18
34-134	Code 1967 § 36-121; Ord. 894 § 1, 4-6-71	12-24-19
34-135	Code 1967 § 36-122; Ord. 894 § 1, 4-6-71	12-24-20
34-136	Code 1967 § 36-123; Ord. 894 § 1, 4-6-71	12-24-21
34-137	Code 1967 § 36-124; Ord. 894 § 1, 4-6-71	12-24-22
34-138	Code 1967 § 36-125; Ord. 894 § 1, 4-6-71; Ord. 3024 § 1, 6-9-80; Ord. 3747 § 1, 5-3-88; Ord. 5110 § 1, 2005	12-28-1
34-139—34-150		Reserved
34-151	Code 1967 § 36-97; Ord. 894 § 1, 4-6-71; Ord. 969 § 1, 6-1-71; Ord. 1635 § 1, 3-13-73; Ord. 3590 § 1(7), 9-2-86; Ord. 4196 § 1, 8-24-93	12-28-2
34-152	Code 1967 § 36-97.1; Ord. 3047 § 1(b), 8-12-80; Ord. 3590 § 1(8), 9-2-86	12-28-3
34-153, 34-154		Reserved
34-155	Code 1967 § 36-98; Ord. 894 § 1, 4-6-71; Ord. 3590 § 1(11), 9-2-86; Ord. 4196 § 1, 8-24-93	12-28-4
34-156	Code 1967 § 36-99; Ord. 894 § 1, 4-6-71; Ord. 3590 § 1(12), 9-2-86	12-28-5
34-157	Code 1967 § 36-100; Ord. 894 § 1, 4-6-71; Ord. 969 § 1, 6-1-71; Ord. 4196 § 1, 8-24-93	12-28-6
34-158	Code 1967 § 36-101; Ord. 894 § 1, 4-6-71; Ord. 3590 § 1(13), 9-2-86	12-28-7
34-159	Code 1967 § 36-102; Ord. 1635 § 2, 3-13-73; Ord. 3590 § 1(13A), 9-2-86; Ord. 4196 § 1, 8-24-93	12-28-8
34-160	Code 1967 § 36-103; Ord. 894 § 1, 4-6-71; Ord. 3590 § 1(14), 9-2-86; Ord. 4196 § 1, 8-24-93	12-28-9
34-161—34-170		Reserved
34-171	Code 1967 § 36-127; Ord. 894 § 1, 4-6-71; Ord. 3590 § 1(15), 9-2-86	12-28-10
34-172	Code 1967 § 36-128; Ord. 894 § 1, 4-6-71; Ord. 3590 § 1(16), 9-2-86	12-28-11
34-173	Code 1967 § 36-129; Ord. 894 § 1, 4-6-71; Ord. 4196 § 1, 8-24-93	12-28-12

Prior Code §	Ordinance History	Herein
34-174— 34-179		Reserved
34-180	Code 1967 § 36-136; Ord. 894 § 1, 4-6-71; Ord. 3590 § 1(20), 9-2-86; Ord. 4196 § 1, 8-24-93	12-28-13
34-181— 34-183		Reserved
34-184	Code 1967 § 36-140; Ord. 894 § 1, 4-6-71	12-28-14
34-185		Reserved
34-186	Code 1967 § 36-142; Ord. 894 § 1, 4-6-71; Ord. 4196 § 1, 8-24-93	12-28-15
34-188	Code 1967 § 36-144; Ord. 894 § 1, 4-6-71	12-28-16
34-189, 34-190		Reserved
35-1		6-76-1
35-2		6-76-2
35-3		6-76-3
35-4		6-76-4
35-5		6-76-5
35-6		6-76-6
35-7		6-76-7
35-8		6-76-8
35-9		6-76-9
35-10		6-76-10
35-11		6-76-11

Prior Code §	Ordinance History	Herein
35-12		6-76-12
35-13—35-20		Reserved
35-21		6-76-13
35-22		6-76-14
35-23		6-76-15
35-24		6-76-16
35-25		6-76-17
35-26		6-76-18
35-27		6-76-19
35-28		6-76-20
35-29		6-76-21
35-30		6-76-22
36-1	Code 1967 § 38-1	5-8-1
36-2	Code 1967 § 38-2; Ord. 2067 § 1, 6-4-74	5-8-2
36-3	Code 1967 § 38-3; Ord. 1996 § 1, 3-14-67; Ord. 2444 § 1, 6-15-76; Ord. 3211 § 1, 6-15-82	5-8-3
36-4	Code 1967 § 38-4	5-8-4
36-5	Code 1967 § 38-6; Ord. 1995 § 1, 3-14-67; Ord. 337 § 1, 12-17-68; Ord. 2445 § 1, 6-15-76; Ord. 3380 § 1, 5-29-84	5-8-5
36-6	Code 1967 § 38-7; Ord. 2737 § 1, 7-5-78	5-8-6
36-7	Code 1967 § 38-8; Ord. 3257 § 1, 12-14-82	5-8-7
36-8	Code 1967 § 38-9	5-8-8
36-9	Code 1967 § 38-10; Ord. 2067 § 1, 6-4-74	5-8-9
36-10	Code 1967 § 38-11; Ord. 2971 § 1, 12-18-79	5-8-10
36-11—36-25		Reserved
36-26	Code 1967 § 38-44	5-12-1
36-27	Code 1967 § 38-53	5-12-2
36-28	Code 1967 § 38-55; Ord. 981 § 1, 6-22-71	5-12-3
36-29	Code 1967 § 38-56; Ord. 1072 § 1, 10-5-71	5-12-4
36-30—36-40		Reserved
36-41	Code 1967 § 38-64	5-16-1
36-42	Code 1967 § 38-65	5-16-2
36-43	Code 1967 § 38-66	5-16-3
36-44	Code 1967 § 38-67	5-16-4
36-45	Code 1967 § 38-68	5-16-5
36-46	Code 1967 § 38-69	5-16-6
36-47	Code 1967 § 38-70	5-16-7
36-48	Code 1967 § 38-71	5-16-8
36-49	Code 1967 § 38-72	5-16-9
36-50	Code 1967 § 38-73	5-16-10
36-51	Code 1967 § 38-74	5-16-11
36-52	Code 1967 § 38-75	5-16-12
36-53—36-65		Reserved
36-66	Code 1967 § 38-86	5-24-1
36-67	Code 1967 § 38-87(b)	5-24-2
36-68	Code 1967 § 38-88	5-24-3
36-69	Code 1967 § 38-89	5-24-4
36-70	Code 1967 § 38-90	5-24-5
36-71	Code 1967 § 38-91	5-24-6
36-72	Code 1967 § 38-92	5-24-7

Prior Code §	Ordinance History	Herein
36-73	Code 1967 § 38-93	5-24-8
36-74	Code 1967 § 38-94	5-24-9
36-75	Code 1967 § 38-95	5-24-10
36-76	Code 1967 § 38-96	5-24-11
36-77	Code 1967 § 38-97	5-24-12
36-78—36-90		Reserved
36-91	Code 1967 § 38-109	5-28-1
36-92	Code 1967 § 38-110	5-28-2
36-93	Code 1967 § 38-111; Ord. 3540 § 1(1), 4-1-86; Ord. 3739 § 1(1), 4-5-88	5-28-3
36-94	Code 1967 § 38-112	5-28-4
36-95	Code 1967 § 38-113; Ord. 3540 § 1(2), 4-1-86	5-28-5
36-96	Code 1967 § 38-114; Ord. 3540 § 1(3), 4-1-86	5-28-6
36-97	Code 1967 § 38-115; Ord. 726 § 1, 6-9-70; Ord. 3540 § 1(5), 4-1-86; Ord. 4381 § 2, 12-19-95	5-28-7
36-98	Code 1967 § 38-116; Ord. 3540 § 1(6), 4-1-86	5-28-8
36-99—36-120		Reserved
36-121	Ord. 4824 § 1, 11-7-00	5-20-1
36-122	Ord. 4824 § 2, 11-7-00	5-20-2
36-123	Ord. 4824 § 3, 11-7-00	5-20-3
36-124	Ord. 4824 § 4, 11-7-00	5-20-4
36-125	Ord. 4824 § 5, 11-7-00	5-20-5
36-126	Ord. 4824 § 6, 11-7-00	5-20-6
36-127	Ord. 4824 § 7, 11-7-00	5-20-7
36-128	Ord. 4824 § 8, 11-7-00	5-20-8
36-129	Ord. 4824 § 9, 11-7-00; Ord. 4939 § II, 5-7-02	5-20-9
37-1	Code 1967 § 39-1	14-20-1
37-2	Code 1967 § 39-2	14-20-2
37-3	Code 1967 § 39-3	14-20-3
37-4	Code 1967 § 39-4	14-20-4
37-5	Code 1967 § 39-5	14-20-5
37-6	Code 1967 § 39-6	14-20-6
37-7—37-20		Reserved
37-21	Code 1967 § 39-17; Ord. 349 § 1, 12-31-68; Ord. 2955 § 1(1), (2), 12-11-79	14-20-7
37-22	Code 1967 § 39-18	14-20-8
37-23	Code 1967 § 39-19	14-20-9
37-24	Code 1967 § 39-20	14-20-10
37-25	Code 1967 § 39-21	14-20-11
37-26	Code 1967 § 39-22	14-20-12
37-27	Code 1967 § 39-23	14-20-13
37-28	Code 1967 § 39-24	14-20-14
37-29	Code 1967 § 39-25	14-20-15
37-30	Code 1967 § 39-27	14-20-16
38-1	Code 1967 § 41-1	6-84-1
38-2	Code 1967 § 41-2	6-84-2
38-3	Code 1967 § 41-3	6-84-3
38-4	Code 1967 § 41-4	6-84-4
38-5	Code 1967 § 41-5	6-84-5
38-6	Code 1967 § 41-6	6-84-6
38-7	Code 1967 § 41-7	6-84-7

Prior Code §	Ordinance History	Herein
38-8	Code 1967 § 41-8	6-84-8
38-9	Code 1967 § 41-9	6-84-9
39-1	Ord. 4227 § 1, 11-2-93; Ord. 4941, 5-7-02	6-80-1
39-2	Ord. 4227 § 1, 11-2-93	6-80-2
39-3	Ord. 4227 § 1, 11-2-93	6-80-3
39-4	Ord. 4227 § 1, 11-2-93	6-80-4
39-5	Ord. 4227 § 1, 11-2-93	6-80-5
39-6	Ord. 4227 § 1, 11-2-93	6-80-6
39-7	Ord. 4227 § 1, 11-2-93	6-80-7
39-8	Ord. 4227 § 1, 11-2-93; Ord. 4941, 5-7-02	6-80-8
39-9	Ord. 4227 § 1, 11-2-93	6-80-9
39-10	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 8, 8-15-95	6-80-10
39-11	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 8, 8-15-95	6-80-11
39-12	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 8, 8-15-95; Ord. 4941, 5-7-02	6-80-12
39-13	Ord. 4227 § 1, 11-2-93	6-80-13
39-14	Ord. 4227 § 1, 11-2-93	6-80-14
39-15	Ord. 4227 § 1, 11-2-93	6-80-15
39-16	Ord. 4227 § 1, 11-2-93	6-80-16
39-17	Ord. 4227 § 1, 11-2-93	6-80-17
39-18	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 8, 8-15-95	6-80-18
39-19	Ord. 4227 § 1, 11-2-93	6-80-19
39-20	Ord. 4227 § 1, 11-2-93	6-80-20
39-21	Ord. 4227 § 1, 11-2-93	6-80-21
39-22	Ord. 4227 § 1, 11-2-93	6-80-22
39-23	Ord. 4227 § 1, 11-2-93; Ord. 4941, 5-7-02	6-80-23
39-24	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 9, 8-15-95	6-80-24
39-25	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 8, 8-15-95; Ord. 4941, 5-7-02	6-80-25
39-26	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 10, 8-15-95	6-80-26
39-27	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 8, 8-15-95	6-80-27
39-27.1	Ord. 4941, 5-7-02	6-80-28
39-28	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 8, 8-15-95	6-80-29
39-29	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 8, 8-15-95	6-80-30
39-30	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 8, 8-15-95	6-80-31
39-31	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 8, 8-15-95; Ord. 4941, 5-7-02	6-80-32
39-32	Ord. 4227 § 1, 11-2-93	6-80-33
39-33	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 8, 8-15-95; Ord. 4941, 5-7-02	6-80-34
39-34	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 8, 8-15-95; Ord. 4941, 5-7-02	6-80-35
39-35	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 8, 8-15-95	6-80-36
39-36	Ord. 4227 § 1, 11-2-93	6-80-37
39-37	Ord. 4227 § 1, 11-2-93	6-80-38
39-37.1	Ord. 4941, 5-7-02	6-80-39
39-38	Ord. 4227 § 1, 11-2-93	6-80-40
39-39	Ord. 4227 § 1, 11-2-93	6-80-41
39-40	Ord. 4227 § 1, 11-2-93	6-80-42
39-41	Ord. 4227 § 1, 11-2-93	6-80-43
39-42	Ord. 4227 § 1, 11-2-93	6-80-44
39-43	Ord. 4227 § 1, 11-2-93	6-80-45
39-44	Ord. 4227 § 1, 11-2-93	6-80-46
39-45	Ord. 4227 § 1, 11-2-93	6-80-47
39-46	Ord. 4227 § 1, 11-2-93	6-80-48

Prior Code §	Ordinance History	Herein
39-47	Ord. 4227 § 1, 11-2-93	6-80-49
39-48	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 8, 8-15-95	6-80-50
39-49	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 8, 8-15-95	6-80-51
39-50	Ord. 4227 § 1, 11-2-93	6-80-52
39-51	Ord. 4227 § 1, 11-2-93	6-80-53
39-52	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 8, 8-15-95	6-80-54
39-53	Ord. 4227 § 1, 11-2-93	6-80-55
39-54—39-70		Reserved
39-71	Ord. 4227 § 1, 11-2-93	6-32-1
39-72—39-101		Reserved
39-102	Ord. 4227 § 1, 11-2-93	6-32-2
39-103	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 11, 8-15-95	6-32-3
39-104	Ord. 4227 § 1, 11-2-93	6-32-4
39-105	Ord. 4227 § 1, 11-2-93; Ord. 4941, 5-7-02	6-32-5
39-106	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 12, 8-15-95; Ord. 4941, 5-7-02	6-32-6
39-107	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 11, 8-15-95	6-32-7
39-108	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 11, 8-15-95	6-32-8
39-109	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 11, 8-15-95; Ord. 4941, 5-7-02	6-32-9
39-110	Ord. 4227 § 1, 11-2-93	6-32-10
39-111	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 11, 8-15-95	6-32-11
39-112	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 11, 8-15-95	6-32-12
39-113	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 11, 8-15-95; Ord. 4941, 5-7-02	6-32-13
39-114	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 11, 8-15-95	6-32-14
39-115	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 11, 8-15-95	6-32-15
39-116	Ord. 4227 § 1, 11-2-93	6-32-16
39-117	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 11, 8-15-95	6-32-17
39-118	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 11, 8-15-95; Ord. 4941, 5-7-02	6-32-18
39-119	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 11, 8-15-95; Ord. 4941, 5-7-02	6-32-19
39-120	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 11, 8-15-95	6-32-20
39-121	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 11, 8-15-95; Ord. 4941, 5-7-02	6-32-21
39-121.1	Ord. 4941, 5-7-02	6-32-22
39-122	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 11, 8-15-95	6-32-23
39-123	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 11, 8-15-95	6-32-24
39-124	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 11, 8-15-95	6-32-25
39-125	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 11, 8-15-95; Ord. 4941, 5-7-02	6-32-26
39-126	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 11, 8-15-95; Ord. 4941, 5-7-02	6-32-27
39-127	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 11, 8-15-95	6-32-28
39-128	Ord. 4227 § 1, 11-2-93	6-32-29
39-129	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 11, 8-15-95; Ord. 4941, 5-7-02	6-32-30
39-130	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 11, 8-15-95; Ord. 4941, 5-7-02	6-32-31
39-131	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 11, 8-15-95	6-32-32
39-132	Ord. 4227 § 1, 11-2-93; Ord. 4941, 5-7-02	6-32-33
39-133	Ord. 4227 § 1, 11-2-93	6-32-34
39-134	Ord. 4227 § 1, 11-2-93	6-32-35
39-135	Ord. 4227 § 1, 11-2-93	6-32-36
39-136	Ord. 4227 § 1, 11-2-93	6-32-37
39-137	Ord. 4227 § 1, 11-2-93	6-32-38
39-138	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 11, 8-15-95	6-32-39
39-139	Ord. 4227 § 1, 11-2-93	6-32-40
39-140	Ord. 4227 § 1, 11-2-93; Ord. 4941, 5-7-02	6-32-41

Prior Code §	Ordinance History	Herein
39-141	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 11, 8-15-95; Ord. 4941, 5-7-02	6-32-42
39-142	Ord. 4227 § 1, 11-2-93	6-32-43
39-143	Ord. 4227 § 1, 11-2-93	6-32-44
39-144	Ord. 4227 § 1, 11-2-93; Ord. 4941, 5-7-02	6-32-45
39-145	Ord. 4227 § 1, 11-2-93	6-32-46
39-146	Ord. 4227 § 1, 11-2-93	6-32-47
39-147	Ord. 4227 § 1, 11-2-93	6-32-48
39-201	Ord. 4227 § 1, 11-2-93; Ord. 4941, 5-7-02	6-44-1
39-202	Ord. 4227 § 1, 11-2-93; Ord. 4941, 5-7-02	6-44-2
39-203		Reserved
39-203A	Ord. 4941, 5-7-02	6-44-3
39-203B	Ord. 4941, 5-7-02	6-44-4
39-203C	Ord. 4941, 5-7-02	6-44-5
39-203D	Ord. 4941, 5-7-02	6-44-6
39-203E	Ord. 4941, 5-7-02	6-44-7
39-203F	Ord. 4941, 5-7-02	6-44-8
39-203G	Ord. 4941, 5-7-02	6-44-9
39-203H	Ord. 4941, 5-7-02	6-44-10
39-203I	Ord. 4941, 5-7-02	6-44-11
39-203J	Ord. 4941, 5-7-02	6-44-12
39-203K	Ord. 4941, 5-7-02	6-44-13
39-203L	Ord. 4941, 5-7-02	6-44-14
39-203M	Ord. 4941, 5-7-02	6-44-15
39-203N	Ord. 4941, 5-7-02	6-44-16
39-203O	Ord. 4941, 5-7-02	6-44-17
39-203P	Ord. 4941, 5-7-02	6-44-18
39-204	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 15, 8-15-95; Ord. 4941, 5-7-02	6-44-19
39-205	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 16, 8-15-95; Ord. 4941, 5-7-02	6-44-20
39-206	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 17, 8-15-95	6-44-21
39-207	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 11, 8-15-95	6-44-22
39-208	Ord. 4227 § 1, 11-2-93	6-44-23
39-209	Ord. 4227 § 1, 11-2-93	6-44-24
39-210	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 18, 8-15-95	6-44-25
39-211	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 18, 8-15-95; Ord. 4941, 5-7-02	6-44-26
39-212	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 18, 8-15-95; Ord. 4941, 5-7-02	6-44-27
39-213	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 18, 8-15-95	6-44-28
39-214	Ord. 4227 § 1, 11-2-93	6-44-29
39-215	Ord. 4227 § 1, 11-2-93; Ord. 4352 §§ 18, 19, 8-15-95; Ord. 4941, 5-7-02	6-44-30
39-216	Ord. 4227 § 1, 11-2-93; Ord. 4352 § 18, 8-15-95; Ord. 4941, 5-7-02	6-44-31
39-217	Ord. 4227 § 1, 11-2-93	6-44-32
39-218	Ord. 4227 § 1, 11-2-93	6-44-33
39-219	Ord. 4227 § 1, 11-2-93	6-44-34
39-220	Ord. 4227 § 1, 11-2-93	6-44-35
39-221	Ord. 4227 § 1, 11-2-93	6-44-36
39-222	Ord. 4227 § 1, 11-2-93	6-44-37
40-1	Ord. 4641 § 1, 1-5-99	6-104-1
40-2	Ord. 4641 § 1, 1-5-99	6-104-2
40-3	Ord. 4641 § 1, 1-5-99	6-104-3
40-4	Ord. 4641 § 1, 1-5-99	6-104-4

Prior Code §	Ordinance History	Herein
40-5	Ord. 4641 § 1, 1-5-99	6-104-5
40-6	Ord. 5111, 2005	6-104-6
40-7	Ord. 4641 § 1, 1-5-99	6-104-7
40-8	Ord. 4641 § 1, 1-5-99	6-104-8
41-1	Code 1967 § 44-1(a); Ord. 141 § 1, 4-2-68; Ord. 993 § 1, 8-31-71; Ord. 2918 § 1, 9-18-79; Ord. 3895 § 1, 9-12-89	Repealed by Ord. 5133
41-2	Code 1967 § 44-1(b); Ord. 141 § 1, 4-2-68; Ord. 993 § 1, 8-31-71; Ord. 2918 § 1, 9-18-79; Ord. 3895 § 1, 9-12-89	Repealed by Ord. 5133
41-3	Code 1967 § 44-1(c); Ord. 141 § 1, 4-2-68; Ord. 993 § 1, 8-31-71; Ord. 2918 § 1, 9-18-79; Ord. 3895 § 1, 9-12-89	Repealed by Ord. 5133
41-4	Code 1967 § 44-2; Ord. 993 § 2, 8-31-71; Ord. 3895 § 1, 9-12-89	Repealed by Ord. 5133
41-5	Code 1967 § 44-3; Ord. 1503 § 1, 10-24-72; Ord. 2143 § 1, 10-15-74; Ord. 2867 § 1, 5-22-79; Ord. 2918 § 1, 9-18-79; Ord. 3178 § 1, 12-29-81; Ord. 3478 § 1, 8-6-85; Ord. 3759 § 1, 5-31-88; Ord. 3895 § 1, 9-12-89; Ord. 4449 §§ 1—4, 10-1-96; Ord. 5113, 2005	Repealed by Ord. 5133
41-6	Code 1967 § 44-4; Ord. 2867 § 1, 5-22-79; Ord. 3895 § 1, 9-12-89; Ord. 4449 § 5, 10-1-96	Repealed by Ord. 5133
41-7	Code 1967 § 44-5, Ord. 3895 § 1, 9-12-89	Repealed by Ord. 5133
41-8	Code 1967 § 44-6; Ord. 3895 § 1, 9-12-89; Ord. 4508 § 1, 7-15-97	Repealed by Ord. 5133
41-9	Code 1967 § 44-7; Ord. 1503 § 3, 10-24-72; Ord. 3895 § 1, 9-12-89	Repealed by Ord. 5133
41-10	Code 1967 § 44-8; Ord. 993 § 5, 8-31-71; Ord. 1503 § 4, 10-24-72; Ord. 2142 § 1, 10-15-74; Ord. 2867 § 1, 5-22-79; Ord. 3895 § 1, 9-12-89	Repealed by Ord. 5133
41-11	Code 1967 § 44-9; Ord. 3895 § 1, 9-12-89	Repealed by Ord. 5133
41-12	Code 1967 § 44-10; Ord. 3895 § 1, 9-12-89	Repealed by Ord. 5133
41-13	Code 1967 § 44-11; Ord. 2867 § 1, 5-22-79; Ord. 3895 § 1, 9-12-89	Repealed by Ord. 5133
41-27	Code 1967 § 44-24; Ord. 993 § 7, 8-31-72; Ord. 2867 § 1, 5-22-79; Ord. 3895 § 1, 9-12-89; Res. of 9-12-89 § 1	Repealed by Ord. 5133
41-28	Code 1967 § 44-25; Ord. 3895 § 1, 9-12-89; Ord. 3914 § 1, 11-21-89	Repealed by Ord. 5133
41-29	Code 1967 § 44-26; Ord. 3895 § 1, 9-12-89	Repealed by Ord. 5133
41-30	Code 1967 § 44-27; Ord. 2297 § 1, 9-2-75; Ord. 3895 § 1, 9-12-89	Repealed by Ord. 5133
41-31	Code 1967 § 44-28; Ord. 3895 § 1, 9-12-89	Repealed by Ord. 5133
41-32	Code 1967 § 44-29; Ord. 3895 § 1, 9-12-89	Repealed by Ord. 5133
41-33	Code 1967 § 44-30; Ord. 2297 § 2, 9-2-75; Ord. 3895 § 1, 9-12-89	Repealed by Ord. 5133
41-34	Code 1967 § 44-31; Ord. 2867 § 1, 5-22-79; Ord. 3895 § 1, 9-12-89	Repealed by Ord. 5133
42-1	Code 1967 § 45-1	14-12-1
42-2	Code 1967 § 45-2; Ord. 1427 § 1, 8-29-72	14-12-2
42-3	Code 1967 § 45-3	14-12-3
42-4	Code 1967 § 45-4	14-12-4
42-5	Code 1967 § 45-5	14-12-5
42-6	Code 1967 § 45-6	14-12-6
42-7	Code 1967 § 45-7	14-12-7
42-8	Code 1967 § 45-8	14-12-8
42-9—42-20		Reserved
42-21	Code 1967 § 45-19	14-12-9
42-22	Code 1967 § 45-20	14-12-10
42-23	Code 1967 § 45-21	14-12-11
42-24	Code 1967 § 45-22	14-12-12

Prior Code §	Ordinance History	Herein
42-25	Code 1967 § 45-23	14-12-13
42-26	Code 1967 § 45-24	14-12-14
42-27	Code 1967 § 45-25	14-12-15
42-28	Code 1967 § 45-26	14-12-16
42-29	Code 1967 § 45-27; Ord. 273 § 1, 9-3-68; Ord. 2349 § 1(1), 12-16-75; Ord. 3022 § 1(1), 6-9-80	14-12-17
42-30	Code 1967 § 45-28; Ord. 273 § 2, 9-3-68; Ord. 2349 § 1(2), 12-16-75; Ord. 3022 § 1(2), 6-9-80; Ord. 3152 § 1, 9-8-81	14-12-18
42-31	Code 1967 § 45-29	14-12-19
42-32	Code 1967 § 45-30	14-12-20
42-33	Code 1967 § 45-31	14-12-21
42-34—42-45		Reserved
42-46	Code 1967 § 45-42	14-12-22
42-47	Code 1967 § 45-43	14-12-23
42-48	Code 1967 § 45-44	14-12-24
42-49	Code 1967 § 45-45	14-12-25
42-50	Code 1967 § 45-46; Ord. 1427 § 1, 8-29-72	14-12-26
42-51	Code 1967 § 45-47; Ord. 2349 § 1(3), 12-16-75; Ord. 3022 § 1(3), 6-9-80	14-12-27
42-52	Code 1967 § 45-48	14-12-28
42-53	Code 1967 § 45-49	14-12-29
42-54	Code 1967 § 45-50	14-12-30
42-55	Code 1967 § 45-51	14-12-31
42-56	Code 1967 § 45-52	14-12-32
42-57	Code 1967 § 45-53	14-12-33
42-58	Code 1967 § 45-54	14-12-34
42-59	Code 1967 § 45-55	14-12-35
42-60	Code 1967 § 45-56	14-12-36
42-61	Code 1967 § 45-57	14-12-37
42-62	Code 1967 § 45-58	14-12-38
42-63	Code 1967 § 45-59	14-12-39
42-64	Code 1967 § 45-60	14-12-40
42-65	Code 1967 § 45-61	14-12-41
42-66	Code 1967 § 45-62	14-12-42
42-67	Code 1967 § 45-63	14-12-43
42-68	Code 1967 § 45-64	14-12-44
42-69	Code 1967 § 45-65	14-12-45
42-70	Code 1967 § 45-66	14-12-46
42-71	Code 1967 § 45-67	14-12-47
42-72	Code 1967 § 45-68	14-12-48
42-73	Code 1967 § 45-69	14-12-49
42-74	Code 1967 § 45-70	14-12-50
42-75—42-85		Reserved
42-86	Code 1967 § 45-81	14-12-51
42-87	Code 1967 § 45-82; Ord. 1427 § 1, 8-29-72	14-12-52
42-88	Code 1967 § 45-83	14-12-53
42-89	Code 1967 § 45-84	14-12-54
42-90	Code 1967 § 45-85	14-12-55
42-91	Code 1967 § 45-86	14-12-56
42-92	Code 1967 § 45-87; Ord. 1427 § 1(4), (5), 8-29-72	14-12-57

Prior Code §	Ordinance History	Herein
42-93	Code 1967 § 45-88	14-12-58
42-94	Code 1967 § 45-89	14-12-59
42-95	Code 1967 § 45-90	14-12-60
Chs. 43—45		Reserved
46-1	Code 1967 § 49-1	14-16-1
46-2	Code 1967 § 49-2	14-16-2
46-3	Code 1967 § 49-3	14-16-3
46-4	Code 1967 § 49-4	14-16-4
46-5	Code 1967 § 49-5; Ord. 2346 § 1(1), 12-16-75; Ord. 3018 § 1(1), 6-9-80	14-16-5
46-6	Code 1967 § 49-6; Ord. 276 § 1, 9-3-68; Ord. 2346 § 1(2), 12-16-75; Ord. 3018 § 1(2), 6-9-80	14-16-6
46-7	Code 1967 § 49-7	14-16-7
46-8	Code 1967 § 49-8	14-16-8
46-9	Code 1967 § 49-9	14-16-9
46-10	Code 1967 § 49-10	14-16-10
46-11	Code 1967 § 49-11	14-16-11
46-12	Code 1967 § 49-12	14-16-12
46-13	Code 1967 § 49-13	14-16-13
46-14	Code 1967 § 49-14	14-16-14
46-15	Code 1967 § 49-15	14-16-15
46-16—46-26		Reserved
46-27	Code 1967 § 49-25	14-16-16
46-28	Code 1967 § 49-26	14-16-17
46-29	Code 1967 § 49-27	14-16-18
46-30	Code 1967 § 49-28	14-16-19
46-31	Code 1967 § 49-29	14-16-20
46-32	Code 1967 § 49-30	14-16-21
46-33	Code 1967 § 49-31	14-16-22
46-34	Code 1967 § 49-32	14-16-23
46-35	Code 1967 § 49-33	14-16-24
46-36—46-50		Reserved
46-51	Code 1967 § 49-45	14-16-25
46-52	Code 1967 § 49-44	14-16-26
46-53	Code 1967 § 49-46	14-16-27
46-54	Code 1967 § 49-48	14-16-28
46-55	Code 1967 § 49-49	14-16-29
46-56	Code 1967 § 49-50	14-16-30
46-57	Code 1967 § 49-51	14-16-31
46-58	Code 1967 § 49-52	14-16-32
46-59	Code 1967 § 49-53	14-16-33
46-60	Code 1967 § 49-54; Ord. 2887 § 1, 6-26-79	14-16-34
46-61—46-75		Reserved
46-76	Code 1967 § 49-65	14-16-35
46-77	Code 1967 § 49-66; Ord. 276 § 2, 9-3-68; Ord. 2346 § 1(3), 12-16-75; Ord. 3018 § 1(3), 6-9-80; Ord. 3155 § 1, 9-8-81	14-16-36
46-78	Code 1967 § 49-67	14-16-37
46-79	Code 1967 § 49-68	14-16-38
46-80	Code 1967 § 49-69	14-16-39
46-81	Code 1967 § 49-70	14-16-40
46-82	Code 1967 § 49-71	14-16-41

Prior Code §	Ordinance History	Herein
46-83	Code 1967 § 49-72	14-16-42
46-84—46-100		Reserved
46-101	Code 1967 § 49-83; Ord. 867 § 24A(2), 12-13-69; Ord. 2887 § 1, 6-26-79	14-16-43
46-102	Code 1967 § 49-84	14-16-44
46-103	Code 1967 § 49-85	14-16-45
46-104	Code 1967 § 49-86	14-16-46
46-105	Code 1967 § 49-87	14-16-47
46-106	Code 1967 § 49-88	14-16-48
46-107	Code 1967 § 49-89	14-16-49
46-108	Code 1967 § 49-90	14-16-50
46-109	Code 1967 § 49-91	14-16-51
46-110	Code 1967 § 49-92	14-16-52
46-111	Code 1967 § 49-93	14-16-53
46-112	Code 1967 § 49-94	14-16-54
46-113	Code 1967 § 49-95	14-16-55
46-114—46-125		Reserved
46-126	Code 1967 § 49-106	14-16-56
46-127	Code 1967 § 49-107	14-16-57
46-128	Code 1967 § 49-108	14-16-58
46-129	Code 1967 § 49-109	14-16-59
46-130	Code 1967 § 49-110	14-16-60
46-131	Code 1967 § 49-111	14-16-61
46-132	Code 1967 § 49-112	14-16-62
46-133	Code 1967 § 49-113	14-16-63
46-134	Code 1967 § 49-114	14-16-64
46-135	Code 1967 § 49-115	14-16-65
46-136	Code 1967 § 49-116	14-16-66
46-137	Code 1967 § 49-117	14-16-67
46-138	Code 1967 § 49-118	14-16-68
46-139	Code 1967 § 49-119	14-16-69
46-140	Code 1967 § 49-120	14-16-70
46-141	Code 1967 § 49-121	14-16-71
46-142	Code 1967 § 49-122	14-16-72
46-143	Code 1967 § 49-123	14-16-73
46-144	Code 1967 § 49-124	14-16-74
46-145	Code 1967 § 49-125	14-16-75
46-146	Code 1967 § 49-126	14-16-76
46-147	Code 1967 § 49-127	14-16-77
46-148	Code 1967 § 49-128	14-16-78
46-149	Code 1967 § 49-129	14-16-79
46-150	Code 1967 § 49-130	14-16-80
46-151	Code 1967 § 49-131	14-16-81
46-152	Code 1967 § 49-132	14-16-82
46-153	Code 1967 § 49-133	14-16-83
46-154	Code 1967 § 49-134	14-16-84
46-155	Code 1967 § 49-135	14-16-85
46-156	Code 1967 § 49-136	14-16-86
46-157	Code 1967 § 49-137	14-16-87

Prior Code §	Ordinance History	Herein
46-158	Code 1967 § 49-138	14-16-88
46-159	Code 1967 § 49-139	14-16-89
46-160	Code 1967 § 49-140	14-16-90
46-161	Code 1967 § 49-141	14-16-91
46-162	Code 1967 § 49-142	14-16-92
46-163	Code 1967 § 49-143	14-16-93
46-164	Code 1967 § 49-144	14-16-94
46-165	Code 1967 § 49-145	14-16-95
46-166	Code 1967 § 49-146	14-16-96
46-167	Code 1967 § 49-147	14-16-97
46-168	Code 1967 § 49-148	14-16-98
46-169	Code 1967 § 49-149	14-16-99
46-170	Code 1967 § 49-150	14-16-100
46-171	Code 1967 § 49-151	14-16-101
46-172	Code 1967 § 49-152	14-16-102
46-173	Code 1967 § 49-153	14-16-103
46-174	Code 1967 § 49-154	14-16-104
46-175	Code 1967 § 49-155	14-16-105
46-176	Code 1967 § 49-156	14-16-106
46-177	Code 1967 § 49-157	14-16-107
46-178	Code 1967 § 49-158	14-16-108
46-179	Code 1967 § 49-159	14-16-109
46-180	Code 1967 § 49-160	14-16-110
Ch. 47		Reserved
48-1	Ord. 4232, 1-4-94	14-4-1
48-2	Ord. 4232, 1-4-94; Ord. 4755 § 1, 4-11-00	14-4-2
48-3	Ord. 4232, 1-4-94	14-4-3
48-4	Ord. 4232, 1-4-94	14-4-4
48-5	Ord. 4232, 1-4-94	14-4-5
48-6	Ord. 4232, 1-4-94; Ord. 4755 § 1, 4-11-00	14-4-6
48-7	Ord. 4232, 1-4-94	14-4-7
48-8	Ord. 4232, 1-4-94; Ord. 4755 § 1, 4-11-00	14-4-8
48-9	Ord. 4232, 1-4-94	14-4-9
48-10	Ord. 4232, 1-4-94	14-4-10
48-11	Ord. 4232, 1-4-94	14-4-11
48-12	Ord. 4232, 1-4-94	14-4-12
48-13	Ord. 4232, 1-4-94	14-4-13
48-14	Ord. 4232, 1-4-94	14-4-14
48-15	Ord. 4232, 1-4-94	14-4-15
48-16	Ord. 4232, 1-4-94	14-4-16
48-17	Ord. 4232, 1-4-94	14-4-17
48-18	Ord. 4232, 1-4-94	14-4-18
48-19	Ord. 4232, 1-4-94	14-4-19
48-20	Ord. 4232, 1-4-94	14-4-20
48-21	Ord. 4232, 1-4-94	14-4-21
48-22	Ord. 4232, 1-4-94	14-4-22
48-23	Ord. 4412 § 1, 6-4-96	14-4-23
48-24—48-30		Reserved
48-31	Ord. 4232, 1-4-94	14-4-24
48-32	Ord. 4232, 1-4-94	14-4-25

Prior Code §	Ordinance History	Herein
48-33	Ord. 4232, 1-4-94	14-4-26
48-34	Ord. 4232, 1-4-94	14-4-27
48-35	Ord. 4232, 1-4-94	14-4-28
48-36	Ord. 4232, 1-4-94	14-4-29
48-37	Ord. 4232, 1-4-94	14-4-30
48-38	Ord. 4232, 1-4-94	14-4-31
48-39	Ord. 4232, 1-4-94	14-4-32
48-40	Ord. 4232, 1-4-94; Ord. 4755 § 1, 4-11-00	14-4-33
48-41—48-50		Reserved
48-51	Ord. 4232, 1-4-94	14-4-34
48-52	Ord. 4232, 1-4-94	14-4-35
48-53	Ord. 4232, 1-4-94	14-4-36
48-54	Ord. 4232, 1-4-94	14-4-37
48-55	Ord. 4232, 1-4-94	14-4-38
48-56	Ord. 4232, 1-4-94; Ord. 4755 § 1, 4-11-00	14-4-39
48-57	Ord. 4232, 1-4-94; Ord. 4755 § 1, 4-11-00	14-4-40
48-58	Ord. 4232, 1-4-94	14-4-41
48-59	Ord. 4232, 1-4-94	14-4-42
48-60	Ord. 4232, 1-4-94; Ord. 4755 § 1, 4-11-00	14-4-43
48-61—48-75		Reserved
48-76	Ord. 4232, 1-4-94	14-4-44
48-77—48-85		Reserved
48-86	Ord. 4232, 1-4-94	14-4-45
48-87	Ord. 4232, 1-4-94	14-4-46
48-88	Ord. 4232, 1-4-94	14-4-47
48-89	Ord. 4232, 1-4-94	14-4-48
48-90	Ord. 4232, 1-4-94	14-4-49
48-91	Ord. 4232, 1-4-94	14-4-50
48-92	Ord. 4232, 1-4-94	14-4-51
48-93	Ord. 4232, 1-4-94	14-4-52
48-94	Ord. 4232, 1-4-94	14-4-53
48-95	Ord. 4232, 1-4-94	14-4-54
48-96—48-105		Reserved
48-106	Ord. 4232, 1-4-94	14-4-55
48-107	Ord. 4232, 1-4-94	14-4-56
48-108	Ord. 4232, 1-4-94	14-4-57
48-109	Ord. 4232, 1-4-94	14-4-58
48-110	Ord. 4232, 1-4-94	14-4-59
48-111	Ord. 4232, 1-4-94	14-4-60
48-112	Ord. 4232, 1-4-94	14-4-61
48-113	Ord. 4232, 1-4-94	14-4-62
48-114—48-125		Reserved
48-126	Ord. 4232, 1-4-94	14-4-63
48-127	Ord. 4232, 1-4-94	14-4-64
48-128	Ord. 4232, 1-4-94	14-4-65
48-129	Ord. 4232, 1-4-94	14-4-66
48-130	Ord. 4232, 1-4-94	14-4-67
48-131	Ord. 4232, 1-4-94	14-4-68
48-132	Ord. 4232, 1-4-94	14-4-69

Prior Code §	Ordinance History	Herein
48-133—48-145		Reserved
48-146	Ord. 4232, 1-4-94	14-4-70
48-147	Ord. 4232, 1-4-94	14-4-71
48-148	Ord. 4232, 1-4-94	14-4-72
48-149	Ord. 4232, 1-4-94	14-4-73
48-150	Ord. 4232, 1-4-94	14-4-74
48-151—48-165		Reserved
48-166	Ord. 4232, 1-4-94	14-4-75
48-167	Ord. 4232, 1-4-94	14-4-76
48-168	Ord. 4232, 1-4-94	14-4-77
48-169	Ord. 4232, 1-4-94	14-4-78
48-170	Ord. 4232, 1-4-94	14-4-79
48-171	Ord. 4232, 1-4-94	14-4-80
48-172	Ord. 4232, 1-4-94	14-4-81
48-173—48-185		Reserved
48-186	Ord. 4232, 1-4-94	14-4-82
48-187	Ord. 4232, 1-4-94	14-4-83
48-188	Ord. 4232, 1-4-94	14-4-84
48-189	Ord. 4232, 1-4-94	14-4-85
48-190	Ord. 4232, 1-4-94	14-4-86
48-191	Ord. 4232, 1-4-94	14-4-87
48-192—48-205		Reserved
48-206	Ord. 4232, 1-4-94	14-4-88
48-207	Ord. 4232, 1-4-94	14-4-89
48-208	Ord. 4232, 1-4-94	14-4-90
48-209		Reserved
48-210	Ord. 4232, 1-4-94	14-4-91
48-211	Ord. 4232, 1-4-94	14-4-92
48-212	Ord. 4232, 1-4-94	14-4-93
48-213	Ord. 4232, 1-4-94	14-4-94
48-214	Ord. 4232, 1-4-94	14-4-95
48-214.1	Ord. 4232, 1-4-94	14-4-96
48-214.2	Ord. 4232, 1-4-94	14-4-97
48-214.3	Ord. 4232, 1-4-94	14-4-98
48-214.4	Ord. 4232, 1-4-94	14-4-99
48-215	Ord. 4126 § 1, 9-15-92	14-8-1
48-216	Ord. 4126 § 1, 9-15-92	14-8-2
48-217	Ord. 4126 § 1, 9-15-92	14-8-3
48-218	Ord. 4126 § 1, 9-15-92; Ord. 4191 § 1, 6-15-93; Ord. 4851 § 1, 4-3-01	14-8-4
48-219	Ord. 4126 § 1, 9-15-92; Ord. 4851 § 1, 4-3-01	14-8-5
48-220	Ord. 4126 § 1, 9-15-92; Ord. 4851 § 1, 4-3-01; Ord. 4961 § 1, 9-17-02	14-8-6
48-221	Ord. 4126 § 1, 9-15-92; Ord. 4588 § 1, 6-2-98; Ord. 4851 § 1, 4-3-01; Ord. 4961 § 1, 9-17-02	14-8-7
48-222	Ord. 4126 § 1, 9-15-92	14-8-8
48-223	Ord. 4126 § 1, 9-15-92; Ord. 4851 § 1, 4-3-01	14-8-9
48-224	Ord. 4126 § 1, 9-15-92; Ord. 4961 § 1, 9-17-02	14-8-10

Prior Code §	Ordinance History	Herein
48-225	Ord. 4126 § 1, 9-15-92	14-8-11
48-226	Ord. 4191 § 2, 6-15-93; Ord. 4851 § 1, 4-3-01	14-8-12
48-227—48-250		Reserved
48-251	Ord. 4932 § 1, 3-5-02	10-36-1
48-252	Ord. 4932 § 1, 3-5-02	10-36-2
48-253	Ord. 4932 § 1, 3-5-02	10-36-3
48-254	Ord. 4932 § 1, 3-5-02	10-36-4
48-255	Ord. 4932 § 1, 3-5-02	10-36-5
48-256	Ord. 4932 § 1, 3-5-02	10-36-6
48-257	Ord. 4932 § 1, 3-5-02	10-36-7
48-258	Ord. 4932 § 1, 3-5-02	10-36-8
48-259	Ord. 4932 § 1, 3-5-02	10-36-9
Ch. 49		Reserved
Appendix A. Zoning		
1	Ord. 3064, 10-7-80; Ord. 3549 § 1(13), 5-13-86	16-4-1—16-4-8
2	Ord. 3064, 10-7-80; Ord. 3192 § 1(I), 3-2-82; Ord. 3346 § 1(1), 12-6-83; Ord. 3347 § 1(1), 12-6-83; Ord. 3623 § 1, 3-17-87; Ord. 3645 § 1(1), 4-14-87; Ord. 4115 § 1, 8-25-92; Ord. 4327 § 2, 5-16-95; Ord. 4348 § 2, 8-1-95; Ord. 4367 § 2, 12-5-95; Ord. 4516 § 1, 8-19-97; Ord. 4529 § 1, 11-4-97; Ord. 4582 § 1, 5-19-98; Ord. 4779 § 1, 6-20-00; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4873 §§ 1, 2, 7-24-01; Ord. 4873AM §§ 1, 2, 11-20-01; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4917 § I, 1-22-02; Ord. 4974 § 1, 10-15-02	16-8-1, 16-8-2
3	Ord. 3064, 10-7-80; Ord. 3549 § 1(5), 5-13-86	16-12-1
4	Ord. 3064, 10-7-80	16-16-1—16-16-4
5	Ord. 3064, 10-7-80; Ord. 3346 § 3, 12-6-83; Ord. 3347 § 4, 12-6-83	16-20-1—16-20-4
6	Ord. 3064, 10-7-80; Ord. 3242 § 1, 10-12-82; Ord. 3274 § 1, 3-8-83; Ord. 3549 § 1(8), 5-13-86; Ord. 4909 §§ 1, 2, 11-20-01	16-24-1—16-24-9
7	Ord. 3064, 10-7-80	16-28-1—16-28-11
8	Ord. 3064, 10-7-80; Ord. 3274 § 1, 3-8-83; Ord. 3668 § 1, 6-23-87; Ord. 4909 §§ 1, 2, 11-20-01	16-32-1—16-32-11
9	Ord. 3064, 10-7-80; Ord. 3549 § 1(9), 5-13-86; Ord. 3623 § 1, 3-17-87; Ord. 3742 § 1, 4-12-88; Ord. 3976 § 1, 6-29-90; Ord. 4115 § 1, 8-25-92; Ord. 4327 § 2, 5-16-95; Ord. 4357 § 2, 10-17-95; Ord. 4367 § 2, 12-5-95; Ord. 3668 § 1, 6-23-87; Ord. 4582 § 1, 5-19-98; Ord. 4873 §§ 1, 2, 7-24-01; Ord. 4873AM §§ 1, 2, 11-20-01; Ord. 4974 § 1, 10-15-02	16-36-1—16-36-4
10	Ord. 3064, 10-7-80	16-40-1—16-40-10
11	Ord. 3064, 10-7-80; Ord. 3221 § 1, 7-6-82; Ord. 3255 § 1, 11-16-82; Ord. 4717 § 1, 11-16-99	16-44-1—16-44-7
12	Ord. 3064, 10-7-80	16-12-2
13	Ord. 3064, 10-7-80	16-48-1—16-48-4
14	Ord. 3064, 10-7-80; Ord. 3549 § 1(10), 5-13-86; Ord. 4004 § 1, 10-23-90; Ord. 4529 § 1, 11-4-97; Ord. 4909 §§ 1, 2, 11-20-01	16-52-1—16-52-16
15	Ord. 3064, 10-7-80	16-56-1—16-56-6
16	Ord. 3064, 10-7-80	16-60-1
17	Ord. 3064, 10-7-80	16-64-1—16-64-3
18	Ord. 3064, 10-7-80	16-60-2

Prior Code §	Ordinance History	Herein
19	Ord. 3064, 10-7-80; Ord. 3255 § 1, 11-16-82; Ord. 3706 § 1(I), 12-22-87; Ord. 4516 § 1, 8-19-97; Ord. 4873 §§ 1, 2, 7-24-01; Ord. 4873AM §§ 1, 2, 11-20-01	16-68-1—16-68-3
20	Ord. 3064, 10-7-80	16-72-1
21	Ord. 3064, 10-7-80; Ord. 3255 § 1, 11-16-82; Ord. 4208 § 2E, 8-24-93	16-76-1—16-76-5, 16-76-7—16-76-12
22	Ord. 3064, 10-7-80	16-80-1, 16-80-2
23	Ord. 3064, 10-7-80; Ord. 3549 § 1(12), 5-13-86; Ord. 4715 § 2, 11-2-99	16-84-1—16-84-5
24	Ord. 3064, 10-7-80	16-88-1, 16-88-2
25	Ord. 3064, 10-7-80; Ord. 3707 § 1, 12-8-87; Ord. 4582 § 1, 5-19-98	16-96-1—16-96-7
26	Ord. 3064, 10-7-80; Ord. 3131 § 1, 6-9-81; Ord. 3140 § 1, 7-28-81; Ord. 3182 § 1, 1-5-82; Ord. 3192 § 1(II), 3-2-82; Ord. 3255 § 1, 11-16-82; Ord. 3273 § 1, 3-29-83; Ord. 3346 § 2, 12-6-83; Ord. 3347 § 2, 12-6-83; Ord. 3549 § 1(1), (6), (7), 5-13-86; Ord. 3623 § 1, 3-17-87; Ord. 3645 § 1(2), 4-14-87; Ord. 3678 § 1, 6-23-87; Ord. 3706 § 1(VI, VII), 12-22-87; Ord. 3742 § 1, 4-12-88; Ord. 3949 § 1, 3-20-90; Ord. 3976 § 1, 6-26-90; Ord. 4045 § 1(I—III), 7-23-91; Ord. 4075 § 2, 12-3-91; Ord. 4106 § 1, 6-30-92; Ord. 4115 § 1, 8-25-92; Ord. 4208 § 2A, 8-24-93; Ord. 4209 § 2, 8-31-93; Ord. 4327 § 2, 5-16-95; Ord. 4348 § 2, 8-1-95; Ord. 4350 § 1, 8-1-95; Ord. 4367 § 2, 12-5-95; Ord. 4516 § 1, 8-19-97; Ord. 4552 § 1, 12-2-97; Ord. 4582 § 1, 5-19-98; Ord. 4706 § 1, 10-12-99; Ord. 4715 § 2, 11-2-99; Ord. 4779 § 1, 6-20-00; Ord. 4815 § 1, 10-3-00; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4870 §§ 1, 2, 6-19-01; Ord. 4873 §§ 1, 2, 7-24-01; Ord. 4873AM §§ 1, 2, 11-20-01; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4917 § III, 1-22-02; Ord. 4974 § 1, 10-15-02	16-100-1—16-100-5
27	Ord. 3064, 10-7-80; Ord. 3130 § 1, 6-9-81; Ord. 3505 § 1, 10-29-85; Ord. 3706 § 1(11), 12-22-87; Ord. 4075 § 1, 12-3-91; Ord. 4115 § 1, 8-25-92; Ord. 4258 § 2, 6-7-94; Ord. 4348 § 2, 8-1-95; Ord. 4455 § 1(1)—(3), 12-3-96; Ord. 4516 § 1, 8-19-97; Ord. 4637 § 1, 12-15-98; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4873 §§ 1, 2, 7-24-01; Ord. 4873AM §§ 1, 2, 11-20-01; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4974 § 1, 10-15-02	16-104-1—16-104-5
28	Ord. 3064, 10-7-80; Ord. 3222 § 1, 7-6-82; Ord. 3347 §§ 1(3), 3, 12-6-83; Ord. 3549 § 1(2—4), 5-13-86; Ord. 3706 § 1(III—V), 12-22-87; Ord. 4004 § 1, 10-23-90; Ord. 4668 § 2, 5-4-99	16-108-1—16-108-8
29	Ord. 3064, 10-7-80; Ord. 3186 § 1, 1-26-82; Ord. 3237 § 1, 9-14-82; Ord. 3266 § 1, 3-1-83; Ord. 4010 § 1, 12-11-90; Ord. 4037 § 1, 5-21-91; Ord. 4208 § 2C, 8-24-93; Ord. 4711 § 1, 10-26-99; Ord. 4723 § 1, 11-16-99; Ord. 4750 § 2, 3-7-00; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4917 § II, 1-22-02; Ord. 4963 § 1, 10-1-02	16-112-1—16-112-12
30	Ord. 3064, 10-7-80; Ord. 3237 § 2, 9-14-82; Ord. 3266 § 2, 3-1-83; Ord. 4208 § 2D, 8-24-93; Ord. 4723 § 1, 11-16-99	16-116-1—16-116-7
31	Ord. 3064, 10-7-80	16-12-3
32	Ord. 3064, 10-7-80; Ord. 3706 § 1(VIII), 12-22-87; Ord. 4208 § 2B, 8-24-93; Ord. 4337 § 2, 7-18-95; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4856AM §§ 1, 2, 12-18-01	16-120-1—16-120-13
33	Ord. 3064, 10-7-80; Ord. 4838, 1-16-01	16-124-1—16-124-8
34	Ord. 3064, 10-7-80	Reserved
35	Ord. 3064, 10-7-80; Ord. 4971, 11-12-02	16-92-1—16-92-16

Prior Code §	Ordinance History	Herein
Appendix B. Subdivisions		
101	Ord. 3352, 12-20-83	15-4-1
102	Ord. 3352, 12-20-83	15-4-2
103	Ord. 3352, 12-20-83	15-4-3
104	Ord. 3352, 12-20-83	15-4-4
105	Ord. 3352, 12-20-83; Ord. 3853 § 1(VIII), 4-18-89	15-4-5
106	Ord. 3352, 12-20-83	15-4-6
107	Ord. 3352, 12-20-83	15-4-7
108	Ord. 3352, 12-20-83	15-4-8
109	Ord. 3352, 12-20-83	15-4-9
110	Ord. 3352, 12-20-83	15-4-10
111	Ord. 3352, 12-20-83	15-4-11
112	Ord. 3352, 12-20-83	15-4-12
201	Ord. 3352, 12-20-83	15-8-1
202	Ord. 3352, 12-20-83; Ord. 3853 § 1(I), 4-18-89	15-8-2
301	Ord. 3352, 12-20-83; Ord. 3853 § 1(II), (V), 4-18-89; Ord. 4184 § 1, 6-8-93	15-12-1—15-12-10
401	Ord. 3352, 12-20-83; Ord. 3853 § 1(V), 4-18-89	15-16-1
402	Ord. 3352, 12-20-83	15-16-2
403	Ord. 3352, 12-20-83; Ord. 3558 § 1, 5-20-86	15-20-1—15-20-10
404	Ord. 3352, 12-20-83; Ord. 4185 § 2, 8-24-93; Ord. 4839, 1-16-01	15-24-1—15-24-19
405	Ord. 3352, 12-20-83	15-28-1—15-28-9
406	Ord. 3352, 12-20-83	15-32-1—15-32-3
501	Ord. 3352, 12-20-83; Ord. 4839, 1-16-01	15-36-1
502	Ord. 3352, 12-20-83; Ord. 3853 § 1(VI), 4-18-89	15-40-1—15-40-5
503	Ord. 3352, 12-20-83; Ord. 4185 § 2, 8-24-93	15-44-1—15-44-5
504	Ord. 3352, 12-20-83; Ord. 4839, 1-16-01	15-48-1—15-48-7
505	Ord. 3352, 12-20-83	15-52-1—15-52-6
506	Ord. 3352, 12-20-83	15-36-2
507	Ord. 3352, 12-20-83	15-56-1—15-56-4
508	Ord. 3352, 12-20-83	15-36-3
601	Ord. 3352, 12-20-83	15-60-1—15-60-5
602	Ord. 3352, 12-20-83; Ord. 3853 § 1(VII), 4-18-89	15-64-1—15-64-4
603	Ord. 3352, 12-20-83	15-68-1, 15-68-2
604	Ord. 3352, 12-20-83; Ord. 3853 § 1(III), 4-18-89	15-72-1—15-72-3

ORDINANCE LIST AND DISPOSITION TABLE

Ordinance Number	
5008	Amends §§ 15-4-5, 15-12-3, 15-12-7, subdivisions (15-4, 15-12)
5009	Amends §§ 16-8-2, 16-100-1, 16-100-5, zoning (16-8, 16-100)
5014	Amends § 5-4-12, prevailing wage rate (5-4)
5017	Renumbers prior code § 21-107 to be § 11-16-22(A) and adds subsection (B), school zone signs (11-16)
5020	Mayor salary and compensation (Special)
5025	Amends § 16-76-6 and amends Charts 1 and 2 of zoning, single-family residential infill district (16-76)
5026	Amends § 16-84-5 and amends Charts 1 and 2 of zoning, neighborhood commercial district (16-84)
5026AM	Amends §§ 16-8-2 and 16-84-5; amends Charts 1 and 2 of zoning, neighborhood commercial district (16-8, 16-84)
5028	Amends §§ 16-112-3—16-112-7, 16-112-11, 16-112-12, 16-116-5, zoning (16-112, 16-116)
5028AM	Amends §§ 16-112-3—16-112-7, 16-112-11, 16-112-12, 16-116-5, zoning (16-112, 16-116)
5030	Amends §§ 2-24-14 and 9-36-4, fire hydrants (2-24, 9-36)
5036	Amends §§ 13-28-1 and 13-28-7, sewer fees (13-28)
5041	Adds § 9-12-21.5; amends §§ 9-12-2, 9-12-12, 9-12-14, 9-12-22, 9-12-23, 9-12-35, 9-12-36, 9-12-38, air pollution control (9-12)
5046	Adds § 2-20-5, MLG& W contracts in excess of twenty-five thousand dollars (2-20)
5059	Amends §§ 11-36-1 and 11-36-2, seatbelts and child safety devices (11-36)
5060	Amends §§ 4-24-20 and 4-28-21, pension benefits (4-24, 4-28)
5063	Amends residency requirements of persons employed by city (Home Rule Charter Amendment)
5070	Adds § 13-28-8, Mary's Creek special sewer service area (13-28)
5073	Amends § 10-12-9, defacing advertising and/or campaign materials (10-12)
5074	Amends §§ 9-56-26 and 9-56-42, garbage collection (9-56)
5076	Amends §§ 4-4-1 and 4-28-11, pension and retirement plans (4-4, 4-28)
5079	Adds Ch. 2-11, charter commission (2-11)
5081	Adds §§ 3-16-15—3-16-18; amends §§ 3-16-1—3-16-14, city employee occupational safety and health program (3-16)
5084	Adds §§ 11-32-24—11-32-26; amends § 11-36-1, motor vehicle equipment and safety (11-32, 11-36)
5091	Adds §§ 9-56-30—9-56-33, disposal and removal of personal property (9-56)
5093	Amends §§ 2-14-1—2-14-5 and 2-14-8, library system (2-14)
5099	Adds § 13-26-1; amends §§ 13-24-3, 13-24-4, 13-24-11, 13-28-1, 13-28-7, 13-36-3, public services (13-24, 13-28, 13-36)
5107	Amends §§ 4-24-20 and 4-28-21, pension and retirement system (4-24, 4-28)
5108	Adds §§ 11-14-1—11-14-5, traffic-control devices (11-14)
5109	Amends § 2-22-7, division of engineering (2-22)
5110	Amends § 12-28-1, sidewalk construction and maintenance (12-28)
5111	Amends § 6-104-6, weights and measures (6-104)
5112	Amends§ 9-56-11, solid waste disposal fees (9-56)
5113	Amends § 6-88-5, wreckers and towing operators (6-88)
5114	Adds § 6-96-1, local business development and procurement program (6-96)

Ordinance Number	
5116	Amends §§ 13-40-9—13-40-11, stormwater management and pollution control (13-40)
5128	Extends Sunset Clause for § 5-4-12, prevailing wage (Not codified)
5133	Repeals and replaces prior code §§ 41-1 — 41-34 (now §§ 6-88-1—6-88-51), wreckers and towing operators (6-88)
5134	Amends § 7-8-11, beer and light alcoholic beverages (7-8)
5135	Adds §§ 13-41-1—13-41-17, stormwater enterprise fund (13-41)
5136	Amends §§ 16-112-1, 16-112-3, 16-112-8, 16-116-5, signs (16-112, 16-116)
5150	Adds §§ 2-74-1—2-74-6, aging commission of the mid-south (2-74)
5157	Amends § 13-41-1 and 13-41-5, stormwater enterprise fund (13-41)
5165	Amends §§ 4-24-20 and 4-28-21, pension benefits (4-24, 4-28)
5168	Amends § 4-8-1, pension board of administration (4-8)
5169	Repeals and replaces prior code §§ 25-31 (now § 4-12-2), pension investment committee (4-12)
5171	Amends §§ 6-92-3 and 6-92-11, business enterprise program for minorities and women (6-92)
5183	Amends § 5-4-12, prevailing wage (5-4)
5185	Adds §§ 5-4-14 through 5-4-22, living wage (5-4)
5188	Adds § 16-100-6, medical overlay district (16-100)
5196	Adds § 13-28-9, Gray's Creek special sewer service district 2 (13-28)
5200	Transfers city property formerly known as the Customs House/Court House/Post Office to the University of Memphis School of Law (Special)
5203	Transfer of permits department from finance division to law division (Special)
5206	Repeals and replaces Ch. 2-10, code of ethics for city officials (2-10)
5207	Repeals Ord. 4709, code of ethics for city officials (Repealer)

Ordinance Number	
5210	Amends §§ 4-24-20 and 4-28-21, pension and retirement system (4-24, 4-28)
5213	Adds § 2-24-21, background checks for fire protection personnel (2-24)
5214	Adds §§ 8-16-10, 8-16-11, 8-20-11; amends §§ 8-4-1, 8-8-3, 8-8-4, 8-12-1, 8-12-2, 8-16-5, 8-16-7, 8-20-1—8-20-3, 8-20-5, 8-24-1; repeals §§ 8-12-5—8-12-8, animals and fowl (8-4, 8-8, 8-12, 8-16, 8-20, 8-24)
5217	Amends Ch. 6-40, junk and scrap metal dealers (6-40)
5221	Assigns newly annexed areas to council districts (Special)
5222	Amends § 12-84-11, applicable park hours (12-84)
5223	Amends § 7-8-11, beer and light alcoholic beverage licenses (7-8)
5225	Amends §§ 9-36-1 and 9-36-4, fire prevention code (9-36)
5238	Adds Ch. 10-10, graffiti vandalism (10-10)
5240	Creates redevelopment trust fund (Special)
5244	Creates division of community enhancement (Special)
5255	Extends Comcast TV cable franchise through December 2008 (Special)
5256	Amends § 2-20-5, MLG& W contracts in excess of twenty-five thousand dollars (2-20)
5257	Adds § 5-4-23, annual adjustment of living wage (5-4)
5258	Amends § 6-92-11, business enterprise program for minorities and women (6-92)
5259	Rezoning ordinance (Special)
5260	Adds §§ 8-12-5—8-12-8, animal shelter advisory committee (8-12)
5261	Amends § 9-56-11, solid waste disposal fees (9-56)
5265	Amends residency requirements of persons employed by city (Home Rule Charter Amendment)
5270	Amends § 6-92-11, business enterprise program for minorities and women (6-92)

Ordinance Number	
5271	Amends § 2-22-8, asphaltic binder paving of streets constructed as part of standard improvement contracts—Costs (2-22)
5275	Amends § 6-80-50, taxicab rates (6-80)
5276	Amends § 7-8-24, sales of beer for off-premises consumption by beer manufacturers operating as restaurants (7-8)
5285	Adopts 2003 Edition of the International Residential Code (Not Codified)
5286	Extension of Cable Television Franchise (Special)
5287	Amends § 6-92-11, business enterprise program for minorities and women (6-92)
5288	Amends § 2-2-2, city council meeting dates and times (2-2)

INDEX

—A—

ABANDONED, JUNKED OR WRECKED VEHICLES AND PARKING VEHICLES
Housing code
See BUILDINGS AND CONSTRUCTION

ACCESSORY STRUCTURES AND USES
Zoning
authorization Sec. 16-104-1
bulk and location regulations Sec. 16-104-4
particular permitted accessory structures and uses Sec. 16-104-2
prohibited accessory structures and uses Sec. 16-104-3
use limitations Sec. 16-104-5

ACCIDENTS
Vehicles and traffic
accident studies Sec. 11-48-4
garages to report Sec. 11-48-2
immediate notice to police Sec. 11-48-1
review of traffic accident reports
fee Sec. 11-48-3

AGING COMMISSION OF THE MID-SOUTH
Administration
funding Sec. 2-74-5
Authority to establish committees, subcommittees and advisory council Sec. 2-74-4
Authority to make application for receipt of funds Sec. 2-74-3
Conflicts of interest Sec. 2-74-6
Establishment Sec. 2-74-1
Purposes
legislative intent Sec. 2-74-2

AIR POLLUTION CONTROL
See HEALTH AND SAFETY

AIRPORTS AND AIRCRAFT
See STREETS, SIDEWALKS AND PUBLIC PLACES

ALARM SYSTEMS
See HEALTH AND SAFETY

ALCOHOL AND DRUG ABUSE COMMISSION
Administration
funding Sec. 2-86-8
Assistance by other agencies Sec. 2-86-7
Authority to appoint committees, subcommittees and advisory board Sec. 2-86-6
Authority to make application for receipt of funds Sec. 2-86-5
Compensation of members
organization, election of officers, and adoption of rules and procedures Sec. 2-86-3
Conflicts of interest Sec. 2-86-9
Establishment, designation and membership Sec. 2-86-1
Members' terms of office Sec. 2-86-2
Purpose
legislative intent Sec. 2-86-4

ALCOHOL COMMISSION
Appointment, terms and compensation of members Sec. 2-82-2
Chairperson Sec. 2-82-5
Created
composition Sec. 2-82-1
Employment of secretary and clerical help Sec. 2-82-7
Members' oath Sec. 2-82-4
Members to be residents of city Sec. 2-82-3
Payment of expenses
annual financial statement Sec. 2-82-11
Police power of members and secretary
assistance from police and health departments Sec. 2-82-9
Purchases Sec. 2-82-10
Quorum Sec. 2-82-6
Rules and regulations Sec. 2-82-8

ALCOHOLIC BEVERAGES
Alcoholic beverage defined Sec. 7-4-1
Area within which retail sale permitted Sec. 7-4-4
Beer and light alcoholic beverages
general provisions
application of chapter Sec. 7-8-1
hours of sale Sec. 7-8-3
purchase by minors Sec. 7-8-4
transportation and sale legalized
compliance required Sec. 7-8-2

wholesale beer tax Sec. 7-8-5
licenses to store, sell, distribute or manufacture
application
citizens' certificate to accompany Sec. 7-8-8
application generally Sec. 7-8-7
beer or alcoholic beverage sales in coliseum board's authority to permit Sec. 7-8-19
beer or alcoholic beverage sales in Liberty Bowl Memorial Stadium
park commission's authority to permit Sec. 7-8-20
beer or alcoholic beverage sales in McCarver Stadium
park commission's authority to permit Sec. 7-8-18
display Sec. 7-8-14
general restrictions on issuance Sec. 7-8-11
issuance or refusal generally Sec. 7-8-10
issuance to hotels and clubs Sec. 7-8-13
issuance to specialty or convenience stores, service or filling stations Sec. 7-8-12
licensee's employees Sec. 7-8-15
permit for special event Sec. 7-8-21
prohibited sexual or pornographic conduct Sec. 7-8-9
penal provisions Sec. 7-8-22
records to be kept
list of licenses to be filed with collector of licenses and privileges and director of police Sec. 7-8-17
required Sec. 7-8-6
revocation Sec. 7-8-16
sales in the Beale Street historic district Sec. 7-8-23
Certificate of good moral character required of applicants for state license Sec. 7-4-3
Hours of sale at retail Sec. 7-4-9
Inducement to purchase prohibited Sec. 7-4-10
Inspection fees
definitions Sec. 7-16-1
enforcement Sec. 7-16-4
fee levied on retailers
computation Sec. 7-16-2
wholesalers Sec. 7-16-3
Inspection of sales premises Sec. 7-4-11
Investigations by city for violations under state law regarding sexual and pornographic conduct Sec. 7-4-14
Licenses to store, sell, distribute or manufacture beer and light alcoholic beverages.
See within this heading, "Beer and light alcoholic beverages."
Limitation on number of retail outlets Sec. 7-4-7
Manufacture and sale legalized
compliance with state law and chapter Sec. 7-4-2
Manufacture and sale near churches, schools or other public or private institutions or residential areas Sec. 7-4-5
Open containers and consumption of alcoholic beverages prohibited in certain public places Sec. 7-4-15
Possession or consumption in Liberty Bowl Memorial Stadium Sec. 7-4-12
Relocation of liquor stores Sec. 7-4-6
Sale to certain persons prohibited
drinking in or on premises of retail liquor stores prohibited, penalty Sec. 7-4-8
Tax on retail sales of alcohol for on-premise consumption
definitions Sec. 7-12-1
tax imposed
amount Sec. 7-12-2
term Sec. 7-12-2
Time of appeal from alcohol commission to the city council Sec. 7-4-13

AMBULANCES
See HEALTH AND SAFETY

AMENITY INCENTIVES IN MULTIFAMILY AND CENTRAL BUSINESS DISTRICTS
Zoning
amenity incentive as a right Sec. 16-56-2
amenity incentives allowed Sec. 16-56-5
authority Sec. 16-56-3
computation of amenity incentives Sec. 16-56-6
procedure Sec. 16-56-4
purpose Sec. 16-56-1

AMUSEMENT BUSINESSES
Advertisements and notices to give price of admission Sec. 6-4-1
Minors in poolrooms Sec. 6-4-4
Organization operating bingo establishment to file duplicate of annual report of receipts and disbursements with comptroller Sec. 6-4-5
Permit required for circus or circus parade Sec. 6-4-2
Permit required for street fair or carnival Sec. 6-4-3
Shooting galleries
permit Sec. 6-4-6

subject to rules and regulations of police department Sec. 6-4-7

ANIMALS
Cruelty to animals Sec. 8-8-5
Dangerous and vicious animals
definitions Sec. 8-20-1
determination of dangerous/vicious dog or animal Sec. 8-20-2
dog or animal declared dangerous/vicious Sec. 8-20-3
dogs or animals not declared dangerous/vicious Sec. 8-20-7
duties of animal control officer Sec. 8-20-9
duty of owner of dangerous/vicious dog or animal Sec. 8-20-4
exemptions Sec. 8-20-8
surrender of dog or animal Sec. 8-20-5
unowned or abandoned dog or animal Sec. 8-20-6
violation
penalty Sec. 8-20-10
definitions
definitions Sec. 8-4-1
Destruction of abandoned or neglected animals Sec. 8-8-4
Disposal of animals Sec. 8-8-11
Dogs and cats
adoption of dogs and cats Sec. 8-16-8
defecation by dogs or cats Sec. 8-16-9
dog license tags required
cat rabies vaccination required Sec. 8-16-2
exceptions Sec. 8-16-2
fees Sec. 8-16-2
dogs running at large Sec. 8-16-6
duplicate dog licenses or tags Sec. 8-16-5
evidence of ownership of animals Sec. 8-16-1
examination for rabies Sec. 8-16-3
impoundment and redemption of dogs Sec. 8-16-7
kennel license fees Sec. 8-16-4
Enforcement
aid and assistance Sec. 8-24-7
animal violation forfeiture schedule Sec. 8-24-4
dismissal or entering a nolle prosequi of citation/summonses not prohibited Sec. 8-24-6
limitation on action for violations
service of summons Sec. 8-24-5
when action deemed commenced Sec. 8-24-5
official to designate special officers Sec. 8-24-1
procedures applicable to summonses and animal citations Sec. 8-24-3
when citations deemed lawful complaints for prosecution Sec. 8-24-2
General maintenance requirements for animals and fowl Sec. 8-8-1
Impoundment, redemption and disposition Sec. 8-8-3
Keeping of livestock within one thousand feet of residence or place of business Sec. 8-8-10
Killing birds
prohibited generally Sec. 8-8-8
removal of pigeons and birds from private, residential and commercial property Sec. 8-8-9
Memphis animal shelter
advisory committee
creation Sec. 8-12-5
officers Sec. 8-12-6
powers and duties Sec. 8-12-8
rules and regulations Sec. 8-12-7
board
appointment Sec. 8-12-5
designation of chairperson and secretary Sec. 8-12-6
establishment and composition Sec. 8-12-5
general duties Sec. 8-12-8
rules, regulations and meetings Sec. 8-12-7
terms and compensation of board members Sec. 8-12-5
general provisions
badges, uniforms and police power of shelter officers Sec. 8-12-3
business hours Sec. 8-12-2
establishment and supervision Sec. 8-12-1
resisting or interfering with animal shelter employee Sec. 8-12-4
Running at large of livestock and fowl prohibited Sec. 8-8-2
Striking or hitting animal with moving vehicle Sec. 8-8-7
Trapping animals Sec. 8-8-6
Unlawful to sell fowl as pets or novelties Sec. 8-8-12

ARTS AND SCIENCE COMMISSION
Appointment and term of members Sec. 2-68-2
Control Sec. 2-68-5
Designation of chairperson and secretary Sec. 2-68-4
General powers and duties Sec. 2-68-6
Members to serve without pay Sec. 2-68-3
Reorganization Sec. 2-68-1
composition Sec. 2-68-1
qualification of members Sec. 2-68-1
Reports Sec. 2-68-7

—B—

BARBERS AND BARBER SHOPS
Administration of chapter Sec. 6-8-11
Approval of plans and specifications by health department Sec. 6-8-10
Barber's health Sec. 6-8-7
Barbershops to be kept clean and sanitary Sec. 6-8-5
Barber to cleanse hands before serving customers Sec. 6-8-8
Cleaning and disinfecting equipment used on barbershop patrons Sec. 6-8-6
Definitions Sec. 6-8-1
Exemptions from chapter Sec. 6-8-12
Health department inspections Sec. 6-8-4
Penalty for violation of chapter
Continuing violations Sec. 6-8-13
Permits Sec. 6-8-2
Rules and regulations of health department Sec. 6-8-9
Water and/or water closets and equipment requirements for barbershops Sec. 6-8-3

BEER AND LIGHT ALCOHOLIC BEVERAGES
See ALCOHOLIC BEVERAGES

BICYCLES
Vehicles and traffic
acrobatic and unicycle riding Sec. 11-24-16
bicycle routes and bikeways Sec. 11-24-17
bicycle safety guide and bikeway map Sec. 11-24-18
clinging to moving vehicles Sec. 11-24-13
effect of regulations Sec. 11-24-1
equipment
bell or other signal device Sec. 11-24-6
brake Sec. 11-24-5
lights and reflectors Sec. 11-24-4
generally
See VEHICLES AND TRAFFIC
obedience to traffic-control devices Sec. 11-24-9
parking on sidewalks Sec. 11-24-11
racing and endurance contests Sec. 11-24-15
removal or alteration of serial number Sec. 11-24-3
riding on roadways Sec. 11-24-8
riding on sidewalks Sec. 11-24-10
to be ridden in single file Sec. 11-24-12
towing other vehicles Sec. 11-24-14
traffic laws apply to persons riding bicycles Sec. 11-24-2
use of permanent seat required
carrying excess persons forbidden Sec. 11-24-7

BOILER AND UNFIRED PRESSURE VESSEL CODE
See BUILDINGS AND CONSTRUCTION

BROADBAND TELECOMMUNICATIONS REGULATORY BOARD
Duties
appeal of board findings Sec. 2-44-2
Established
appointment and terms of office of members Sec. 2-44-1
Composition Sec. 2-44-1
Notice of hearings Sec. 2-44-3
Persons ineligible to serve on board Sec. 2-44-4
Time of meetings
quorum Sec. 2-44-5
secretary Sec. 2-44-5

BUILDINGS AND CONSTRUCTION
Abandoned, junked or wrecked vehicles and parking vehicles
housing code.
See within this heading, "Housing code."
Board of elevators rules
elevators, dumbwaiters, escalators and amusement devices.
See within this heading, "Elevators, dumbwaiters, escalators and amusement devices."
Boiler and unfired pressure vessel code
general provisions
applicability
exceptions Sec. 14-12-3
board of boiler rules
generally Sec. 14-12-4
rules and regulations Sec. 14-12-5
definitions Sec. 14-12-2
maximum allowable working pressure Sec. 14-12-7
new installations to conform to chapter
exceptions Sec. 14-12-6
right of entry to enforce chapter Sec. 14-12-8
short title Sec. 14-12-1
inspectors and inspections generally
appeals from orders or acts of inspectors Sec. 14-12-21
appointment and qualifications of chief inspector Sec. 14-12-9

employment and qualifications of deputy inspectors Sec. 14-12-11
examination of inspectors Sec. 14-12-13
exemptions from Sections 14-12-16 through 14-12-19 Sec. 14-12-20
general powers and duties of chief inspector Sec. 14-12-10
inspection certificates Sec. 14-12-18
inspection fees Sec. 14-12-17
inspections generally Sec. 14-12-16
operation without or in violation of inspection certificate Sec. 14-12-19
replacement of inspector's certificate of appointment or commission Sec. 14-12-14
special inspectors generally Sec. 14-12-12

suspension or revocation of inspector's appointment or commission Sec. 14-12-15
rules and regulations relating to administration
accident reports Sec. 14-12-35
boiler attendants Sec. 14-12-48
bond for persons repairing or installing boilers or pressure vessels Sec. 14-12-49
condemnation Sec. 14-12-40
defective conditions disclosed at time of external inspections Sec. 14-12-34
examination for inspector's certificate of competency Sec. 14-12-26
fittings and appliances for reinstalled equipment Sec. 14-12-44
increasing safety factors Sec. 14-12-45
inspection fee
operation without inspection certificate Sec. 14-12-36
refusal to allow inspection or pay fee Sec. 14-12-36
inspection of drum heads Sec. 14-12-46
inspection reports Sec. 14-12-31
inspections generally Sec. 14-12-24
inspectors' conflicts of interest Sec. 14-12-30
manufacturers' data and blueprints to be submitted Sec. 14-12-22
nonstandard equipment Sec. 14-12-42
permission to reinstall moved equipment Sec. 14-12-41
preparation for inspection Sec. 14-12-25
reciprocal special inspector's commission Sec. 14-12-28
registration of existing boilers Sec. 14-12-23
reinstallation or shipment into city of used or secondhand equipment Sec. 14-12-43
removal of safety appliances
excess load on safety valves Sec. 14-12-47
reports by insurance companies
risks refused because of defects Sec. 14-12-33
risks written, cancelled, not renewed or suspended Sec. 14-12-32
restamping Sec. 14-12-38
revocation of special inspector's certificate of competency or commission Sec. 14-12-29
special inspector's commission generally Sec. 14-12-27
suspension of inspection certificate Sec. 14-12-29
term of inspection certificate Sec. 14-12-37
work permits Sec. 14-12-50
rules and regulations relating to construction, installation, inspection, maintenance and use
boiler runway or platform Sec. 14-12-53
existing installations Sec. 14-12-57
general requirements Sec. 14-12-60
heating boilers
new installations Sec. 14-12-56
miniature boilers
existing installations Sec. 14-12-55
new installations Sec. 14-12-54
power boilers
existing installations Sec. 14-12-52
new installations Sec. 14-12-51
unfired pressure vessels
existing installations Sec. 14-12-59
new installations Sec. 14-12-58
Dangerous, derelict or abandoned structures in multifamily housing, commercial and industrial districts
definitions
definitions Sec. 14-8-4
fees and penalties
city's right to board properties
inspection fees payable Sec. 14-8-7
penalties imposed Sec. 14-8-8
general provisions
exemption Sec. 14-8-3
generally Sec. 14-8-1
purpose Sec. 14-8-2
neglected, derelict, abandoned or dangerous conditions Sec. 14-8-5
inspection and registration Sec. 14-8-6
probation periods Sec. 14-8-9
rehabilitation plans
appeal Sec. 14-8-10
distribution of fees collected Sec. 14-8-11
enforcement Sec. 14-8-12
probation period Sec. 14-8-9
Dangerous structures
housing code.
See within this heading, "Housing code."
Elevators, dumbwaiters, escalators and amusement devices
board of elevators rules
appeals to board Sec. 14-16-24
created
appointment and terms of members Sec. 14-16-16
composition Sec. 14-16-16
election of chairperson Sec. 14-16-19
filling of vacancies Sec. 14-16-17

general powers and duties, rules and regulations Sec. 14-16-23
meetings Sec. 14-16-21
removal of members Sec. 14-16-18
required vote and approval of decisions and rulings Sec. 14-16-22
secretary Sec. 14-16-20
general provisions
applicability Sec. 14-16-2
city inspector generally Sec. 14-16-4
construction permit for elevators, escalators and dumbwaiters Sec. 14-16-6
definitions Sec. 14-16-1
elevator, dumbwaiter and escalator accidents Sec. 14-16-13
enforcement of chapter Sec. 14-16-3
inspector's license Sec. 14-16-5
institution of prosecutions under chapter Sec. 14-16-14
notice of cancellation, expiration or placing of insurance on elevators Sec. 14-16-12
penalty for violations of chapter
continuing violations Sec. 14-16-15
registration of elevators, escalators and dumbwaiters Sec. 14-16-9
requirements for amusement device operators Sec. 14-16-11
requirements for elevator operators Sec. 14-16-10
responsibility of person installing, relocating or altering equipment Sec. 14-16-8
supervision of installation, relocation, alteration or repair of equipment Sec. 14-16-7
general safety and equipment requirements
authority to forbid use of unsafe devices Sec. 14-16-55
elevator
application Sec. 14-16-44
elevator safety code
granting of exceptions Sec. 14-16-45
elevators for use of fire department Sec. 14-16-53
general requirements for elevator and dumbwaiter hoistways Sec. 14-16-46
lighting and electrical equipment Sec. 14-16-48
maintenance in safe operating condition
responsibility of owner Sec. 14-16-47
portable hoists for elevators and dumbwaiters prohibited Sec. 14-16-52
protection of floor openings for escalators Sec. 14-16-51
safety code for elevators, dumbwaiters, escalators and moving walks
adopted Sec. 14-16-43
safety controls, guard rails and design standards for amusement devices Sec. 14-16-49
sidewalk elevators and hoists Sec. 14-16-54
use of elevators and escalators as required exits Sec. 14-16-50
inspections and tests
acceptance of elevator and escalator inspections made by licensed inspectors Sec. 14-16-32
additional inspections and tests Sec. 14-16-30
generally Sec. 14-16-26
guide for inspections and tests Sec. 14-16-34
inspection of amusement devices Sec. 14-16-29
inspection reports Sec. 14-16-33
inspections to be by licensed inspectors Sec. 14-16-31
new, relocated or altered elevators, escalators and dumbwaiters Sec. 14-16-27
periodic inspection and testing of all elevators and escalators Sec. 14-16-28
required inspections defined Sec. 14-16-25
minimum safety requirements for elevators
adjusting and renewing guide shoes Sec. 14-16-103
aprons for cars equipped with car-leveling devices Sec. 14-16-102
buffers Sec. 14-16-78
cable connections Sec. 14-16-61
car and counterweight cables Sec. 14-16-59
car and counterweight safeties and speed governors Sec. 14-16-108
car door or gate electric contacts Sec. 14-16-98
car doors or gates for power freight elevators Sec. 14-16-97
car doors or gates for power passenger elevators Sec. 14-16-96
car emergency exits Sec. 14-16-99
car floors Sec. 14-16-91
car lighting Sec. 14-16-100
car slings and platform frames Sec. 14-16-90
cars to have only one compartment Sec. 14-16-95
clearances between cars, counterweights and shaftways Sec. 14-16-104
counterweight hoistways Sec. 14-16-72
counterweights Sec. 14-16-66

definitions Sec. 14-16-56
disconnecting devices Sec. 14-16-110
emergency releases Sec. 14-16-85
emergency signal Sec. 14-16-106
fire-resistant hoistways Sec. 14-16-67
freight elevator hoistway door or gate locking devices Sec. 14-16-86
gate or door counterweights Sec. 14-16-87
general maintenance requirements Sec. 14-16-58
glass in cars Sec. 14-16-101
guard boxes for cables passing through floors outside hoistway Sec. 14-16-73
guide rails Sec. 14-16-74
hoistway door or gate electric contacts and mechanical locks Sec. 14-16-83
hoistway door or gate interlocks Sec. 14-16-82
hoistway doors and gates for freight elevators Sec. 14-16-80
hoistway doors or gates for hand-power passenger elevators Sec. 14-16-81
hoistway doors or gates for power passenger elevators Sec. 14-16-79
hoistway thoroughfares Sec. 14-16-70
hydraulic machines Sec. 14-16-63
landing threshold for passenger and freight elevators Sec. 14-16-88
machines and machine safeties Sec. 14-16-62
mechanical locks (car-operated or hand-operated) Sec. 14-16-84
nonfire-resistant hoistways Sec. 14-16-68
operation and control Sec. 14-16-109
outside bars required for certain hoistway windows Sec. 14-16-69
overhead sheaves Sec. 14-16-75
penthouses and machine rooms Sec. 14-16-64
pipes and wiring Sec. 14-16-65
pits Sec. 14-16-77
platform elevators Sec. 14-16-107
power elevator car sides Sec. 14-16-92
power elevator car tops Sec. 14-16-93
power operated sidewalk elevator tops Sec. 14-16-94
procedure when compliance with article increases weight of elevator Sec. 14-16-57
service and emergency keys for hoistway doors or gates Sec. 14-16-89
signal systems generally Sec. 14-16-105
speed governor cables Sec. 14-16-60
strength of hatch covers Sec. 14-16-71
terminal limit switches and stopping devices for power elevators Sec. 14-16-76
operating permit for elevators, escalators and dumbwaiters
fee Sec. 14-16-36
issuance Sec. 14-16-37
limited permits Sec. 14-16-42
posting Sec. 14-16-40
printing and framing Sec. 14-16-39
required
exception Sec. 14-16-35
revocation Sec. 14-16-41
term
contents Sec. 14-16-38
Exterior property areas
housing code
See within this heading, "Housing code."
General safety and equipment requirements
elevators, dumbwaiters, escalators and amusement devices.
See within this heading, "Elevators, dumbwaiters, escalators and amusement devices."
Housing code
abandoned, junked or wrecked vehicles and parking vehicles
abatement and removal by city Sec. 14-4-95
declared a public nuisance Sec. 14-4-91
failure to comply Sec. 14-4-94
notice to remove or correct condition Sec. 14-4-93
parking and storage of vehicles Sec. 14-4-92
return of vehicle to owner Sec. 14-4-98
sale at public auction Sec. 14-4-97
storage and sale of valuable property found in abandoned vehicles Sec. 14-4-99
title search Sec. 14-4-96
basic facilities division 1 required facilities
compliance with division Sec. 14-4-63
garbage cans Sec. 14-4-69
heating and air conditioning facilities Sec. 14-4-67
rubbish containers Sec. 14-4-68
sanitary facilities Sec. 14-4-64
water and sewer system Sec. 14-4-65
water heating facilities Sec. 14-4-66
buildings, structures and premises not in compliance with the housing code
appeals from orders under article Sec. 14-4-33
defacing or removing placards or notices posted under article Sec. 14-4-29

failure to remove personal property Sec. 14-4-31
notice of hearing
generally Sec. 14-4-25
service Sec. 14-4-26
order to repair, alter, secure or demolish Sec. 14-4-27
renting or occupying unfit dwelling Sec. 14-4-30
requirements for unoccupied buildings Sec. 14-4-32
vacation of premises Sec. 14-4-28
what constitutes
general powers and duties of the manager of housing code enforcement Sec. 14-4-24
notice and vacation Sec. 14-4-24
dangerous structures
closing of adjacent streets and sidewalks Sec. 14-4-36
condemnation generally Sec. 14-4-39
dangerous structures defined Sec. 14-4-34
declared a public nuisance Sec. 14-4-35
emergency authority of the director of public service and neighborhoods Sec. 14-4-43
execution of condemnation order Sec. 14-4-40
failure to comply with order Sec. 14-4-41
notice to correct conditions Sec. 14-4-38
repair, vacation or demolition by city Sec. 14-4-42
standards for ordering repair, vacation or demolition Sec. 14-4-37
environmental requirements division 1 general provisions
applicability Sec. 14-4-44
exterior property areas
accumulations of stagnant water
erosion Sec. 14-4-47
compliance with division Sec. 14-4-45
excessive weeds and grass, trees and shrubs Sec. 14-4-48
exterior surfaces Sec. 14-4-50
extermination of insects and rodents Sec. 14-4-49
guards and screens for windows and doors Sec. 14-4-53
maintenance of accessory structures Sec. 14-4-54
stairs, porches, walks and parking areas Sec. 14-4-51
to be maintained in clean and sanitary condition Sec. 14-4-46
windows, doors and hatchways generally Sec. 14-4-52
fire safety requirements
cooking and heating equipment Sec. 14-4-90
dwelling unit prohibited where flammable liquids are handled, dispensed or stored Sec. 14-4-89
generally Sec. 14-4-88
general provisions
applicability Sec. 14-4-4
assistants may act for the manager of housing and code enforcement Sec. 14-4-8
changes to be made in accord with building code Sec. 14-4-18
chapters do not abolish or impair other remedies Sec. 14-4-20
chapters do not permit zoning violations Sec. 14-4-19
conflicts with other ordinances Sec. 14-4-21
definitions Sec. 14-4-2
department of housing and code enforcement and manager of housing and code enforcement generally Sec. 14-4-6
disconnection of utility services when certain orders not complied with Sec. 14-4-16
enforcement
designation of special officers Sec. 14-4-23
general duties of city attorney Sec. 14-4-15
general powers and duties of the manager of housing and code enforcement Sec. 14-4-7
inspection fee Sec. 14-4-13
inspections and orders generally Sec. 14-4-12
occupant to give owner access to premises Sec. 14-4-11
penalty for violations Sec. 14-4-5
personal liability of city officers, agents or employees for acts
suits to be defended by city attorney Sec. 14-4-22
purpose Sec. 14-4-3
recordation of orders Sec. 14-4-17
report to city attorney of failure to comply with orders or removal of notices Sec. 14-4-14
resisting or interfering with housing and code enforcement employee Sec. 14-4-9
responsibilities of occupants Sec. 14-4-10
short title Sec. 14-4-1
installation and maintenance requirements
compliance with division Sec. 14-4-70
electrical outlets and fixtures Sec. 14-4-74
general requirements Sec. 14-4-71

plumbing Sec. 14-4-72
space heating, cooking and water heating devices Sec. 14-4-73
interior structures
bathroom and kitchen floors Sec. 14-4-61
cellars, basements and crawl spaces to be kept dry Sec. 14-4-57
compliance with division Sec. 14-4-55
extermination of insects and rodents Sec. 14-4-58
general maintenance requirements
storage of refuse Sec. 14-4-56
soundness of supporting structural members Sec. 14-4-59
stairs Sec. 14-4-62
walls, ceilings and floor generally Sec. 14-4-60
light and ventilation
compliance with article Sec. 14-4-75
electric outlets required Sec. 14-4-79
light and ventilation in bathrooms and water closet compartments Sec. 14-4-81
light in nonhabitable work spaces Sec. 14-4-77
light in public halls and stairways Sec. 14-4-78
natural light in habitable rooms Sec. 14-4-76
ventilation generally Sec. 14-4-80
space and occupancy requirements
bathroom or water closet compartment not to open into or be used in conjunction with room used for public purposes Sec. 14-4-86
compliance with article Sec. 14-4-82
minimum ceiling heights Sec. 14-4-83
minimum floor area
for sleeping rooms Sec. 14-4-85
generally Sec. 14-4-84
occupancy of dwelling unit below grade Sec. 14-4-87
Inspections and tests
elevators, dumbwaiters, escalators and amusement devices.
See within this heading, "Elevators, dumbwaiters, escalators and amusement devices."
Inspectors and inspections generally
boiler and unfired pressure vessel code.
See within this heading, "Boiler and unfired pressure vessel code."
Installation and maintenance requirements
housing code.
See within this heading, "Housing code."
Interior structures
housing code.
See within this heading, "Housing code."
Landmarks preservation
certificate of appropriateness Sec. 14-24-4
classifications of local historic districts Sec. 14-24-3
definitions Sec. 14-24-2
determination of economic hardships Sec. 14-24-6
general purposes Sec. 14-24-1
Memphis landmarks commission Sec. 14-24-5
fund Sec. 14-24-9
right to appeal Sec. 14-24-7
violation
penalty Sec. 14-24-8
Light and ventilation
housing code.
See within this heading, "Housing code."
Minimum safety requirements for elevators
elevators, dumbwaiters, escalators and amusement devices.
See within this heading, "Elevators, dumbwaiters, escalators and amusement devices."
Rules and regulations relating to administration
boiler and unfired pressure vessel code.
See within this heading, "Boiler and regulations relating to administration."
Space and occupancy requirements
housing code.
See within this heading, "Housing code."
Trailers and trailer courts
general provisions
conflicts between chapter and other ordinances and laws Sec. 14-20-5
definitions Sec. 14-20-1
parking or storing trailers outside trailer court Sec. 14-20-3
rules and regulations of health department Sec. 14-20-4
trailer owners and occupants subject to city ordinances and rules Sec. 14-20-2
violation of chapter, rules or regulations Sec. 14-20-6
trailer courts
approval of plans Sec. 14-20-8
garbage and refuse disposal Sec. 14-20-15
guest registration Sec. 14-20-11
inspections Sec. 14-20-9
management Sec. 14-20-10
permit
fee Sec. 14-20-7

report of communicable diseases Sec. 14-20-16
service buildings required Sec. 14-20-12
sewage disposal Sec. 14-20-14
water supply Sec. 14-20-13

BUILDING SEWERS, CONNECTIONS, SEWER EXTENSIONS AND DEVELOPMENT FEES
See PUBLIC SERVICES

BUSINESS ENTERPRISE PROCUREMENT PROGRAM FOR MINORITIES AND WOMEN
Administrative authority
powers and duties Sec. 6-92-4
Certification Sec. 6-92-5
Definitions Sec. 6-92-3
Enforcement Sec. 6-92-10
Findings Sec. 6-92-1
Graduation clause Sec. 6-92-6
Incorporating M/WBE chapter in contracts Sec. 6-92-7
Miscellaneous Sec. 6-92-11
M/WBE goals Sec. 6-92-8
Requirements of bidders and contractors Sec. 6-92-9
Statement of policy Sec. 6-92-2

BUSINESS LICENSES AND REGULATIONS
Amusement businesses generally
advertisements and notices to give price of admission Sec. 6-4-1
minors in poolrooms Sec. 6-4-4
organization operating bingo establishment to file duplicate of annual report of receipts and disbursements with comptroller Sec. 6-4-5
permit required for circus or circus parade Sec. 6-4-2
permit required for street fair or carnival Sec. 6-4-3
shooting galleries
permit Sec. 6-4-6
subject to rules and regulations of police department Sec. 6-4-7
Barbers and barber shops
administration of chapter Sec. 6-8-11
approval of plans and specifications by health department Sec. 6-8-10
barber's health Sec. 6-8-7
barbershops to be kept clean and sanitary Sec. 6-8-5
barber to cleanse hands before serving customers Sec. 6-8-8
cleaning and disinfecting equipment used on barbershop patrons Sec. 6-8-6
definitions Sec. 6-8-1
exemptions from chapter Sec. 6-8-12
health department inspections Sec. 6-8-4
penalty for violation of chapter
continuing violations Sec. 6-8-13
permits Sec. 6-8-2
rules and regulations of health department Sec. 6-8-9
water and/or water closets and equipment requirements for barbershops Sec. 6-8-3
Business enterprise procurement program for minorities and women
administrative authority
powers and duties Sec. 6-92-4
certification Sec. 6-92-5
definitions Sec. 6-92-3
enforcement Sec. 6-92-10
findings Sec. 6-92-1
graduation clause Sec. 6-92-6
incorporating M/WBE chapter in contracts Sec. 6-92-7
miscellaneous Sec. 6-92-11
M/WBE goals Sec. 6-92-8
requirements of bidders and contractors Sec. 6-92-9
statement of policy Sec. 6-92-2
Cable television rate regulation
authority to regulate Sec. 6-12-1
franchising authority Sec. 6-12-2
Certificate of public convenience
limousines, shuttles and other vehicles for hire.
See within this heading, "Limousines, shuttles and other vehicles for hire."
Certificate of public convenience and necessity
taxicabs.
See within this heading, "Taxicabs."
Coin-operated launderettes
approval of plans and specifications by health department Sec. 6-16-5
authority of health department to adopt rules and regulations
interpretation of provisions Sec. 6-16-4
cleanliness of premises Sec. 6-16-14
definitions Sec. 6-16-1
dispensing of food products Sec. 6-16-15
fixtures installation and maintenance Sec. 6-16-11
floors, walls and ceilings Sec. 6-16-9
garbage, rubbish and trash disposal Sec. 6-16-8
health department inspections Sec. 6-16-6

lighting Sec. 6-16-12
permit required
permit fee Sec. 6-16-3
prerequisite to business license Sec. 6-16-3
toilet facilities Sec. 6-16-13
ventilation Sec. 6-16-10
violation
penalty Sec. 6-16-2
water supply and sewage disposal Sec. 6-16-7
Dances and dance halls
dance hall permit
application Sec. 6-20-5
fee
expiration Sec. 6-20-11
inspection before issuance Sec. 6-20-7
posting
nontransferable Sec. 6-20-8
qualifications of applicants Sec. 6-20-6
refusal to issue Sec. 6-20-9
renewal Sec. 6-20-12
required Sec. 6-20-4
revocation
appeals Sec. 6-20-10
notice required Sec. 6-20-10
general provisions
definitions Sec. 6-20-1
hours of operation Sec. 6-20-3
prohibitions Sec. 6-20-2
Drivers and conductors
horse-drawn carriages.
See within this heading, "Horse-drawn carriages."
taxicabs.
See within this heading, "Taxicabs."
Fares
taxicabs.
See within this heading, "Taxicabs."
Fees and permits
limousines, shuttles and other vehicles for hire.
See within this heading, "Limousines, shuttles and other vehicles for hire."
Fiber optic and telecommunications franchises
abandonment of right-of-way Sec. 6-24-15
accounts, records and reports Sec. 6-24-21
additional franchise obligations Sec. 6-24-28
adjoining property owners Sec. 6-24-9
adjustment of utility facilities Sec. 6-24-8
application of other laws Sec. 6-24-4
as-built drawings Sec. 6-24-5
assignment or lease of franchise Sec. 6-24-25
bonds Sec. 6-24-17
city taking part in litigation Sec. 6-24-32
compliance with applicable laws and ordinances Sec. 6-24-30
conflict with other laws Sec. 6-24-29
construction standards Sec. 6-24-6
declaration of authority Sec. 6-24-1
definitions Sec. 6-24-2
emergency or disaster Sec. 6-24-10
existing franchise agreements Sec. 6-24-33
extension of term Sec. 6-24-23
general compensation to the city Sec. 6-24-20
grant of franchise Sec. 6-24-3
indemnification Sec. 6-24-19
insurance requirements Sec. 6-24-18
moving wires Sec. 6-24-11
relocation of the system Sec. 6-24-16
removal of city property Sec. 6-24-13
renewal Sec. 6-24-24
reservation of rights Sec. 6-24-14
revocation and termination Sec. 6-24-27
suspension or revocation of construction permit Sec. 6-24-7
temporary removal of facilities for demolition of buildings Sec. 6-24-12
Tennessee law governs Sec. 6-24-31
term of franchise Sec. 6-24-22
violations and cure provisions Sec. 6-24-26
Fiber optic and telecommunications reseller franchises
abandonment of right-of-way Sec. 6-28-14
accounts, records and reports Sec. 6-28-21
adjoining property owners Sec. 6-28-8
adjustment of utility facilities Sec. 6-28-7
application of other laws Sec. 6-28-4
assignment or lease of franchise Sec. 6-28-25
bonds Sec. 6-28-16
city taking part in litigation Sec. 6-28-33
compliance with applicable laws and ordinances Sec. 6-28-31
conflict with other laws Sec. 6-28-30
construction standards Sec. 6-28-5
declaration of need Sec. 6-28-1
definitions Sec. 6-28-2
emergency or disaster Sec. 6-28-9
extension of term Sec. 6-28-23
general compensation to the city Sec. 6-28-20
grant of franchise Sec. 6-28-3
indemnification Sec. 6-28-18
initial compensation to the city Sec. 6-28-19
insurance requirements Sec. 6-28-17
moving wires Sec. 6-28-10

office location Sec. 6-28-34
preferential or discriminatory practices prohibited Sec. 6-28-29
relocation of the system Sec. 6-28-15
removal of city property Sec. 6-28-12
renewal Sec. 6-28-24
reservation of rights Sec. 6-28-13
revocation and termination Sec. 6-28-27
service standards Sec. 6-28-28
suspension or revocation of construction permit Sec. 6-28-6
telecommunications franchise contract Sec. 6-28-35
temporary removal of facilities for demolition of buildings Sec. 6-28-11
Tennessee law governs Sec. 6-28-32
term of franchise Sec. 6-28-22
violations and cure provisions Sec. 6-28-26
Going out of business sales
application for permit Sec. 6-100-3
application of chapter Sec. 6-100-12
contents of advertising Sec. 6-100-7
definitions Sec. 6-100-1
display of permit
books and records Sec. 6-100-8
issuance of permit
time limit Sec. 6-100-4
permit application fee
renewal fee Sec. 6-100-6
permit renewals Sec. 6-100-5
permit requirement Sec. 6-100-2
rules and regulations Sec. 6-100-9
suspension or revocation of permit Sec. 6-100-10
violations
penalties Sec. 6-100-11
Horse-drawn carriages
care of animals
conditions for horse-drawn carriages for hire Sec. 6-32-43
food, water and exercise Sec. 6-32-46
harnesses for horse-drawn carriages for hire Sec. 6-32-44
litter Sec. 6-32-48
proper care of animals used for horse-drawn carriages for hire Sec. 6-32-42
stalls and stables Sec. 6-32-47
whip Sec. 6-32-45
certification requirements
accident reports Sec. 6-32-15
application for certificate Sec. 6-32-6
assignment or transfer of certificates Sec. 6-32-16
business license Sec. 6-32-10
business to be conducted by certificate holder
agreement with drivers Sec. 6-32-12
certificate issued to owner only Sec. 6-32-8
expiration and renewal of the certificate Sec. 6-32-17
fee Sec. 6-32-9
fines, suspension and revocation of certificates Sec. 6-32-18
horse-drawn carriage stands
use by other vehicles prohibited Sec. 6-32-19
increase in number of carriages after issuance
enlargement of authority Sec. 6-32-13
insurance Sec. 6-32-11
replacement of vehicles Sec. 6-32-14
standards for issuance of certificate Sec. 6-32-7
definitions Sec. 6-32-1
drivers and conductors
applicant to fill out identification questionnaire and be fingerprinted Sec. 6-32-23
application for a carriage driver's training permit Sec. 6-32-22
application for a driver's permit Sec. 6-32-21
consent required for horse-drawn carriage driver to pick up additional passengers Sec. 6-32-35
drivers not to work more than twelve hours out of twenty-four Sec. 6-32-36
drivers of horse-drawn carriages Sec. 6-32-38
expiration and renewal Sec. 6-32-30
fines, suspension and revocation of permit Sec. 6-32-31
form, size, design and contents Sec. 6-32-28
investigation
issuance Sec. 6-32-24
not to issue to certain persons Sec. 6-32-24
notification of arrest or indictment Sec. 6-32-25
notification of company change of driver Sec. 6-32-26
permit fee Sec. 6-32-27
possession of permit Sec. 6-32-29
solicitation of passengers by drivers
drivers to remain in or near carriage Sec. 6-32-37
standards of appearance and conduct of drivers Sec. 6-32-33

total passengers in vehicle
carrying passengers on driver's seat prohibited Sec. 6-32-34
unauthorized use of permit
defacing or removing permit Sec. 6-32-32
vehicle drivers Sec. 6-32-20
powers of director
regulations
certificate required, exceptions Sec. 6-32-5
city treasurer, appeal of decisions Sec. 6-32-3
city treasurer, powers Sec. 6-32-3
duty of vehicle for hire inspectors to enforce chapter Sec. 6-32-4
rules and regulations of the director of police services relative to horse-drawn carriages Sec. 6-32-2
vehicles
carriage safety equipment Sec. 6-32-39
horse-drawn carriage maintenance Sec. 6-32-41
television equipment Sec. 6-32-40
Itinerant vendors and peddlers
definitions Sec. 6-36-1
exemption of certain persons from license requirements Sec. 6-36-3
license issuance
exhibition Sec. 6-36-2
nonapplicability to constitutionally protected activities Sec. 6-36-4
prohibited activities Sec. 6-36-6
prohibited areas for engaging in business Sec. 6-36-5
Junk dealers
business hours Sec. 6-40-3
business to be conducted in enclosed building Sec. 6-40-2
daily report of purchases Sec. 6-40-5
dealing with minors Sec. 6-40-7
dealing with strangers prohibited
duty to give information relative to sellers Sec. 6-40-8
definitions Sec. 6-40-1
record of purchases Sec. 6-40-4
retention period for articles purchased Sec. 6-40-6
Limousines, shuttles and other vehicles for hire
certificate of public convenience
accident reports Sec. 6-44-14
applicant to fill out identification questionnaire and be fingerprinted Sec. 6-44-21
application for a driver's permit Sec. 6-44-20
application for certificate Sec. 6-44-4
assignment or transfer of certificate Sec. 6-44-16
book and accounting records of certificate holder Sec. 6-44-10
business to be conducted by certificate holder agreements with drivers Sec. 6-44-11
certificate issued to owner only Sec. 6-44-7
company requirements Sec. 6-44-3
expiration and renewal of the certificate Sec. 6-44-17
fee Sec. 6-44-8
fines, suspensions and revocation of certificate Sec. 6-44-18
increase in number of vehicles after issuance enlargement of authority Sec. 6-44-12
insurance Sec. 6-44-6
investigation
issuance Sec. 6-44-22
not to issue to certain persons Sec. 6-44-22
manifests Sec. 6-44-15
passenger vehicle for hire services Sec. 6-44-9
replacement of vehicles Sec. 6-44-13
required Sec. 6-44-2
standards for issuance of certificate Sec. 6-44-5
vehicle drivers Sec. 6-44-19
definitions Sec. 6-44-1
director powers and regulations
director of police services
appeal of decisions Sec. 6-44-24
powers Sec. 6-44-24
notification of arrest or indictment Sec. 6-44-25
notification of company change of driver Sec. 6-44-26
rules and regulations of the director of police services relative to limousines Sec. 6-44-23
driver's conduct
conduct of limousine drivers Sec. 6-44-33
drivers not to work more than twelve hours out of twenty-four Sec. 6-44-34
duty of vehicle for hire inspectors to enforce chapter Sec. 6-44-36
in-kind payments of fares Sec. 6-44-37
television equipment Sec. 6-44-35
fees and permits
display of permit Sec. 6-44-29
expiration and renewal Sec. 6-44-30
fines, suspension and revocation of permit Sec. 6-44-31

form, size, design and contents Sec. 6-44-28
permit fee Sec. 6-44-27
unauthorized use of permit
defacing or removing permit Sec. 6-44-32
Local small business development and procurement program
definitions Sec. 6-96-1
exception Sec. 6-96-3
purpose and intent Sec. 6-96-2
Massage parlors, bathhouses and similar businesses
general provisions
application to existing businesses Sec. 6-48-2
definitions Sec. 6-48-1
permits
appeal of denial Sec. 6-48-7
application
contents Sec. 6-48-4
conditions Sec. 6-48-9
fee Sec. 6-48-8
investigation of applicant Sec. 6-48-5
required Sec. 6-48-3
standards applicable to employees of permittee
employee list to be on file with division of police services Sec. 6-48-11
standards for issuance Sec. 6-48-6
term Sec. 6-48-10
regulatory provisions
advertising Sec. 6-48-20
alcoholic beverages prohibited on premises Sec. 6-48-22
clothing regulations Sec. 6-48-17
health regulations Sec. 6-48-16
hours of operation Sec. 6-48-18
inspections required Sec. 6-48-13
keeping of records
identification prior to rendering service Sec. 6-48-14
method of operation Sec. 6-48-19
persons under age eighteen prohibited on premises Sec. 6-48-21
rules and regulations of director of police services Sec. 6-48-12
supervision Sec. 6-48-15
Mechanical amusement devices
general provisions
definitions Sec. 6-52-1
location near playgrounds or schools prohibited
exception Sec. 6-52-4
machines exempt from chapter Sec. 6-52-7
noisy operation Sec. 6-52-5
rules and regulations to enforce chapter Sec. 6-52-6
seal or tag to show ownership Sec. 6-52-2
special requirements for electrical devices Sec. 6-52-3
permit
approval of applications by director of police services
appeals from denials Sec. 6-52-10
filing and contents of application Sec. 6-52-9
list of businesses to be provided quarterly Sec. 6-52-14
numbering
required for each device and location Sec. 6-52-11
posting Sec. 6-52-12
renewal Sec. 6-52-16
required Sec. 6-52-8
suspension or revocation Sec. 6-52-15
transfer prohibited Sec. 6-52-13
Panhandling
accosting persons or obstructing traffic Sec. 6-56-8
definitions Sec. 6-56-2
false or misleading solicitation Sec. 6-56-7
manner of panhandling Sec. 6-56-6
penalties for violation Sec. 6-56-9
permit required Sec. 6-56-3
place of panhandling Sec. 6-56-5
purpose
exclusion Sec. 6-56-1
scope Sec. 6-56-1
time of panhandling Sec. 6-56-4
Pawnbrokers
general provisions
business hours
Sunday business prohibited Sec. 6-60-5
business sign Sec. 6-60-6
certain pledges prohibited Sec. 6-60-8
conducting other business in same building prohibited Sec. 6-60-3
damage to pledged property Sec. 6-60-15
dealing with certain persons prohibited Sec. 6-60-7
forfeiture of pledged property Sec. 6-60-14
interest and service charge Sec. 6-60-13
license required by state law Sec. 6-60-2
memorandum to be given pledgor Sec. 6-60-11
pawnbroker defined Sec. 6-60-1
purchase of property prohibited Sec. 6-60-4
record of pawn transaction Sec. 6-60-10

retention period for pawned articles Sec. 6-60-12
return of stolen property to owner Sec. 6-60-9
information cards for pawned articles
exclusion of certain pawnbrokers Sec. 6-60-23
forms and required information generally Sec. 6-60-18
generally Sec. 6-60-16
information to be on back of all cards Sec. 6-60-19
inspection by police Sec. 6-60-21
pawnbroker to fill in proper types and deliver to police Sec. 6-60-20
transaction fee Sec. 6-60-22
types and colors Sec. 6-60-17
Permit
mechanical amusement devices.
See within this heading, "mechanical amusement devices."
tattoo establishments.
See within this heading, "Permit."
Public solicitation
definitions Sec. 6-64-1
investigation of application
issuance and contents Sec. 6-64-5
permit
denial Sec. 6-64-6
required Sec. 6-64-3
to be carried and exhibited by solicitors Sec. 6-64-7
permit application Sec. 6-64-4
suspension or cancellation Sec. 6-64-8
use of sound trucks restricted Sec. 6-64-2
Purchase information cards
secondhand dealers.
See within this heading, "Secondhand dealers."
Secondhand dealers
general provisions
business hours Sec. 6-68-1
daily report of purchases Sec. 6-68-3
dealing with minors Sec. 6-68-4
retention period for articles purchased Sec. 6-68-2
special provisions relative to secondhand book dealers Sec. 6-68-5
purchase information cards
alternate method of information delivery Sec. 6-68-11
dealer to fill in proper type and deliver to police Sec. 6-68-10
forms and required information generally Sec. 6-68-8
generally Sec. 6-68-6
information to be on back of cards Sec. 6-68-9
transaction fee Sec. 6-68-12
types and colors Sec. 6-68-7
Sexually oriented businesses
additional regulations for adult motels Sec. 6-72-13
additional regulations for adult theaters and adult motion picture theaters Sec. 6-72-12
additional regulations for escort agencies Sec. 6-72-10
additional regulations for nude model studios Sec. 6-72-11
classification Sec. 6-72-3
definitions Sec. 6-72-2
display of sexually explicit material to minors Sec. 6-72-15
enforcement Sec. 6-72-16
exemption from location restrictions Sec. 6-72-9
hearings and appeals Sec. 6-72-6
injunction Sec. 6-72-17
location of sexually oriented businesses Sec. 6-72-8
permit
required Sec. 6-72-4
revocation Sec. 6-72-5
suspension Sec. 6-72-5
purpose and intent Sec. 6-72-1
regulations pertaining to exhibition of sexually explicit films or videos Sec. 6-72-14
transfer of permit Sec. 6-72-7
Tattoo establishments
general provisions
definitions Sec. 6-76-1
inspections Sec. 6-76-8
minors Sec. 6-76-9
penalties Sec. 6-76-12
permit
form and transfer Sec. 6-76-6
inspection prerequisite to issuance Sec. 6-76-3
public display Sec. 6-76-7
required Sec. 6-76-2
term fees Sec. 6-76-5
term renewal Sec. 6-76-5
training in sterilization techniques and methods prerequisite to issuance Sec. 6-76-4
records required Sec. 6-76-10

removal of tattoo Sec. 6-76-11
shop requirements
disposal of waste materials Sec. 6-76-17
floors, walls and ceilings Sec. 6-76-16
instructions to patrons or customers as to care of skin after tattooing Sec. 6-76-21
operating room facilities Sec. 6-76-13
personal cleanliness of tattoo artists
required equipment Sec. 6-76-14
preparation of area to be tattooed Sec. 6-76-18
stencil for transferring design Sec. 6-76-19
sterilizing device required Sec. 6-76-22
storage of tattooing equipment and materials Sec. 6-76-15
tattooing procedures Sec. 6-76-20
Taxicabs
certificate of public convenience and necessity
accident reports Sec. 6-80-19
application for certificate Sec. 6-80-8
assignment or transfer of certificate Sec. 6-80-21
book and accounting records of certificate holder Sec. 6-80-14
business to be conducted by certificate holder
agreements with drivers Sec. 6-80-16
certificate issued to owner only Sec. 6-80-11
expiration and renewal of the certificate Sec. 6-80-22
fee Sec. 6-80-12
fines, suspension and revocation of certificate Sec. 6-80-23
increase in number of vehicles after issuance
enlargement of authority Sec. 6-80-17
insurance Sec. 6-80-10
manifests Sec. 6-80-20
passenger vehicle for hire services Sec. 6-80-13
replacement of vehicles Sec. 6-80-18
required
exceptions Sec. 6-80-7
standards for issuance of certificate Sec. 6-80-9
telephone records Sec. 6-80-15
definitions
definitions Sec. 6-80-1
drivers and conductors
applicant to fill out identification questionnaire and be fingerprinted Sec. 6-80-26
application for a driver's permit Sec. 6-80-25
consent required for a taxicab to pick up additional passengers Sec. 6-80-42
defensive driving school and taxi safety/courtesy course required Sec. 6-80-28
display of permit Sec. 6-80-33
drivers not to work more than twelve hours out of twenty-four Sec. 6-80-43
drug screening Sec. 6-80-39
expiration and renewal Sec. 6-80-34
fee Sec. 6-80-31
fines, suspension and revocation of permit Sec. 6-80-35
form, size, design and contents Sec. 6-80-32
investigation
issuance Sec. 6-80-27
not to issue to certain persons Sec. 6-80-27
notification of arrest or indictment Sec. 6-80-29
notification of company change of driver Sec. 6-80-30
prohibited manner of solicitation Sec. 6-80-37
receipt and discharge of passengers on sidewalk Sec. 6-80-40
solicitation of passengers by drivers
drivers to remain in or near vehicle Sec. 6-80-44
standards of appearance and conduct of drivers Sec. 6-80-38
total passengers in vehicle
carrying passengers in front seat of taxicab Sec. 6-80-41
unauthorized use of permit
defacing or removing permit Sec. 6-80-36
vehicle drivers Sec. 6-80-24
fares
demand of fare in advance
refusal to convey passengers Sec. 6-80-52
in-kind payments of fares Sec. 6-80-55
rates Sec. 6-80-50
rates to be displayed Sec. 6-80-51
receipt for fare Sec. 6-80-54
refusal to pay fare Sec. 6-80-53
powers of director of police services and inspections
appeal of decisions Sec. 6-80-5
duty of vehicle for hire inspectors to enforce chapter Sec. 6-80-6
rules and regulations of the director of police services relative to vehicles for hire Sec. 6-80-4
terminals and routing
approval of terminals Sec. 6-80-2
taxicab stands

use by other vehicles prohibited Sec. 6-80-3
vehicles
equipment and maintenance Sec. 6-80-45
maintenance Sec. 6-80-47
scanners Sec. 6-80-49
taximeters Sec. 6-80-48
television requirement Sec. 6-80-46
Undertakers
approval of plans and specifications for establishments Sec. 6-84-4
establishments to conform to building and plumbing codes Sec. 6-84-5
floors in workrooms Sec. 6-84-7
permit
required
contents Sec. 6-84-2
term Sec. 6-84-2
revocation Sec. 6-84-3
report of homicides and suicides
generally Sec. 6-84-8
in absence of investigation by police Sec. 6-84-9
toilets, urinals and wash basins at establishments Sec. 6-84-6
undertaker defined Sec. 6-84-1
Vehicles
taxicabs.
See within this heading, "Vehicles."
Weights and measures
annual registration fees Sec. 6-104-6
inspection of weights, measures, scales, taximeters and gas dispensers Sec. 6-104-4
inspector not to have conflicting interests Sec. 6-104-3
inspector office created
general duties Sec. 6-104-2
monthly report of fees to director of public services Sec. 6-104-7
registration of commercial devices Sec. 6-104-1
sealing of tested devices Sec. 6-104-5
weights and measures violations Sec. 6-104-8
Wreckers and towing operators
general provisions
accident reports Sec. 6-88-16
billheads and storage charges Sec. 6-88-9
city employees not to solicit for or recommend operators Sec. 6-88-17
classifications Sec. 6-88-4
identification of wreckers Sec. 6-88-5
rules and regulations of director of police services Sec. 6-88-18
service and storage charges prescribed Sec. 6-88-6
soliciting repair business at scene of accident Sec. 6-88-14
where towed vehicles to be taken Sec. 6-88-11
wrecker or towing operator defined Sec. 6-88-2
license
application Sec. 6-88-28
expiration and renewal Sec. 6-88-35
false statements Sec. 6-88-27
fee Sec. 6-88-35
insurance required of applicant Sec. 6-88-30
investigation of applicant
creation of zones Sec. 6-88-29
license sticker Sec. 6-88-34
suspension or revocation Sec. 6-88-51

—C—

CABLE TELEVISION PROGRAM ADVISORY COUNCIL
Authority to submit proposed rules and regulations actions deemed advisory Sec. 2-62-5
Duty to make recommendations on the programming for, and the coordination of, educational, governmental and local originated channels Sec. 2-62-2
Established
appointment and terms of office of members Sec. 2-62-1
composition Sec. 2-62-1
Objectives of council when making recommendations Sec. 2-62-3
Who may submit proposals to council for recommendations
independent submission of findings and recommendations by council Sec. 2-62-4

CABLE TELEVISION RATE REGULATION
Authority to regulate Sec. 6-12-1
Franchising authority Sec. 6-12-2

CENTER CITY COMMISSION
Acquisition of vacant properties within center city area Sec. 2-84-9
Annual reports Sec. 2-84-11
Appointment of commission as mall management agency and district management corporation Sec. 2-84-4

Assistance and cooperation from city and county departments, commissions or authorities Sec. 2-84-12
Created
established Sec. 2-84-2
Definitions Sec. 2-84-1
Enforcement
injunction or other relief Sec. 2-84-13
Expenses
annual budget Sec. 2-84-10
Meetings
quorum Sec. 2-84-6
records Sec. 2-84-6
Membership
terms and compensation Sec. 2-84-5
Powers and functions Sec. 2-84-7
Purpose Sec. 2-84-3
Slum clearance and redevelopment Sec. 2-84-8
Transition provisions Sec. 2-84-14

CHARTER COMMISSION
Election procedure Sec. 2-11-1
Qualifications of candidates Sec. 2-11-2

CIGARETTE TAX
Revenue and finance
See REVENUE AND FINANCE

CITIZENS' LAW ENFORCEMENT REVIEW BOARD
Cases to be reviewed by the board Sec. 2-52-9
Citizens' law enforcement board hearing process Sec. 2-52-7
Compensation Sec. 2-52-2
Disposition of cases Sec. 2-52-10
Duties of the chairperson Sec. 2-52-8
Establishment Sec. 2-52-1
Investigation and disposition of complaints Sec. 2-52-6
Oath of office Sec. 2-52-3
Public information, periodic reports and analysis Sec. 2-52-11
Purpose, powers and duties Sec. 2-52-4
Rules and regulations Sec. 2-52-5

CITY ATTORNEY
Attendance at council or committee meetings Sec. 2-8-6
Claim agent in attorney's office Sec. 2-8-7
Drafting of deeds and contracts Sec. 2-8-4
Drafting of ordinances Sec. 2-8-5
Duty to advise officers
written opinions Sec. 2-8-2
Duty to prosecute or defend suits Sec. 2-8-3
Qualifications Sec. 2-8-1

CITY BEAUTIFUL COMMISSION
Appointment and terms of members Sec. 2-70-2
Appointment of executive coordinator Sec. 2-70-5
Control Sec. 2-70-6
Created
composition Sec. 2-70-1
qualifications of members Sec. 2-70-1
Designation of chairperson Sec. 2-70-4
General powers and duties Sec. 2-70-7
Members to serve without pay Sec. 2-70-3
Reports Sec. 2-70-8

CITY COUNCIL
Council meeting dates
time Sec. 2-2-2
Place for meetings of city council Sec. 2-2-1

CITY COURT
Assignment and disposition of cases involving summonses and citations barred by statute of limitations Sec. 2-12-2
Authority to suspend sentence, place defendant on probation and specify time when sentence is to be served Sec. 2-12-7
Contempt powers
environmental matters Sec. 2-12-14
Court fees Sec. 2-12-9
Daily docket
inventory control Sec. 2-12-1
Failure to appear in court
warrant Sec. 2-12-11
Garnishment, execution, fees and costs Sec. 2-12-13
Holidays designated Sec. 2-12-6
Method of payment of fines Sec. 2-12-10
Place of sessions Sec. 2-12-5
Time of sessions Sec. 2-12-4
Traffic violations bureau ratified
supervision thereof Sec. 2-12-8
Transfer of cases Sec. 2-12-3
Warrant issued for court appearance for nonpayment Sec. 2-12-12

CITY EMPLOYEE OCCUPATIONAL SAFETY AND HEALTH PROGRAM
Administration Sec. 3-16-14

Compliance with city or state regulations not to excuse compliance with the other Sec. 3-16-15
Confidentiality of privileged information Sec. 3-16-18
Coverage Sec. 3-16-5
Created Sec. 3-16-2
Definitions Sec. 3-16-4
Education and training Sec. 3-16-16
Employee's rights and duties Sec. 3-16-7
Employer's rights and duties Sec. 3-16-6
Imminent danger procedures Sec. 3-16-17
Inspection Sec. 3-16-10
Notice of unsafe or unhealthy conditions
hearings Sec. 3-16-11
Penalties Sec. 3-16-12
Purpose Sec. 3-16-3
Recordkeeping and reporting Sec. 3-16-13
Standards authorized Sec. 3-16-8
Title Sec. 3-16-1
Variances from standards authorized Sec. 3-16-9

CITY OFFICERS GENERALLY
Bonds
approval and filing Sec. 2-4-2
conditions and amount Sec. 2-4-1
required Sec. 2-4-1
Conflict of interest of officers and employees Sec. 2-4-12
Contracting unauthorized accounts Sec. 2-4-8
Delivery of city property to successors Sec. 2-4-9
Duty to attend council meetings Sec. 2-4-4
Inspection of books and papers Sec. 2-4-10
Leaves of absence Sec. 2-4-5
Money to be paid to treasurer daily Sec. 2-4-6
Oath of office Sec. 2-4-3
Suspension or removal generally Sec. 2-4-7
Unauthorized use of city property Sec. 2-4-11

CITY PERSONAL PROPERTY MANAGEMENT
Condemnation Sec. 2-18-1
Duty of purchasing agent to sell Sec. 2-18-2
Prospectus of property to be sold
advertising sale Sec. 2-18-3
Report of sale Sec. 2-18-5
Sale to be for cash
exceptions Sec. 2-18-4
Trading property in on new purchase Sec. 2-18-6
Unlawful disposition of property
violations of chapter Sec. 2-18-7

CITY REAL PROPERTY MANAGEMENT
Sale generally Sec. 2-16-1

CIVIL EMERGENCIES
See HEALTH AND SAFETY

CIVIL SERVICE
Classification of officers and positions Sec. 3-8-2
Disciplinary actions Sec. 3-8-7
Division of personnel established
director Sec. 3-8-1
Examinations for applicants for employment Sec. 3-8-4
Hearings
conduct Sec. 3-8-10
generally Sec. 3-8-9
Miscellaneous offenses in connection with civil service Sec. 3-8-5
No discrimination in city employment Sec. 3-8-6
Personnel records Sec. 3-8-3
Rights generally Sec. 3-8-8

CIVIL SERVICE COMMISSION
Appointment of members Sec. 3-12-2
Compensation Sec. 3-12-4
Composition Sec. 3-12-1
Oath of commissioners Sec. 3-12-3
Powers and duties of commissioners Sec. 3-12-6
Removal of commissioners Sec. 3-12-5
Secretary Sec. 3-12-7

CODE, GENERAL PROVISIONS
City block map Sec. 1-20-1
City seal and city flag
city flag or banner Sec. 1-8-3
city seal, design Sec. 1-8-1
seal to be impressed or imprinted on official instruments Sec. 1-8-2
Elections
interfering with elections Sec. 1-16-2
official voting machine Sec. 1-16-1
General penalty
continuing violations Sec. 1-24-1
workhouse generally Sec. 1-24-2
General provisions
catchlines of sections Sec. 1-4-3
code as evidence Sec. 1-4-4
definitions and rules of construction Sec. 1-4-2
how code designated and cited Sec. 1-4-1
ordinances not affected by adoption of code Sec. 1-4-6

severability of parts of code Sec. 1-4-5
Ward boundaries
wards established and described Sec. 1-12-1

CODE OF ETHICS FOR CITY OFFICIALS
Acceptance of gratuities, etc Sec. 2-10-5
Applicability Sec. 2-10-1
Board of ethics of the city Sec. 2-10-10
Chief ethics officer Sec. 2-10-11
Effective date Sec. 2-10-14
Outside employment Sec. 2-10-9
Penalties for violation Sec. 2-10-13
Personal interest
defined Sec. 2-10-2
disclosure by officer with vote Sec. 2-10-3
disclosure in nonvoting matters Sec. 2-10-4
Recusal
of chief ethics officer Sec. 2-10-12
of members of the board of ethics Sec. 2-10-12
Use of city time, facilities, etc. Sec. 2-10-7
Use of information Sec. 2-10-6
Use of position or authority Sec. 2-10-8

COIN-OPERATED LAUNDERETTES
Approval of plans and specifications by health department Sec. 6-16-5
Authority of health department to adopt rules and regulations
interpretation of provisions Sec. 6-16-4
Cleanliness of premises Sec. 6-16-14
Definitions Sec. 6-16-1
Dispensing of food products Sec. 6-16-15
Fixtures installation and maintenance Sec. 6-16-11
Floors, walls and ceilings Sec. 6-16-9
Garbage, rubbish and trash disposal Sec. 6-16-8
Health department inspections Sec. 6-16-6
Lighting Sec. 6-16-12
Permit required
permit fee Sec. 6-16-3
prerequisite to business license Sec. 6-16-3
Toilet facilities Sec. 6-16-13
Ventilation Sec. 6-16-10
Violation
penalty Sec. 6-16-2
Water supply and sewage disposal Sec. 6-16-7

COMMERCIAL DISTRICTS
Zoning
CBD central business district Sec. 16-84-4
C-H highway commercial district Sec. 16-84-3
C-L local commercial district Sec. 16-84-2
C-N neighborhood commercial district Sec. 16-84-5
C-P planned commercial district Sec. 16-84-1

COMMUNITY REDEVELOPMENT AGENCY BOARD
Composition, terms, vacancies and compensation Sec. 2-42-2
Created Sec. 2-42-1
Meetings
chairperson Sec. 2-42-4
secretary Sec. 2-42-4
Powers and duties Sec. 2-42-5
Purpose Sec. 2-42-3
Report to office of planning and development Sec. 2-42-7
Rules and regulations Sec. 2-42-6

COMMUNITY SERVICE OFFICERS
Arrests generally Sec. 2-34-10
Commander of security services Sec. 2-34-4
Complaints against officers and aides or unit Sec. 2-34-9
Definitions Sec. 2-34-1
Designation
employee status Sec. 2-34-2
membership Sec. 2-34-2
Disposition of property of persons arrested Sec. 2-34-11
Duty to enforce code of ordinances Sec. 2-34-8
Purpose Sec. 2-34-3
Rules and regulations for conduct of the unit Sec. 2-34-7
Salaries Sec. 2-34-5
Unauthorized citizens impersonating officer Sec. 2-34-12

Uniforms and equipment furnished by city
Sec. 2-34-6

COMPREHENSIVE PLAN AND PROCEDURE
Zoning
authority Sec. 16-16-1
effect Sec. 16-16-3
procedure for development, adoption and amendment Sec. 16-16-4
purpose and definition Sec. 16-16-2

CONSTRUCTION CODE ENFORCEMENT AND FIRE PREVENTION SPECIAL OFFICERS
Authority of special police officers retained Sec. 2-36-6
Definitions Sec. 2-36-1
Designation of building and fire services division employees as special police officers Sec. 2-36-2
Failure to comply with citation tickets Sec. 2-36-5
Scope of authority Sec. 2-36-3
Unlawful not to appear as promised Sec. 2-36-4

—D—

DANCES AND DANCE HALLS
Dance hall permit
application Sec. 6-20-5
fee
expiration Sec. 6-20-11
inspection before issuance Sec. 6-20-7
posting
nontransferable Sec. 6-20-8
qualifications of applicants Sec. 6-20-6
refusal to issue Sec. 6-20-9
renewal Sec. 6-20-12
required Sec. 6-20-4
revocation
appeals Sec. 6-20-10
notice required Sec. 6-20-10
General provisions
definitions Sec. 6-20-1
hours of operation Sec. 6-20-3
prohibitions Sec. 6-20-2

DANGEROUS AND VICIOUS ANIMALS
See ANIMALS

DELINQUENT TAX COLLECTION
See REVENUE AND FINANCE

DIVISION OF ENGINEERING
Asphaltic binder paving of streets constructed as part of standard improvement contracts
costs Sec. 2-22-8
City construction contracts Sec. 2-22-3
Created
city engineer Sec. 2-22-1
control Sec. 2-22-1
Engineering administration fees Sec. 2-22-7
Miscellaneous duties Sec. 2-22-6
Preparation of plans, specifications and estimates of construction projects Sec. 2-22-2
Reports to director of public works Sec. 2-22-5
Surveying and engineering services
review of plans for compliance
Establishment of official grades Sec. 2-22-4

DIVISION OF FIRE SERVICES
Copies of emergency unit incident reports of ambulance trips
fees Sec. 2-24-17
Copies of fire marshal's reports of fires
fees Sec. 2-24-14
Destroying buildings to arrest fires Sec. 2-24-12
Destroying or damaging property generally Sec. 2-24-11
Detailing firefighters to places of public amusement Sec. 2-24-5
Duty of members to report fire hazards Sec. 2-24-4
Established
director Sec. 2-24-1
transfer of bureaus, departments, funds Sec. 2-24-1
False fire alarms generally Sec. 2-24-10
Fees for use of fire services division equipment Sec. 2-24-20
Interfering or tampering with alarm boxes and telephones Sec. 2-24-9
Members not to race to or from fires
apparatus to proceed in single file Sec. 2-24-6
Members to obey orders and preserve equipment Sec. 2-24-2
Payment of fee Sec. 2-24-16, Sec. 2-24-19
Responsibility of drivers for damage to equipment Sec. 2-24-8
Review of emergency unit incident reports
fees Sec. 2-24-18
Review of fire marshal's reports
fee Sec. 2-24-15
Riding on division apparatus Sec. 2-24-7
Right of entry Sec. 2-24-3
Rules and regulations Sec. 2-24-13

DIVISION OF PARK SERVICES
Acquisition of park lands Sec. 2-26-3
Created and established Sec. 2-26-1
Establishment of control of parkways and boulevards Sec. 2-26-4
Improvement of parks and other facilities Sec. 2-26-2

DIVISION OF POLICE SERVICES
Appointment, general powers and duties of director Sec. 2-28-3
Appointment of other officers and employees of division Sec. 2-28-4
Arrests generally Sec. 2-28-10
Complaints against officers and patrol officers Sec. 2-28-9
Composition of division Sec. 2-28-2
Disposition of property of persons arrested Sec. 2-28-11
Duty to enforce code of ordinances Sec. 2-28-8
Established
director Sec. 2-28-1
transfer of bureaus, departments, funds Sec. 2-28-1
Impersonating police officer Sec. 2-28-13
Interference with police alarm boxes or signal system Sec. 2-28-15
Knife and gunshot wounds to be reported to police Sec. 2-28-16
Offenses against police officers Sec. 2-28-14
Rules and regulations for conduct of department Sec. 2-28-7
Salaries Sec. 2-28-5
Treatment of prisoners Sec. 2-28-12
Uniforms and equipment furnished by city Sec. 2-28-6

DOGS AND CATS
See ANIMALS

—E—

ELEVATORS, DUMBWAITERS, ESCALATORS AND AMUSEMENT DEVICES
Buildings and construction
See BUILDINGS AND CONSTRUCTION

EMERGENCY MANAGEMENT AGENCY
Assigned to division of public service
emergency management expenses Sec. 2-58-1
Chapter not to conflict with state or federal statute or military orders Sec. 2-58-12
City not liable for damages resulting from activities under chapter Sec. 2-58-11
Declaration of existence of emergency Sec. 2-58-6
Emergency orders, rules and regulations supersede other orders Sec. 2-58-7
General powers and duties of director Sec. 2-58-3
Impersonating emergency management personnel Sec. 2-58-9
Interfering with enforcement of or violating emergency rules and regulations Sec. 2-58-8
Joint city-county operations Sec. 2-58-5
Office of director created
appointment and term Sec. 2-58-2
Operational organization Sec. 2-58-4
Unauthorized siren sounding Sec. 2-58-10

—F—

FAIR HOUSING
Annual report Sec. 10-36-9
Definitions Sec. 10-36-3
Enforcement Sec. 10-36-6
Exemptions from housing provisions Sec. 10-36-4
Notice of violation Sec. 10-36-8
Penalties for violation Sec. 10-36-7
Purpose Sec. 10-36-2
Title Sec. 10-36-1
Unlawful housing practices Sec. 10-36-5

FIBER OPTIC AND TELECOMMUNICATIONS FRANCHISES
Abandonment of right-of-way Sec. 6-24-15
Accounts, records and reports Sec. 6-24-21

Additional franchise obligations Sec. 6-24-28
Adjoining property owners Sec. 6-24-9
Adjustment of utility facilities Sec. 6-24-8
Application of other laws Sec. 6-24-4
As-built drawings Sec. 6-24-5
Assignment or lease of franchise Sec. 6-24-25
Bonds Sec. 6-24-17
City taking part in litigation Sec. 6-24-32
Compliance with applicable laws and ordinances Sec. 6-24-30
Conflict with other laws Sec. 6-24-29
Construction standards Sec. 6-24-6
Declaration of authority Sec. 6-24-1
Definitions Sec. 6-24-2
Emergency or disaster Sec. 6-24-10
Existing franchise agreements Sec. 6-24-33
Extension of term Sec. 6-24-23
General compensation to the city Sec. 6-24-20
Grant of franchise Sec. 6-24-3
Indemnification Sec. 6-24-19
Insurance requirements Sec. 6-24-18
Moving wires Sec. 6-24-11
Relocation of the system Sec. 6-24-16
Removal of city property Sec. 6-24-13
Renewal Sec. 6-24-24
Reservation of rights Sec. 6-24-14
Revocation and termination Sec. 6-24-27
Suspension or revocation of construction permit Sec. 6-24-7
Temporary removal of facilities for demolition of buildings Sec. 6-24-12
Tennessee law governs Sec. 6-24-31
Term of franchise Sec. 6-24-22
Violations and cure provisions Sec. 6-24-26

FIBER OPTIC AND TELECOMMUNICATIONS RESELLER FRANCHISES
Abandonment of right-of-way Sec. 6-28-14
Accounts, records and reports Sec. 6-28-21
Adjoining property owners Sec. 6-28-8
Adjustment of utility facilities Sec. 6-28-7
Application of other laws Sec. 6-28-4
Assignment or lease of franchise Sec. 6-28-25
Bonds Sec. 6-28-16
City taking part in litigation Sec. 6-28-33
Compliance with applicable laws and ordinances Sec. 6-28-31
Conflict with other laws Sec. 6-28-30
Construction standards Sec. 6-28-5
Declaration of need Sec. 6-28-1
Definitions Sec. 6-28-2
Emergency or disaster Sec. 6-28-9
Extension of term Sec. 6-28-23
General compensation to the city Sec. 6-28-20
Grant of franchise Sec. 6-28-3
Indemnification Sec. 6-28-18
Initial compensation to the city Sec. 6-28-19
Insurance requirements Sec. 6-28-17
Moving wires Sec. 6-28-10
Office location Sec. 6-28-34
Preferential or discriminatory practices prohibited Sec. 6-28-29
Relocation of the system Sec. 6-28-15
Removal of city property Sec. 6-28-12
Renewal Sec. 6-28-24
Reservation of rights Sec. 6-28-13
Revocation and termination Sec. 6-28-27
Service standards Sec. 6-28-28
Suspension or revocation of construction permit Sec. 6-28-6
Telecommunications franchise contract Sec. 6-28-35
Temporary removal of facilities for demolition of buildings Sec. 6-28-11
Tennessee law governs Sec. 6-28-32
Term of franchise Sec. 6-28-22
Violations and cure provisions Sec. 6-28-26

FISCAL PROVISIONS
See REVENUE AND FINANCE

FOOD ESTABLISHMENTS
Health and safety
See HEALTH AND SAFETY

—G—

GARBAGE COLLECTION AND DISPOSAL
See HEALTH AND SAFETY

GOING OUT OF BUSINESS SALES
Application for permit Sec. 6-100-3
Application of chapter Sec. 6-100-12
Contents of advertising Sec. 6-100-7
Definitions Sec. 6-100-1
Display of permit
Books and records Sec. 6-100-8
Issuance of permit
time limit Sec. 6-100-4
Permit application fee
renewal fee Sec. 6-100-6
Permit renewals Sec. 6-100-5

Permit requirement Sec. 6-100-2
Rules and regulations Sec. 6-100-9
Suspension or revocation of permit Sec. 6-100-10
Violations
penalties Sec. 6-100-11

GRAFFITI VANDALISM
Anti-graffiti trust fund 10-10-10
Definitions 10-10-1
Graffiti prohibited 10-10-2
Graffiti removal 10-10-9
Parental civil liability 10-10-8
Penalty 10-10-7
Possession of graffiti implements
by minors 10-10-3
in public places 10-10-4
Responsibilities of commercial establishments; signage required 10-10-6
Sale of graffiti implements to minors 10-10-5

GROUNDWATER QUALITY CONTROL BOARD OF ADJUSTMENT
Composition
appointment
terms of office
compensation Sec. 2-46-2
meetings Sec. 2-46-2
quorum required Sec. 2-46-2
vacancies Sec. 2-46-2
Created
purposes Sec. 2-46-1
Definitions Sec. 2-46-3
Duties, authorities and appeals Sec. 2-46-4
Memphis-Shelby County health department duties Sec. 2-46-5
Municipal properties Sec. 2-46-7
State board to supersede Sec. 2-46-6

—H—

HEALTH AND SAFETY
Air pollution control
air pollution control board
appeals Sec. 9-12-12
created Sec. 9-12-12
hearing Sec. 9-12-12
jurisdiction Sec. 9-12-12
membership Sec. 9-12-12
terms of office Sec. 9-12-12
enforcement
emergency episode plan Sec. 9-12-10
emergency powers of health officer Sec. 9-12-9
notice
citation Sec. 9-12-6
injunctive relief Sec. 9-12-6
penalties for noncompliance Sec. 9-12-7
right of entry Sec. 9-12-11
variances Sec. 9-12-8
general provisions
ambient air quality standards Sec. 9-12-3
definitions Sec. 9-12-1
good engineering practice stack height regulations Sec. 9-12-5
open burning Sec. 9-12-4
words and phrases substituted in state regulations adopted by reference Sec. 9-12-2
permits and inspection fees
allowable uses for emissions fee Sec. 9-12-38
annual review of fee structure and financial need Sec. 9-12-43
applicability and enforcement authority Sec. 9-12-34
emissions fee for stationary sources Sec. 9-12-36
payment of fees Sec. 9-12-37
penalty provisions Sec. 9-12-42
permit fee schedule Sec. 9-12-35
reporting requirement Sec. 9-12-39
small business waiver Sec. 9-12-40
surplus funds carry forward Sec. 9-12-41
source emission standards
acid precipitation standard Sec. 9-12-30
case by case determinations of hazardous air pollutant control requirements Sec. 9-12-31
conformity Sec. 9-12-33
construction and operating permits Sec. 9-12-14
emission standards for existing hospital/medical/infectious waste incinerators (HMIWI) Sec. 9-12-21.5
fugitive dust Sec. 9-12-26
general alternative emission standards Sec. 9-12-27
hazardous air contaminants Sec. 9-12-18
infectious waste incinerators Sec. 9-12-29
lead emission standards Sec. 9-12-28
malfunctions, startups and shutdowns Sec. 9-12-24
new source performance standards Sec. 9-12-13

nonprocess emission standards Sec. 9-12-16
nuisance abatement Sec. 9-12-25
particulate matter from incinerators
Sec. 9-12-21
prevention of accidental releases Sec. 9-12-32
process emission standards Sec. 9-12-15
sulfur oxide emissions Sec. 9-12-19
testing and monitoring air contaminant sources
Sec. 9-12-22
test methods Sec. 9-12-23
visible emissions Sec. 9-12-20
volatile organic compounds Sec. 9-12-17

Alarm systems
alarm business not licensed by state
alarm agent Sec. 9-16-9
alarm system standards Sec. 9-16-6
designated qualifying agents Sec. 9-16-10
licensing procedures and qualifications Sec. 9-16-7
qualification and standards for monitoring stations or central stations Sec. 9-16-8
violations and hearing Sec. 9-16-11
city and county administration
appeal Sec. 9-16-12
general rules and regulations Sec. 9-16-12
loss or suspension Sec. 9-16-12
reinstatement Sec. 9-16-12
enforcement
exceptions Sec. 9-16-14
malicious false alarm declared violation and city misdemeanor Sec. 9-16-13
penalties for violation Sec. 9-16-15
false alarms
appeals Sec. 9-16-5
dispatch records Sec. 9-16-5
fines Sec. 9-16-5
general provisions
purpose and definitions Sec. 9-16-1
system types Sec. 9-16-2
individual users/operators
alarm user permits
responsibilities Sec. 9-16-3
contents confidential Sec. 9-16-4
Ambulances
city's emergency service
established Sec. 9-20-8
false alarms or calls Sec. 9-20-11
fees Sec. 9-20-10
operation and control by fire services division Sec. 9-20-9
rules and regulations Sec. 9-20-12
general provisions
age of drivers
driver's license Sec. 9-20-4
attendants to have first aid certificate Sec. 9-20-3
display of red light on vehicle Sec. 9-20-5
driver and attendant to be available Sec. 9-20-2
financial responsibility of owners and operators Sec. 9-20-1
notice to police of accident calls Sec. 9-20-7
vehicle to be equipped with oxygen, splints and sandbags Sec. 9-20-6
Business buildings and multifamily dwellings
rat control.
See within this heading, "Rat control."
Citations for health and sanitation violations
authority of special employee officers retained Sec. 9-100-6
definitions Sec. 9-100-1
designation of health and sanitation personnel as special employee officers Sec. 9-100-2
failure of offender to appear for trial Sec. 9-100-5
failure to sign citation ticket Sec. 9-100-4
scope of authority Sec. 9-100-3
City's emergency service
ambulances.
See within this heading, "Ambulances."
Civil emergencies
definitions Sec. 9-24-1
general curfew
duration Sec. 9-24-3
immunity to city and indemnification in use of procurements Sec. 9-24-8
inability or absence of mayor
substitute officer designated Sec. 9-24-5
persons not bound by curfew Sec. 9-24-6
powers of mayor Sec. 9-24-4
procurements made during civil emergency Sec. 9-24-7
violations
penalties Sec. 9-24-9
written declaration by mayor Sec. 9-24-2
Containers
garbage collection and disposal.
See within this heading, "Garbage collection and disposal."
Day care centers
age limit Sec. 9-28-6
approval generally Sec. 9-28-3
conditions to approval Sec. 9-28-4
definitions Sec. 9-28-1
first-story operation required
prohibited equipment Sec. 9-28-5
penalties for violations Sec. 9-28-8
registration Sec. 9-28-2
toilet facilities Sec. 9-28-7
Emergency energy curtailment plan
authority to act when mayor disabled or absent Sec. 9-32-5
conclusion of emergency
proclamation by mayor Sec. 9-32-6
definitions Sec. 9-32-1
energy curtailment measures Sec. 9-32-3

exceptions Sec. 9-32-4
notice of energy emergency
proclamation by mayor of energy emergency Sec. 9-32-2
violations
penalties Sec. 9-32-7
Fire hydrants
installation generally Sec. 9-48-1
roadway accessibility Sec. 9-48-2
Fire prevention code adopted
amendments Sec. 9-36-4
definitions Sec. 9-36-2
penalty for violations Sec. 9-36-3
standard fire prevention code adopted Sec. 9-36-1
Fire prevention inspections, charges and permits
definitions Sec. 9-40-1
fees, charges and permits established Sec. 9-40-2
fee schedules
payable to fire prevention bureau Sec. 9-40-4
fees deposited in anti-neglect administrative fund Sec. 9-40-3
penalties Sec. 9-40-5
Fish pools, pools and lakes
mosquito control.
See within this heading, "Mosquito control."
Food establishments
general provisions
approval of plans for construction and alteration of food service establishment Sec. 9-52-2
collection and analysis of food samples Sec. 9-52-12
definitions Sec. 9-52-1
enforcement of chapter
rules and regulations of health department Sec. 9-52-22
food processors and distributors outside county Sec. 9-52-10
frozen desserts
mobile vendors Sec. 9-52-19
permits to sell, produce and distribute Sec. 9-52-17
transferring and dispensing Sec. 9-52-18
interpretation of chapter
policies and standards of health officer Sec. 9-52-21
manufacturing, mixing or reconstituting prohibited at food establishments Sec. 9-52-16
mobile coffee/cappuccino bars Sec. 9-52-23
periodic inspections Sec. 9-52-8
permit
application Sec. 9-52-4
display, not transferable Sec. 9-52-6
issuance Sec. 9-52-5
revocation or suspension Sec. 9-52-7
permit to manufacture, sell or distribute food generally
required Sec. 9-52-3
production or sale of adulterated or misbranded food prohibited Sec. 9-52-13
report of unwholesome food Sec. 9-52-14
right of entry into food establishments
interfering with health department personnel Sec. 9-52-20
sale of food or drinks on streets or from vehicles, vacant lots or temporary stands prohibited, except as authorized Sec. 9-52-9
temporary food service establishments Sec. 9-52-11
transporting bakery foods Sec. 9-52-15
general sanitary requirements
application of article Sec. 9-52-24
basements Sec. 9-52-51
birds and animals prohibited, exception Sec. 9-52-46
cleanliness of employees Sec. 9-52-25
coffee creamers and refrigerated cream dispensers Sec. 9-52-56
common drinking cups Sec. 9-52-43
disinfecting and sanitizing facilities
dishes and utensils Sec. 9-52-38
display, storage and service of food generally Sec. 9-52-54
doors and screens Sec. 9-52-30
dressing rooms and lockers Sec. 9-52-52
floors, walls and ceilings Sec. 9-52-29
general requirements as to food Sec. 9-52-27
hand-washing facilities Sec. 9-52-50
health of employees Sec. 9-52-26
lighting Sec. 9-52-32
maintenance of fixtures Sec. 9-52-34
maintenance of premises Sec. 9-52-28
milk or food in bottles Sec. 9-52-41
paper vessels and straws Sec. 9-52-39
presetting of tables Sec. 9-52-57
refrigerators, iceboxes, cold storage rooms and air conditioners Sec. 9-52-35
sanitary design, construction and installation of equipment and utensils Sec. 9-52-37

separation of unrelated activities generally Sec. 9-52-47
shelf or counter coverings Sec. 9-52-44
sleeping quarters
accumulation of unnecessary articles Sec. 9-52-48
storage and disposal of garbage and rubbish Sec. 9-52-45
storage of potentially hazardous food Sec. 9-52-55
storage of soiled linens, coats and aprons Sec. 9-52-53
stoves, ranges and hoods Sec. 9-52-40
toilet facilities Sec. 9-52-49
transportation of food to or from food establishments Sec. 9-52-58
use and storage of poisonous and toxic materials Sec. 9-52-59
utensils and equipment generally Sec. 9-52-36
ventilation Sec. 9-52-33
water supply, sewage disposal and plumbing Sec. 9-52-31
wrapping foods Sec. 9-52-42
meat and meat products
dyes and preservatives in meat and meat products Sec. 9-52-80
enforcement of article Sec. 9-52-83
offenses in connection with inspection marks and stamps Sec. 9-52-77
purpose and construction of article Sec. 9-52-75
regulations of health officer Sec. 9-52-82
report of unfit meat and meat products Sec. 9-52-79
sale of unfit meat and meat products Sec. 9-52-78
sale of uninspected meat and meat products Sec. 9-52-76
transportation Sec. 9-52-81
requirements for specific types of establishments and hucksters
application of article Sec. 9-52-60
candy counters Sec. 9-52-64
caterers generally Sec. 9-52-66
coffee bars Sec. 9-52-74
farmer's market Sec. 9-52-73
food processing plant Sec. 9-52-65
grocery stores
facilities for cleaning in connection with sale of ice drinks Sec. 9-52-63
generally Sec. 9-52-62
hucksters
generally Sec. 9-52-70
operating on public property Sec. 9-52-71
industrial caterers Sec. 9-52-67
lounges and bars Sec. 9-52-61
open air cafe Sec. 9-52-69
pedestrian vendors Sec. 9-52-72
salvage foods establishment Sec. 9-52-68
Garbage collection and disposal
containers
disposal fees
billing of solid waste disposal fee Sec. 9-56-14
charges for loss or damage of carts Sec. 9-56-15
classification of commercial business for collection services Sec. 9-56-12
collection services subject to health department regulations Sec. 9-56-22
container provided Sec. 9-56-7
hours during which carts may be placed outside property lines, extension Sec. 9-56-23
interference with containers Sec. 9-56-19
leaves, grass, trimmings, trees and paper Sec. 9-56-10
littering prohibited Sec. 9-56-21
location of containers, safe premises for collection Sec. 9-56-8
nurserymen, duty to remove refuse Sec. 9-56-17
place for disposal of waste materials Sec. 9-56-20
responsibility for collection charges Sec. 9-56-16
responsibility for removal of building debris and restrictions for waste at commercial sites Sec. 9-56-18
sanitary landfills, other places of disposal and disposal fees Sec. 9-56-9
solid waste fees for collection and disposal Sec. 9-56-11
special collection services Sec. 9-56-13
enforcement
definitions Sec. 9-56-41
limitation on action for violations
service of summons Sec. 9-56-45
when action deemed commenced Sec. 9-56-45
official to designate special officer Sec. 9-56-42
procedure applicable to citations/summonses Sec. 9-56-44
when citations/summonses deemed lawful complaints for prosecution Sec. 9-56-43

general provisions division 1 public works division
collection and disposal of industrial waste, pathogenic and radioactive waste and salvageable materials for reclamation Sec. 9-56-6
definitions Sec. 9-56-1
established
director Sec. 9-56-2
exclusive collection Sec. 9-56-3
jurisdiction of director Sec. 9-56-4
rules and regulations to implement article Sec. 9-56-5
personal property, disposal
removal by city Sec. 9-56-33
responsibility, landlord or property owner Sec. 9-56-30
right-of-ways Sec. 9-56-31
violations Sec. 9-56-32
private collection, fees
dumpster regulations Sec. 9-56-26
location permits Sec. 9-56-27
nuisances prohibited, compliance with article required Sec. 9-56-28
private collection authorized and regulated Sec. 9-56-24
private collection permits Sec. 9-56-25
solid waste disposal fund Sec. 9-56-29
General sanitary requirements
food establishments.
See within this heading, "Food establishments."
Health and safety regulations generally
adoption of state regulations relative to communicable diseases Sec. 9-8-1
assistance of police in enforcing health laws Sec. 9-8-23
birth and death certificates Sec. 9-8-7
burials in unauthorized places Sec. 9-8-8
cleanliness and ventilation of places of public assemblage Sec. 9-8-11
disinterment of dead bodies Sec. 9-8-10
disposal of industrial waste generally Sec. 9-8-16
filling of unmarked holes, abandoned cisterns and wells Sec. 9-8-20
fluoridation of public water supply Sec. 9-8-18
free vaccination and treatment in certain cases Sec. 9-8-3
general powers and duties of health officer relative to communicable diseases Sec. 9-8-2
notice on buildings placarded by health department Sec. 9-8-22
nuisances Sec. 9-8-21
obedience to regulations and orders of health department Sec. 9-8-24
offensive water or other liquids Sec. 9-8-14
physicians' reports of deaths Sec. 9-8-6
plumbing
maintenance requirements Sec. 9-8-19
refuse from gashouses Sec. 9-8-17
report of births and stillbirths Sec. 9-8-5
retaining or exposing dead bodies Sec. 9-8-9
septic tanks and privies Sec. 9-8-15
special powers in health emergencies Sec. 9-8-4
toilets and lavatories at industrial and business establishments Sec. 9-8-13
use of common utensils and towels in public or semipublic places Sec. 9-8-12
Health department
appointment, removal and salaries of health department personnel Sec. 9-4-5
appointment and qualifications of health officer Sec. 9-4-3
bureaus, divisions and other administrative units of health department Sec. 9-4-4
establishment and control Sec. 9-4-1
general duties of health department Sec. 9-4-2
health officer may delegate authority and responsibilities Sec. 9-4-7
health officer to establish rules and regulations for conduct of health department and prescribe duties of department employees Sec. 9-4-6
right of entry of health department personnel Sec. 9-4-8
Litter control
definitions Sec. 9-60-1
evidence against driver of motor vehicle Sec. 9-60-4
objects bearing name
presumption of evidence Sec. 9-60-3
prosecution by peace officer or private citizen Sec. 9-60-6
reporting litter from motor vehicle Sec. 9-60-5
throwing, dumping or depositing litter Sec. 9-60-2
violations
penalties Sec. 9-60-7
Meat and meat products
food establishments.
See within this heading, "Food establishments."
Miscellaneous fire prevention regulations
elevator key box Sec. 9-44-5
fire protection equipment

smoke detector devices
design Sec. 9-44-6
installation and maintenance Sec. 9-44-6
required Sec. 9-44-6
obstructing fire access areas and fire hydrants Sec. 9-44-1
reports of fires to fire department Sec. 9-44-4
smoking in bed Sec. 9-44-2
smoking prohibited in certain public places Sec. 9-44-3
Mosquito control
fish pools, pools and lakes
definitions Sec. 9-64-7
health officer to determine methods of treatment Sec. 9-64-11
inspection Sec. 9-64-10
lakes to comply with state law Sec. 9-64-9
purpose Sec. 9-64-8
general provisions
action by city to prevent breeding Sec. 9-64-3
appropriation of funds for control of breeding Sec. 9-64-6
right of entry to enforce chapter Sec. 9-64-5
rulings of health officer final
authority of health officer to make rules and regulations Sec. 9-64-4
treatment of collections of water
generally Sec. 9-64-1
methods Sec. 9-64-2
Noise control
blowing steam whistles Sec. 9-68-8
building operations Sec. 9-68-6
creation of noise to attract attention to performance, show or sale Sec. 9-68-3
excessive noise near school, church, court or hospital Sec. 9-68-2
exemptions from chapter Sec. 9-68-13
loading vehicles
opening or destruction of bales or boxes Sec. 9-68-10
loud, disturbing and unnecessary noises generally Sec. 9-68-1
loudspeakers or amplifiers on vehicles Sec. 9-68-11
mufflers for steam and stationary internal combustion engines Sec. 9-68-12
noisy animals and fowl Sec. 9-68-7
noisy vehicles generally Sec. 9-68-9
playing of radios and phonographs Sec. 9-68-4
yelling, shouting and singing Sec. 9-68-5
Permits and inspection fees
air pollution control.
See within this heading, "Air pollution control."
Personal care homes
admission requirements Sec. 9-72-3
agency coordination Sec. 9-72-11
building and physical plant Sec. 9-72-8
definitions Sec. 9-72-1
laundry services Sec. 9-72-5
living/sleeping quarters Sec. 9-72-6
nutritional requirements Sec. 9-72-7
permit to operate
supervision of registration Sec. 9-72-2
personal health care home status at enactment of chapter Sec. 9-72-12
records Sec. 9-72-9
removal of sick resident Sec. 9-72-10
rights of hearing, appeal and legal counsel Sec. 9-72-13
rules and regulations Sec. 9-72-14
staffing Sec. 9-72-4
Quasi-public and private water supplies
approval of auxiliary intake Sec. 9-76-11
approval of plans and specifications for private supply Sec. 9-76-4
approval of plans and specifications for sewer work on property served by private supply Sec. 9-76-5
chapter not to affect power of light, gas and water division Sec. 9-76-18
connections with public supply generally Sec. 9-76-12
definitions Sec. 9-76-1
equipment to prevent commingling with public supply Sec. 9-76-13
filling of abandoned or condemned wells Sec. 9-76-10
independent piping system for nonpotable supply
statement as to nonexistence of cross connections Sec. 9-76-14
inspection of private supplies Sec. 9-76-7
limitation on use of water Sec. 9-76-16
location, construction and operation of private supplies Sec. 9-76-6
location, construction and operation of wells generally Sec. 9-76-8
location of wells in street, alley or public place Sec. 9-76-9
permit to operate and maintain private supply Sec. 9-76-3

posting of signs where potential danger of contamination of a quasi-public supply exists Sec. 9-76-15
rules and regulations of health department Sec. 9-76-17
well digger's permit Sec. 9-76-2
Rat control
business buildings and multifamily dwellings
buildings to be ratproof and rat-free Sec. 9-80-7
cement floors may be required Sec. 9-80-11
duty of occupant to free premises of rats or make repairs upon notice Sec. 9-80-10
duty of owner to ratproof upon notice Sec. 9-80-9
inspections Sec. 9-80-8
removal of ratproofing
failure to close openings Sec. 9-80-12
general provisions
accumulations of garbage, rubbish or trash providing food or harborage for rats Sec. 9-80-3
accumulations of lumber, boxes, barrels, etc Sec. 9-80-4
definitions Sec. 9-80-1
exterior property areas
extermination of insects, rodents, and vermin Sec. 9-80-5
interior structures
extermination of insects, rodents, and vermin Sec. 9-80-6
storage of chicken and animal feed Sec. 9-80-2
Self-service gasoline stations
application of chapter Sec. 9-84-5
coin-operated vending devices
use of automatic shutoff nozzle with hold-open latch Sec. 9-84-4
compliance required
attendant's duties Sec. 9-84-1
no smoking restrictions Sec. 9-84-1
customers authorized to dispense flammable and combustible liquids into approved containers only Sec. 9-84-2
required equipment Sec. 9-84-3
Smoking
areas where smoking is prohibited Sec. 9-88-2
definitions Sec. 9-88-1
exception Sec. 9-88-3
injunction Sec. 9-88-6
notice requirements Sec. 9-88-4
violations
penalties Sec. 9-88-5
Source emission standards
air pollution control.
See within this heading, "Air pollution control."
Swimming pools
approval of plans and specifications Sec. 9-92-3
attendants Sec. 9-92-13
common use of suits and towels Sec. 9-92-15
definitions Sec. 9-92-1
design of pool area Sec. 9-92-4
diseased persons not to use pool
spitting and spouting water prohibited Sec. 9-92-14
disinfecting agent Sec. 9-92-6
dressing rooms
maintenance of premises Sec. 9-92-8
drinking water Sec. 9-92-11
gaseous chlorine equipment Sec. 9-92-7
lighting system Sec. 9-92-10
permit Sec. 9-92-2
publication of grades of sanitary condition Sec. 9-92-18
records and reports Sec. 9-92-16
rules and regulations of health department Sec. 9-92-17
safety of bathers generally Sec. 9-92-12
toilet facilities Sec. 9-92-9
water requirements generally
recirculation system Sec. 9-92-5
Weeds and refuse
cleaning by city Sec. 9-96-7
cutting and cleaning by city Sec. 9-96-5
definitions Sec. 9-96-1
duty of property owner to cut and clean
penalty Sec. 9-96-2
height to which grass must be cut Sec. 9-96-3
notice to property owner to cut and clean Sec. 9-96-4
notice to remove refuse from property Sec. 9-96-6

HORSE-DRAWN CARRIAGES
Care of animals
conditions for horse-drawn carriages for hire Sec. 6-32-43
food, water and exercise Sec. 6-32-46
harnesses for horse-drawn carriages for hire Sec. 6-32-44
litter Sec. 6-32-48
proper care of animals used for horse-drawn carriages for hire Sec. 6-32-42

stalls and stables Sec. 6-32-47
whip Sec. 6-32-45
Certification requirements
accident reports Sec. 6-32-15
application for certificate Sec. 6-32-6
assignment or transfer of certificates Sec. 6-32-16
business license Sec. 6-32-10
business to be conducted by certificate holder
agreement with drivers Sec. 6-32-12
certificate issued to owner only Sec. 6-32-8
expiration and renewal of the certificate Sec. 6-32-17
fee Sec. 6-32-9
fines, suspension and revocation of certificates Sec. 6-32-18
horse-drawn carriage stands
use by other vehicles prohibited Sec. 6-32-19
increase in number of carriages after issuance
enlargement of authority Sec. 6-32-13
insurance Sec. 6-32-11
replacement of vehicles Sec. 6-32-14
standards for issuance of certificate Sec. 6-32-7
Definitions Sec. 6-32-1
Drivers and conductors
applicant to fill out identification questionnaire and be fingerprinted Sec. 6-32-23
application for a carriage driver's training permit Sec. 6-32-22
application for a driver's permit Sec. 6-32-21
consent required for horse-drawn carriage driver to pick up additional passengers Sec. 6-32-35
drivers not to work more than twelve hours out of twenty-four Sec. 6-32-36
drivers of horse-drawn carriages Sec. 6-32-38
expiration and renewal Sec. 6-32-30
fines, suspension and revocation of permit Sec. 6-32-31
form, size, design and contents Sec. 6-32-28
investigation
issuance Sec. 6-32-24
not to issue to certain persons Sec. 6-32-24
notification of arrest or indictment Sec. 6-32-25
notification of company change of driver Sec. 6-32-26
permit fee Sec. 6-32-27
possession of permit Sec. 6-32-29
solicitation of passengers by drivers
drivers to remain in or near carriage Sec. 6-32-37
standards of appearance and conduct of drivers Sec. 6-32-33
total passengers in vehicle
carrying passengers on driver's seat prohibited Sec. 6-32-34
unauthorized use of permit
defacing or removing permit Sec. 6-32-32
vehicle drivers Sec. 6-32-20
Powers of director
regulations
certificate required
exceptions Sec. 6-32-5
city treasurer
appeal of decisions Sec. 6-32-3
powers Sec. 6-32-3
duty of vehicle for hire inspectors to enforce chapter Sec. 6-32-4
rules and regulations of the director of police services relative to horse-drawn carriages Sec. 6-32-2
Vehicles
carriage safety equipment Sec. 6-32-39
horse-drawn carriage maintenance Sec. 6-32-41
television equipment Sec. 6-32-40

HOTEL/MOTEL OCCUPANCY TAX
Revenue and finance
See REVENUE AND FINANCE

HOUSING CODE
Buildings and construction
See BUILDINGS AND CONSTRUCTION

—I—

INDUSTRIAL DISTRICTS
Zoning
I-H heavy industrial district Sec. 16-88-2
I-L light industrial district Sec. 16-88-1

INSPECTION OF VEHICLES
Vehicles and traffic
director of public service authorized to promulgate rules and regulations regarding inspection of vehicles Sec. 11-64-3
exceptions Sec. 11-64-1
frequency Sec. 11-64-1
procedure when vehicle found defective Sec. 11-64-2
required Sec. 11-64-1

ITINERANT VENDORS AND PEDDLERS
Definitions Sec. 6-36-1
Exemption of certain persons from license requirements Sec. 6-36-3
License issuance
exhibition Sec. 6-36-2
Nonapplicability to constitutionally protected activities Sec. 6-36-4
Prohibited activities Sec. 6-36-6
Prohibited areas for engaging in business Sec. 6-36-5

—J—

JUNK AND SCRAP METAL DEALERS
Appeal of denial Sec. 6-40-6
Application
contents Sec. 6-40-3
investigation into Sec. 6-40-4
Business hours Sec. 6-40-11
Business to be conducted in enclosed building Sec. 6-40-10
Conditions Sec. 6-40-8
Daily report of purchases Sec. 6-40-13
Dealing with minors Sec. 6-40-15
Dealing with strangers prohibited
duty to give information relative to sellers Sec. 6-40-16
Definitions Sec. 6-40-1
Employees
list to be on file with police Sec. 6-40-9
same standards applicable Sec. 6-40-9
Fee Sec. 6-40-7
Investigation of applicant Sec. 6-40-4
Permits
annual fee Sec. 6-40-7
required Sec. 6-40-2
standards of issuance Sec. 6-40-5
Record of purchases Sec. 6-40-12
Retention period for articles purchased Sec. 6-40-14

—L—

LANDSCAPE AND SCREENING REGULATIONS
Zoning
alternative streetscape treatment Sec. 16-120-7
approved plant list Sec. 16-120-12
definitions Sec. 16-120-13
existing tree cover suggestions Sec. 16-120-10
installation and maintenance Sec. 16-120-8
introduction Sec. 16-120-1
landscape plan Sec. 16-120-11
landscape/screening requirements Sec. 16-120-4
other requirements Sec. 16-120-5
purpose Sec. 16-120-2
quality standards Sec. 16-120-9
submittal and approval process Sec. 16-120-3
substitution of existing trees and plants Sec. 16-120-6

LIBRARY SYSTEM
Appointment of board of trustees
qualifications, terms and compensation of members
ex officio members designated
library board subcommittee Sec. 2-14-4
Capital expenditures for branches located within and outside the city Sec. 2-14-6
City funding of system
budget approval required
expenditures in excess of approved budget Sec. 2-14-3
Disposition of funds raised by bonds or taxation
rate of disbursement of operating funds
conformance with city's financial practices required
annual audit of library accounts Sec. 2-14-7
Library board authorized to make and enforce rules relative to loss or injury to library property
board authorized to establish social services fees Sec. 2-14-9
Library system established Sec. 2-14-1
Organization of library board
general powers and duties of board Sec. 2-14-5
Title Sec. 2-14-2
Use of libraries by residents and nonresidents of county Sec. 2-14-8

LICENSES
See BUSINESS LICENSES AND REGULATIONS

LIMOUSINES, SHUTTLES AND OTHER VEHICLES FOR HIRE
Certificate of public convenience
accident reports Sec. 6-44-14
applicant to fill out identification questionnaire and be fingerprinted Sec. 6-44-21
application for a driver's permit Sec. 6-44-20
application for certificate Sec. 6-44-4

assignment or transfer of certificate Sec. 6-44-16
book and accounting records of certificate holder Sec. 6-44-10
business to be conducted by certificate holder
agreements with drivers Sec. 6-44-11
certificate issued to owner only Sec. 6-44-7
company requirements Sec. 6-44-3
expiration and renewal of the certificate Sec. 6-44-17
fee Sec. 6-44-8
fines, suspensions and revocation of certificate Sec. 6-44-18
increase in number of vehicles after issuance
enlargement of authority Sec. 6-44-12
insurance Sec. 6-44-6
investigation
issuance
not to issue to certain persons Sec. 6-44-22
manifests Sec. 6-44-15
passenger vehicle for hire services Sec. 6-44-9
replacement of vehicles Sec. 6-44-13
required Sec. 6-44-2
standards for issuance of certificate Sec. 6-44-5
vehicle drivers Sec. 6-44-19
Definitions Sec. 6-44-1
Director powers and regulations
director of police services
powers
appeal of decisions Sec. 6-44-24
notification of arrest or indictment Sec. 6-44-25
notification of company change of driver Sec. 6-44-26
rules and regulations of the director of police services relative to limousines Sec. 6-44-23
Driver's conduct
conduct of limousine drivers Sec. 6-44-33
drivers not to work more than twelve hours out of twenty-four Sec. 6-44-34
duty of vehicle for hire inspectors to enforce chapter Sec. 6-44-36
in-kind payments of fares Sec. 6-44-37
television equipment Sec. 6-44-35
Fees and permits
display of permit Sec. 6-44-29
expiration and renewal Sec. 6-44-30
fines, suspension and revocation of permit Sec. 6-44-31
form, size, design and contents Sec. 6-44-28
permit fee Sec. 6-44-27
unauthorized use of permit
defacing or removing permit Sec. 6-44-32

LIVING WAGE
Annual adjustment Sec. 5-4-23
Applicable to new service contracts Sec. 5-4-18
Definitions Sec. 5-4-14
Collective bargaining Sec. 5-4-21
Exemptions Sec. 5-4-22
Monitoring and enforcement Sec. 5-4-16
Payment of minimum compensation Sec. 5-4-15
Payroll reports Sec. 5-4-17
Penalty Sec. 5-4-20
Required records Sec. 5-4-17
Retaliation and discrimination barred Sec. 5-4-19

LOCAL BUSINESS DEVELOPMENT AND PROCUREMENT PROGRAM
Local preference for award of city contracts Sec. 6-96-1

—M—

MASSAGE PARLORS, BATHHOUSES AND SIMILAR BUSINESSES
General provisions
application to existing businesses Sec. 6-48-2
definitions Sec. 6-48-1
Permits
appeal of denial Sec. 6-48-7
application
contents Sec. 6-48-4
conditions Sec. 6-48-9
fee Sec. 6-48-8
investigation of applicant Sec. 6-48-5
required Sec. 6-48-3
standards applicable to employees of permittee
employee list to be on file with division of police services Sec. 6-48-11
standards for issuance Sec. 6-48-6
term Sec. 6-48-10
Regulatory provisions
advertising Sec. 6-48-20
alcoholic beverages prohibited on premises Sec. 6-48-22
clothing regulations Sec. 6-48-17
health regulations Sec. 6-48-16
hours of operation Sec. 6-48-18
inspections required Sec. 6-48-13
keeping of records
identification prior to rendering service Sec. 6-48-14
method of operation Sec. 6-48-19

persons under age eighteen prohibited on premises Sec. 6-48-21
rules and regulations of director of police services Sec. 6-48-12
supervision Sec. 6-48-15

MAYOR
Authority to offer rewards
manner of determining validity of claims Sec. 2-6-7
Authority to sign petition for improvements where city owns abutting property Sec. 2-6-2
General powers and duties Sec. 2-6-1
Inspection of public works Sec. 2-6-4
Inspections of books and records Sec. 2-6-3
Notice to city attorney of legal proceedings Sec. 2-6-6
Reports and recommendations as to public institutions Sec. 2-6-5

MECHANICAL AMUSEMENT DEVICES
General provisions
definitions Sec. 6-52-1
location near playgrounds or schools prohibited
exception Sec. 6-52-4
machines exempt from chapter Sec. 6-52-7
noisy operation Sec. 6-52-5
rules and regulations to enforce chapter Sec. 6-52-6
Permit
approval of applications by director of police services
appeals from denials Sec. 6-52-10
filing and contents of application Sec. 6-52-9
list of businesses to be provided quarterly Sec. 6-52-14
numbering
required for each device and location Sec. 6-52-11
posting Sec. 6-52-12
renewal Sec. 6-52-16
required Sec. 6-52-8
suspension or revocation Sec. 6-52-15
transfer prohibited Sec. 6-52-13
Seal or tag to show ownership Sec. 6-52-2
Special requirements for electrical devices Sec. 6-52-3

MEMPHIS ADVISORY COUNCIL ON HUMAN SERVICES
Annual report Sec. 2-60-5
Chairperson and secretary
meetings Sec. 2-60-3
Designation
membership Sec. 2-60-1
Duties and purposes Sec. 2-60-4
Term and removal of members Sec. 2-60-2

MEMPHIS AND SHELBY COUNTY BOARD OF ADJUSTMENT
Assistants Sec. 2-48-12
Budget
appropriation Sec. 2-48-9
Chairperson
vice-chairperson
term-duties and vacancies Sec. 2-48-4
Created Sec. 2-48-1
Duties of secretary Sec. 2-48-11
Fees
distribution Sec. 2-48-14
Meetings Sec. 2-48-7
Membership of board
term
qualification Sec. 2-48-2
Powers and duties Sec. 2-48-6
Qualifying by members of the board
oaths Sec. 2-48-5
Quorum Sec. 2-48-8
Rules Sec. 2-48-13
Secretary
term
salary Sec. 2-48-10
Vacancies Sec. 2-48-3

MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD
Officers
term Sec. 2-50-4
vacancies Sec. 2-50-4
Fees
distribution Sec. 2-50-11
Joint office of planning and development created
assignment to division Sec. 2-50-1
Land use control board
membership Sec. 2-50-2
qualifications Sec. 2-50-2
terms Sec. 2-50-2
Land use control board staff services Sec. 2-50-9
Meetings Sec. 2-50-7
Powers and duties Sec. 2-50-6
Qualifying of land use control board members
oath Sec. 2-50-5

Quorum Sec. 2-50-8
Rules Sec. 2-50-10
Vacancies Sec. 2-50-3

MEMPHIS AREA TRANSIT AUTHORITY
Authority board to acquire, maintain and operate transportation system Sec. 2-56-8
Election and terms of members
composition Sec. 2-56-1
filling of vacancies Sec. 2-56-1
qualifications Sec. 2-56-1
Employment of other subordinate officers and employees Sec. 2-56-6
General powers
members Sec. 2-56-4
Management company authorization Sec. 2-56-5
Powers generally, authority Sec. 2-56-11
Purchasing of supplies and materials Sec. 2-56-10
Rates, fares and tolls Sec. 2-56-9

Retirement system Sec. 2-56-12
Rules and regulations Sec. 2-56-7
Selection and terms of chairperson and vice-chairperson Sec. 2-56-2
Special meetings
quorum Sec. 2-56-3

MEMPHIS BROOKS MUSEUM OF ART BOARD OF TRUSTEES
Appointment and term of trustees Sec. 2-38-2
Control
general powers and duties Sec. 2-38-3
Reorganization, composition and qualifications of trustees Sec. 2-38-1

MEMPHIS CASINO GAMBLING COMMISSION
Authority Sec. 2-76-3
Casino location requirements Sec. 2-76-6
Composition
compensation Sec. 2-76-2
terms Sec. 2-76-2
vacancies Sec. 2-76-2
Created Sec. 2-76-1
Meetings
chairperson Sec. 2-76-4
secretary Sec. 2-76-4
Powers and duties Sec. 2-76-5
Report to mayor and city council Sec. 2-76-8
Written rules and regulations Sec. 2-76-7

MEMPHIS HUMAN SERVICES BOARD
Administration Sec. 2-40-7
Compensation Sec. 2-40-2
Establishment Sec. 2-40-1
Meetings Sec. 2-40-6
Oath of office Sec. 2-40-3
Purpose
annual report Sec. 2-40-4
Rules and regulations Sec. 2-40-5

MEMPHIS LIGHT, GAS AND WATER DIVISION
Advertising necessary as prerequisite to contract award Sec. 2-20-1
Authority and duties of board of commissioners Sec. 2-20-3
Contracts in excess of $25,000, council approval required Sec 2-10-5
Provision of natural or artificial gas and electric services within city Sec. 2-20-4
Total impasse dispute procedure Sec. 2-20-2

MEMPHIS PARK COMMISSION
Appointment and terms of members Sec. 2-64-2
Composition Sec. 2-64-2
Created Sec. 2-64-2
Memphis park commission Sec. 2-64-1
Responsibilities Sec. 2-64-3

MEMPHIS-SHELBY COUNTY CONVENTION CENTER COMMISSION
Members Sec. 2-66-1

MEMPHIS YOUTH GUIDANCE COMMISSION
Annual report
Periodic recommendations Sec. 2-72-10
Composition
appointment of members Sec. 2-72-2
Election and terms of officers Sec. 2-72-4
Established Sec. 2-72-1
Members not to be paid Sec. 2-72-6
Nature of work Sec. 2-72-8
Purpose and duties Sec. 2-72-7
Research to be confidential Sec. 2-72-9
Subcommittees Sec. 2-72-5
Terms of members Sec. 2-72-3

MISCELLANEOUS ADMINISTRATIVE PROVISIONS
Division of finance and administration Sec. 2-80-1
Division of general services Sec. 2-80-2

MOTORCYCLES
Vehicles and traffic
generally
See VEHICLES AND TRAFFIC
parent deemed guilty of misdemeanor for permitting minors to violate chapter Sec. 11-20-6
passenger seats required Sec. 11-20-3
penalty for violation Sec. 11-20-5
riding on motorcycles Sec. 11-20-1
wearing of crash helmets by driver and passenger required
operation of headlights required Sec. 11-20-2
windshield
wearing of goggles by operator and passenger Sec. 11-20-4

—O—

OFFENSES AGAINST PUBLIC PEACE AND DECENCY
Assault and battery Sec. 10-8-1
Disorderly conduct Sec. 10-8-2
Disturbing or disquieting school students or occupants Sec. 10-8-4
Disturbing religious or other lawful assemblies Sec. 10-8-3
Drunkenness in private places Sec. 10-8-5
Drunkenness in public places Sec. 10-8-6
Gambling Sec. 10-8-11
Indecent exposure and dress Sec. 10-8-10
Malicious mischief Sec. 10-8-7
Nudity and sexual activities in public places Sec. 10-8-12
Regulation of drug/gang-related lingering or loitering Sec. 10-8-9
Unlawful assembly Sec. 10-8-8

OFFENSES BY OR AGAINST MINORS
Abandonment of airtight containers Sec. 10-28-1
Children
leaving locked in house unattended Sec. 10-28-2
Minor curfew Sec. 10-28-4
Truancy
parental responsibility Sec. 10-28-3

OFFICE DISTRICTS
Zoning
O-G general office district Sec. 16-80-2
O-L limited office district Sec. 16-80-1

OFF-STREET PARKING AND LOADING
Zoning
application of regulations Sec. 16-108-2
loading
design and maintenance Sec. 16-108-7
number of parking spaces Sec. 16-108-5
parking
design and maintenance Sec. 16-108-4
purpose Sec. 16-108-1
regulations of general applicability
off-street loading Sec. 16-108-6
off-street parking Sec. 16-108-3
required number of loading spaces Sec. 16-108-8

OVERLAY DISTRICT REGULATIONS
Zoning
AHR airport height regulation district Sec. 16-100-2
FCD Fletcher Creek drainage basin district Sec. 16-100-5
FP floodplain district Sec. 16-100-1
H-P and H-C historic district overlay zones Sec. 16-100-3
Winchester Park
special pilot district (Win Park SPD) Sec. 16-100-4

—P—

PANHANDLING
Accosting persons or obstructing traffic Sec. 6-56-8
Definitions Sec. 6-56-2
False or misleading solicitation Sec. 6-56-7
Manner of panhandling Sec. 6-56-6
Penalties for violation Sec. 6-56-9
Permit required Sec. 6-56-3
Place of panhandling Sec. 6-56-5
Purpose
exclusion Sec. 6-56-1
scope Sec. 6-56-1
Time of panhandling Sec. 6-56-4

PARK AND PARKWAY REGULATIONS
See STREETS, SIDEWALKS AND PUBLIC PLACES

PARKING METERS
Vehicles and traffic
generally
See VEHICLES AND TRAFFIC
daily deposit of route collections required Sec. 11-44-7
deposit of coin
overtime parking Sec. 11-44-4
deposit of slugs prohibited Sec. 11-44-5
duties of director of public works Sec. 11-44-1
injuring or tampering with meters Sec. 11-44-6
installation and operation generally Sec. 11-44-2
marking of and parking within metered spaces Sec. 11-44-3

PAWNBROKERS
General provisions
business hours
Sunday business prohibited Sec. 6-60-5
business sign Sec. 6-60-6
certain pledges prohibited Sec. 6-60-8
conducting other business in same building prohibited Sec. 6-60-3
damage to pledged property Sec. 6-60-15

dealing with certain persons prohibited Sec. 6-60-7
forfeiture of pledged property Sec. 6-60-14
interest and service charge Sec. 6-60-13
license required by state law Sec. 6-60-2
memorandum to be given pledgor Sec. 6-60-11
pawnbroker defined Sec. 6-60-1
purchase of property prohibited Sec. 6-60-4
record of pawn transaction Sec. 6-60-10
retention period for pawned articles Sec. 6-60-12
return of stolen property to owner Sec. 6-60-9
Information cards for pawned articles
exclusion of certain pawnbrokers Sec. 6-60-23
forms and required information generally Sec. 6-60-18
generally Sec. 6-60-16
information to be on back of all cards Sec. 6-60-19
inspection by police Sec. 6-60-21
pawnbroker to fill in proper types and deliver to police Sec. 6-60-20
transaction fee Sec. 6-60-22
types and colors Sec. 6-60-17

PEDESTRIANS
Vehicles and traffic
applicability Sec. 11-28-1
crossing at other than crosswalks Sec. 11-28-5
duty of drivers with regard to pedestrians Sec. 11-28-10
generally
See VEHICLES AND TRAFFIC
pedestrian tunnels or overhead crossings Sec. 11-28-6
right-of-way in crosswalks Sec. 11-28-4
soliciting rides, employment or business Sec. 11-28-8
soliciting the watching or guarding of parked vehicles Sec. 11-28-9
special provisions relative to pedestrians carrying white cane or guided by dog Sec. 11-28-11
use of crosswalks generally Sec. 11-28-2
walking on roadways Sec. 11-28-7
when crossing at marked crosswalk required Sec. 11-28-3

PENSION AND RETIREMENT SYSTEM
1948 benefit plan
contributions
city contributions Sec. 4-24-7
employee contributions Sec. 4-24-6
forfeitures Sec. 4-24-8
prohibition against interest Sec. 4-24-9
death benefits
distribution Sec. 4-24-18
increase in monthly retirement allowance authorized Sec. 4-24-20
line-of-duty death benefit Sec. 4-24-16
other death benefit Sec. 4-24-17
residual benefits Sec. 4-24-19
drop program
deferred retirement option plan (drop) Sec. 4-24-21
participation
participant information Sec. 4-24-5
participation Sec. 4-24-1
reemployed participants Sec. 4-24-2
transferring participants from the plan Sec. 4-24-4
transferring participants to the plan Sec. 4-24-3
retirement benefits
benefits upon reemployment Sec. 4-24-15
deferred retirement Sec. 4-24-13
disability retirement Sec. 4-24-12
involuntary retirement Sec. 4-24-11
normal retirement Sec. 4-24-10
refund of employee contributions Sec. 4-24-14
1978 benefit plan
Contributions
City contributions Sec. 4-28-7
Employee contributions Sec. 4-28-6
Forfeitures Sec. 4-28-8
Prohibition against interest Sec. 4-28-9
Death benefits
distribution Sec. 4-28-19
increase in monthly retirement allowance authorized Sec. 4-28-21
line-of-duty death benefit Sec. 4-28-16
other death benefit Sec. 4-28-17
refund upon death Sec. 4-28-18
residual benefits Sec. 4-28-20
drop program
deferred retirement option plan (drop) Sec. 4-28-22
participation
participant information Sec. 4-28-5
participation Sec. 4-28-1
reemployed participants Sec. 4-28-2
transferring participants from the plan Sec. 4-28-4
transferring participants to the plan Sec. 4-28-3
retirement benefits

benefits upon reemployment Sec. 4-28-15
deferred retirement Sec. 4-28-13
disability retirement Sec. 4-28-12
involuntary retirement Sec. 4-28-11
normal retirement Sec. 4-28-10
refund of employee contributions Sec. 4-28-14
Board of administration
actuarial investigations and valuations Sec. 4-8-12
administration, management and control of system Sec. 4-8-7
annual report and audit Sec. 4-8-14
appointment of secretary Sec. 4-8-9
chairperson and treasurer Sec. 4-8-4
city to supply information Sec. 4-8-18
compensation of members Sec. 4-8-3
created
composition Sec. 4-8-1
election and terms of members Sec. 4-8-1
employment of actuary and other employees Sec. 4-8-10
liquidity and investments Sec. 4-8-17
medical service and advice Sec. 4-8-11
meetings Sec. 4-8-5
member's bond Sec. 4-8-2
nondiscrimination Sec. 4-8-16
periodic evaluation of pension rolls Sec. 4-8-15
quorum Sec. 4-8-6
records and accounts Sec. 4-8-13
rules and regulations Sec. 4-8-8
Contributions
1948 benefit plan.
See within this heading, "1948 benefit plan."
1978 benefit plan.
See within this heading, "1978 benefit plan."
Death benefits
1948 benefit plan.
See within this heading, "1948 benefit plan."
1978 benefit plan.
See within this heading, "1978 benefit plan."
Definitions and general provisions
amendments Sec. 4-4-6
deduction of insurance and other premiums Sec. 4-4-3
diversion Sec. 4-4-4
estimated data Sec. 4-4-2
no employment contract Sec. 4-4-5
references, construction and definitions Sec. 4-4-1
Limitation on benefits
limitations on twenty-five highest paid employees Sec. 4-20-2
maximum benefit limitations Sec. 4-20-1
Payment of benefits
benefits supported only by trust fund Sec. 4-16-7
claims for benefit Sec. 4-16-5
erroneous statements in claim for benefits Sec. 4-16-4
mentally or legally incompetent recipients Sec. 4-16-2
pensions for surviving spouses not covered by chapters 4-24 and 4-28 Sec. 4-16-1
pensions previously granted Sec. 4-16-8
required distributions Sec. 4-16-3
spendthrift clause Sec. 4-16-6
Retirement benefits
1948 benefit plan.
See within this heading, "1948 benefit plan."
1978 benefit plan.
See within this heading, "1978 benefit plan."
Retirement system for library employees
administration of the system
actuarial investigations and valuations Sec. 4-32-36
annual report and audit Sec. 4-32-38
benefits not modified by social security payments Sec. 4-32-41
board of administration Sec. 4-32-29
compensation of members Sec. 4-32-31
conflict of interest of members or employees Sec. 4-32-39
deduction of group life and hospitalization insurance premium from allowance Sec. 4-32-40
duties of the board Sec. 4-32-32
medical service and advice Sec. 4-32-35
member's bond Sec. 4-32-30
quorum Sec. 4-32-33
records and account Sec. 4-32-37
technical advisers Sec. 4-32-34
amendment or termination
allocation of assets Sec. 4-32-44
amendment of retirement system Sec. 4-32-42
termination of plan Sec. 4-32-43
benefits on death or termination of employment
death benefit Sec. 4-32-19
refund or transfer of participant contributions reentry into the system Sec. 4-32-21
termination of employment Sec. 4-32-20
definitions
definition of words Sec. 4-32-2
definitions Sec. 4-32-1
funding of plan

contributions generally Sec. 4-32-26
custodian of and payments from fund Sec. 4-32-23
deposit of fund Sec. 4-32-25
establishment and composition of fund Sec. 4-32-22
investment of fund Sec. 4-32-240
library's contributions constitute obligations appropriations for payment of same Sec. 4-32-27
prohibition of reversion Sec. 4-32-28
miscellaneous
conflict of provisions Sec. 4-32-48
liability of employer Sec. 4-32-45
spendthrift clause Sec. 4-32-46
successors to trustee Sec. 4-32-47
participation
participation Sec. 4-32-3
transfers Sec. 4-32-4
payment of benefits
direct relievers to other qualified plans Sec. 4-32-18
form of benefit payment Sec. 4-32-14
general conditions Sec. 4-32-13
minimum distributions Sec. 4-32-17
optional form of benefit payment Sec. 4-32-15
time of payment Sec. 4-32-16
retirement benefits
benefits not modified by social security payments Sec. 4-32-11
disability Sec. 4-32-8
early retirement Sec. 4-32-6
limitation on benefits Sec. 4-32-12
minimum retirement benefit Sec. 4-32-7
no duplication of benefits Sec. 4-32-10
normal retirement Sec. 4-32-5
suspension of benefits Sec. 4-32-9
Trust fund
benefit payments from trust fund Sec. 4-12-4
deposit of trust fund Sec. 4-12-3
expenses Sec. 4-12-5
investment committee Sec. 4-12-2
trustee appointment and removal Sec. 4-12-6
trust fund established Sec. 4-12-1

PERFORMANCES HARMFUL TO MINORS
Definitions Sec. 10-24-1
Minor's presence at live performance unlawful
by parent Sec. 10-24-3
by promoter or producer Sec. 10-24-2
Prohibited activity by minors Sec. 10-24-4
PERSONNEL
City employee occupational safety and health program
administration Sec. 3-16-14
compliance with city or state regulations not to excuse compliance with the other Sec. 3-16-15
confidentiality of privileged information Sec. 3-16-18
coverage Sec. 3-16-5
created Sec. 3-16-2
definitions Sec. 3-16-4
education and training Sec. 3-16-16
employee's rights and duties Sec. 3-16-7
employer's rights and duties Sec. 3-16-6
imminent danger procedures Sec. 3-16-17
inspection Sec. 3-16-10
notice of unsafe or unhealthy conditions hearings Sec. 3-16-11
penalties Sec. 3-16-12
purpose Sec. 3-16-3
recordkeeping and reporting Sec. 3-16-13
standards authorized Sec. 3-16-8
title Sec. 3-16-1
variances from standards authorized Sec. 3-16-9
Civil service
classification of officers and positions Sec. 3-8-2
disciplinary actions Sec. 3-8-7
division of personnel established director Sec. 3-8-1
examinations for applicants for employment Sec. 3-8-4
hearings
conduct Sec. 3-8-10
generally Sec. 3-8-9
miscellaneous offenses in connection with civil service Sec. 3-8-5
no discrimination in city employment Sec. 3-8-6
personnel records Sec. 3-8-3
rights generally Sec. 3-8-8
Civil service commission
appointment of members Sec. 3-12-2
compensation Sec. 3-12-4
composition Sec. 3-12-1
oath of commissioners Sec. 3-12-3
powers and duties of commissioners Sec. 3-12-6
removal of commissioners Sec. 3-12-5
secretary Sec. 3-12-7
Personnel regulations generally
employees' suggestion awards program Sec. 3-4-3

legal holidays Sec. 3-4-2
paid vacation for full-time city employees Sec. 3-4-1
Regulations generally
employees' suggestion awards program Sec. 3-4-3

PERSONNEL REGULATIONS GENERALLY
Legal holidays Sec. 3-4-2
Paid vacation for full-time city employees Sec. 3-4-1

PLANNED DEVELOPMENT REGULATIONS
Zoning
appeals from land use control board's recommendation Sec. 16-52-11
final plan approval process Sec. 16-52-10
general standards and criteria Sec. 16-52-3
letter of intent and outline plan Sec. 16-52-8
mixed use planned developments Sec. 16-52-6
modification by the land use control board Sec. 16-52-16
outline plan approval process and effect of approval Sec. 16-52-9
post-completion certificate Sec. 16-52-15
procedure for amendment Sec. 16-52-14
procedures for planned development approval Sec. 16-52-7
purpose Sec. 16-52-1
reapplication if denied Sec. 16-52-13
relation between planned development and zoning districts Sec. 16-52-2
specific standards and criteria for planned commercial or industrial developments Sec. 16-52-5
specific standards and criteria for planned residential developments Sec. 16-52-4
zoning administration
permits Sec. 16-52-12

POLES, WIRES AND CONDUITS
See STREETS, SIDEWALKS AND PUBLIC PLACES

POLICE RESERVE FORCE
Compensation Sec. 2-32-12
Designation, membership and employee status Sec. 2-32-1
Diminishing or increasing the force Sec. 2-32-2
Director of police to have control Sec. 2-32-3
Duties Sec. 2-32-9
False personation Sec. 2-32-11
Identification cards Sec. 2-32-8
Method of appointment and qualifications of members Sec. 2-32-4
Power and authority of members Sec. 2-32-10
Removal from membership
resignation Sec. 2-32-5
Summary dismissal of members
publication Sec. 2-32-6
Uniform, badges and insignia designated by director
illegal wearing or use thereof Sec. 2-32-7

PORT COMMISSION
Created
individual designated as representative Sec. 2-78-1
Qualifications Sec. 2-78-2
Term Sec. 2-78-3

PRIVATE SEWAGE DISPOSAL SYSTEMS
See PUBLIC SERVICES

PROPERTY OFFENSES
Dangerous and offensive substances
exposing in public places Sec. 10-12-2
Dangerous conditions on premises Sec. 10-12-3
Excavations
leaving unguarded Sec. 10-12-4
Giving performances on streets Sec. 10-12-7
Names to be affixed to business houses Sec. 10-12-5
Playing ball on streets, or public places, except in parks or playgrounds
vacant lots Sec. 10-12-6
Public library
failure to return, destroying or injuring books and other property
use of fictitious name or address to obtain books Sec. 10-12-1
Public peace, morals and welfare
See PUBLIC PEACE, MORALS AND WELFARE
Public property and works
injuring or defacing, and regulating advertising and/or campaign materials Sec. 10-12-9
Trees on public property
destroying or damaging Sec. 10-12-8

PROPERTY TAXES
See REVENUE AND FINANCE

PROSTITUTION
Assignation

acts relative thereto prohibited Sec. 10-20-3
Definitions Sec. 10-20-1
Presumption Sec. 10-20-4
Prostitution
acts relative thereto prohibited Sec. 10-20-2
Various acts relating to prostitution declared misdemeanor Sec. 10-20-5

PUBLIC PEACE, MORALS AND WELFARE
Fair housing
annual report Sec. 10-36-9
definitions Sec. 10-36-3
enforcement Sec. 10-36-6
exemptions from housing provisions Sec. 10-36-4
notice of violation Sec. 10-36-8
penalties for violation Sec. 10-36-7
purpose Sec. 10-36-2
title Sec. 10-36-1
unlawful housing practices Sec. 10-36-5
Offenses against public peace and decency
assault and battery Sec. 10-8-1
disorderly conduct Sec. 10-8-2
disturbing or disquieting school students or occupants Sec. 10-8-4
disturbing religious or other lawful assemblies Sec. 10-8-3
drunkenness in private places Sec. 10-8-5
drunkenness in public places Sec. 10-8-6
gambling Sec. 10-8-11
indecent exposure and dress Sec. 10-8-10
malicious mischief Sec. 10-8-7
nudity and sexual activities in public places Sec. 10-8-12
regulation of drug/gang-related lingering or loitering Sec. 10-8-9
unlawful assembly Sec. 10-8-8
Offenses by or against minors
abandonment of airtight containers Sec. 10-28-1
children
leaving locked in house unattended Sec. 10-28-2
minor curfew Sec. 10-28-4
truancy
parental responsibility Sec. 10-28-3
Performances harmful to minors
definitions Sec. 10-24-1
minor's presence at live performance unlawful
by parent Sec. 10-24-3
by promoter or producer Sec. 10-24-2
prohibited activity by minors Sec. 10-24-4
Property offenses
dangerous and offensive substances
exposing in public places Sec. 10-12-2
dangerous conditions on premises Sec. 10-12-3
excavations
leaving unguarded Sec. 10-12-4
giving performances on streets Sec. 10-12-7
names to be affixed to business houses Sec. 10-12-5
playing ball on streets, or public places, except in parks or playgrounds
vacant lots Sec. 10-12-6
public library
failure to return, destroying or injuring books and other property
use of fictitious name or address to obtain books Sec. 10-12-1
public property and works
injuring or defacing, and regulating advertising and/or campaign materials Sec. 10-12-9
trees on public property
destroying or damaging Sec. 10-12-8
Prostitution
assignation
acts relative thereto prohibited Sec. 10-20-3
definitions Sec. 10-20-1
presumption Sec. 10-20-4
prostitution
acts relative thereto prohibited Sec. 10-20-2
various acts relating to prostitution declared misdemeanor Sec. 10-20-5
State misdemeanor statutes adopted
state misdemeanors Sec. 10-4-1
Theft and related offenses
community antenna systems
connecting, modifying or tampering with franchised system Sec. 10-16-1
defrauding light, gas and water division by tampering with measuring devices and diverting the utility services of another Sec. 10-16-3
shoplifting Sec. 10-16-2
Weapons
air guns
discharge prohibited
exception Sec. 10-32-1
discharging firearms Sec. 10-32-4
replica firearms Sec. 10-32-3
weapons
carrying Sec. 10-32-2

PUBLIC SERVICES
Building sewers, connections, sewer extensions and development fees
connection of old building sewers Sec. 13-16-12
connection to be at expense of owner
indemnification of city
construction standards generally Sec. 13-16-10
construction standards
conformity of connection to codes
connection to be made gas tight and watertight, inspection during construction Sec. 13-16-16
connection to sanitary sewer of sources of surface runoff
approval required Sec. 13-16-15
elevation
lifts, where required Sec. 13-16-14
size, slope
materials, methods of excavation Sec. 13-16-13
expenditure of city funds
limitation Sec. 13-16-8
fees deposited in sewer fund Sec. 13-16-9
guarding of excavations posing hazard to public
restoration of public property
posting of bond Sec. 13-16-18
internal sewers and upstream properties Sec. 13-16-7
notification to approving authority prior to covering of work underground
final inspection Sec. 13-16-17
permit requirements Sec. 13-16-1
separate and independent connection required for each building
exception Sec. 13-16-11
sewer connection fees Sec. 13-16-3
sewer development fees Sec. 13-16-2
sewer extension fees Sec. 13-16-5
sewer extensions Sec. 13-16-4
sewer infrastructure surcharge fees Sec. 13-16-19
urban service boundary
definition and amendment Sec. 13-16-6
General provisions
definitions Sec. 13-4-1
Inspection of wastewater treatment facilities
authority to enter
limitation on extent of inquiry Sec. 13-32-1
authority to enter upon easements for the purposes of inspection of sewerage works Sec. 13-32-3
injury to or by city employees engaged in inspection activities Sec. 13-32-2
termination of service upon finding of violation Sec. 13-32-4
Private sewage disposal systems
connection to public sewer upon availability
filling of abandoned facilities required
hardship exemptions Sec. 13-12-5
design and other specifications
discharge to natural outlet prohibited Sec. 13-12-4
effective date
notification of completion of work
inspection Sec. 13-12-3
maintenance and manner of operation Sec. 13-12-6
penalty for violation Sec. 13-12-8
permit
required
application and fees Sec. 13-12-2
private industrial disposal as exception Sec. 13-12-7
required when public sanitary sewer not available Sec. 13-12-1
Public sewer use regulations
connection to public sanitary or combined sewer
when required Sec. 13-8-3
damaging sewerage works
maintaining program integrity
accidental spills Sec. 13-8-5
discharge to natural outlets where public sewer available prohibited Sec. 13-8-1
disconnection of sanitary sewer service Sec. 13-8-4
maintaining private methods of disposal Sec. 13-8-2
Sewage pretreatment enforcement
complaint procedures Sec. 13-36-2
damages assessment Sec. 13-36-4
local hearing authority Sec. 13-36-1
violations and penalties Sec. 13-36-3
Sewer discharge prohibitions
accidental and slug discharges Sec. 13-24-10
alternate data bases for determination of waste characteristics Sec. 13-24-9
control facilities for sampling and observation of industrial wastes Sec. 13-24-7
discharge of certain harmful wastes prohibited Sec. 13-24-3
discharge of certain harmful wastes restricted
approval required Sec. 13-24-4

discharge of stormwater and other unpolluted drainage to storm sewers and natural outlets
discharges into sanitary sewer system other than through building sewer
permit required Sec. 13-24-2
discharges of stormwater and groundwater into sanitary sewer prohibited
exceptions Sec. 13-24-1
discretionary actions of approving authority with respect to restricted discharges Sec. 13-24-5
maintenance and inspection of preliminary treatment or flow equalization facilities Sec. 13-24-6
measurement and testing methods Sec. 13-24-8
permit to discharge hauled wastes Sec. 13-24-11
Sewer fees and charges
appeals Sec. 13-28-4
billing and collection Sec. 13-28-7
distribution of funds
accounting therefor Sec. 13-28-2
established
bases for determination Sec. 13-28-1
Grays Creek special sewer service area Sec. 13-28-5
Loosahatchie River special sewer service area Sec. 13-28-6
Mary's Creek special sewer service area Sec. 13-28-8
sewer fee review Sec. 13-28-3
Stormwater enterprise fund
appeal of impervious surface calculation Sec. 13-41-11
billing procedures Sec. 13-41-13
definitions Sec. 13-41-1
establishment of SFU Sec. 13-41-5
expense of collection Sec. 13-41-17
multi-family, fee Sec. 13-41-7
organization Sec. 13-41-4
powers Sec. 13-41-3
purpose Sec. 13-41-2
rate determinations Sec. 13-41-12
review of SFU rate Sec. 13-41-14
single-family, fee Sec. 13-41-6
stormwater fee for nonresidential property Sec. 13-41-9
Stormwater management and pollution control
general provisions
abbreviations Sec. 13-40-3
construction activity Sec. 13-40-9
construction activity letter of intent required Sec. 13-40-11
construction activity regulated Sec. 13-40-10
data required in construction activity letter of intent Sec. 13-40-12
definitions Sec. 13-40-2
enforcement options Sec. 13-40-15
exceptions
allowable discharges Sec. 13-40-6
illicit connection defined Sec. 13-40-7
improper disposal Sec. 13-40-5
maintenance criteria Sec. 13-40-14
monitoring and inspection Sec. 13-40-8
private infrastructure defined Sec. 13-40-13
purpose Sec. 13-40-1
unauthorized discharge a public nuisance Sec. 13-40-4
stormwater discharges from industrial sources
accidental discharges Sec. 13-40-25
administrative enforcement remedies Sec. 13-40-27
appeal judicial proceedings and relief Sec. 13-40-31
availability of information on discharger to public
use of information accepted as confidential Sec. 13-40-19
civil penalty Sec. 13-40-29
damages
disposition of funds Sec. 13-40-32
fraud and false statements Sec. 13-40-26
industry defined Sec. 13-40-17
information required Sec. 13-40-20
processing a violation Sec. 13-40-30
purpose Sec. 13-40-16
records retention Sec. 13-40-33
reporting Sec. 13-40-23
requests for reconsideration Sec. 13-40-34
right of inspection defined Sec. 13-40-18
samples Sec. 13-40-22
stormwater discharge to sanitary sewer
approval required Sec. 13-40-24
SWPP plan requirements Sec. 13-40-21
unlawful acts
misdemeanor Sec. 13-40-28
Wastewater discharge agreements
application for discharge agreement Sec. 13-20-2
availability of information on user to public
use of information accepted as confidential Sec. 13-20-9
contents
matters subject to agreement Sec. 13-20-3
limitation to specific operation of specific user

nontransferable Sec. 13-20-5
monitoring facilities
provisions to be outlined in discharge agreement Sec. 13-20-7
required of certain dischargers Sec. 13-20-1
revocation of agreements
conditions for Sec. 13-20-6
right of inspection
access to premises of approving authority Sec. 13-20-8
time period of agreements
modifications and changes
effects on time period, formulation of standard agreement Sec. 13-20-4

PUBLIC SEWER USE REGULATIONS
See PUBLIC SERVICES

PUBLIC SOLICITATION
Definitions Sec. 6-64-1
Investigation of application
issuance and contents Sec. 6-64-5
Permit
application Sec. 6-64-4
denial Sec. 6-64-6
required Sec. 6-64-3
to be carried and exhibited by solicitors Sec. 6-64-7
Suspension or cancellation Sec. 6-64-8
Use of sound trucks restricted Sec. 6-64-2

PUBLIC SOLICITATIONS BOARD OF SUPERVISORS
Appointment of chairperson Sec. 2-54-4
Composition
appointment and terms of members Sec. 2-54-2
Created Sec. 2-54-1
Designation of secretary Sec. 2-54-5
Issuance of placards or notices Sec. 2-54-7
Meetings Sec. 2-54-6
Qualifications of members Sec. 2-54-3
Removal of members Sec. 2-54-9
Rules and regulations Sec. 2-54-8

PUBLIC STREETS
See SUBDIVISIONS

—R—

RAILROADS AND RAILROAD CROSSINGS
See STREETS, SIDEWALKS AND PUBLIC PLACES

RAT CONTROL
See HEALTH AND SAFETY

REGISTRATION OF VEHICLES
Vehicles and traffic
freight vehicles
information to be given Sec. 11-60-8
registration fees for freight motor vehicles Sec. 11-60-9
required registration Sec. 11-60-7
generally
See VEHICLES AND TRAFFIC
general provisions
definitions Sec. 11-60-1
display of registration plates
manner Sec. 11-60-6
persons required to register motor vehicles
exceptions Sec. 11-60-2
proof of inspection prerequisite to registration Sec. 11-60-3
registration fees Sec. 11-60-4
registration under chapters 1 through 6 of title 55, Tennessee Code Annotated
required, penalty for violation of section Sec. 11-60-5

RESIDENTIAL DISTRICTS
R-D duplex residential district Sec. 16-76-7
R-MH multiple dwelling residential district Sec. 16-76-11
R-ML multiple dwelling residential district Sec. 16-76-9
R-MM multiple dwelling residential district Sec. 16-76-10
R-MO mobilehome district Sec. 16-76-12
R-SE estate residential district Sec. 16-76-1
R-S6 single-family residential district Sec. 16-76-5
R-S8 single-family residential district Sec. 16-76-4
R-S10 single-family residential district Sec. 16-76-3
R-S15 single-family residential district Sec. 16-76-2
R-S61 single-family residential infill district Sec. 16-76-6
R-TH townhouse residential district Sec. 16-76-8

REVENUE AND FINANCE
Cigarette tax
access to wholesalers' records Sec. 5-16-9
collection by wholesalers from retailers
amount to be added to retail price Sec. 5-16-3
definitions Sec. 5-16-1
exemption of purchases at military establishments Sec. 5-16-11
failure of retailer to collect Sec. 5-16-4
levied
amount Sec. 5-16-2
payment by purchase of stamps
collection agent Sec. 5-16-5
possession of unstamped package Sec. 5-16-8
refund on stamps Sec. 5-16-7
rules and regulations of director of finance and administration Sec. 5-16-10
stamp to be affixed to packages Sec. 5-16-6
wholesaler's discount Sec. 5-16-12

Delinquent tax collection
adoption of state law Sec. 5-24-3
authority of city treasurer or city attorney to bid at tax sales Sec. 5-24-10
collection of delinquent merchants' ad valorem taxes, personalty taxes, and privilege taxes Sec. 5-24-11
consolidation of tax suits Sec. 5-24-9
generally Sec. 5-24-1
interpretation
remedies available to attorneys Sec. 5-24-12
joinder of defendants and different property and procedures in tax suits Sec. 5-24-7
powers and duties of city attorney
tax suits generally Sec. 5-24-6
powers and duties of city treasurer Sec. 5-24-5
powers and duties of collector Sec. 5-24-4
sale of land for delinquent taxes Sec. 5-24-8
treasurer to function as collector Sec. 5-24-2
Fiscal provisions generally
budget process and deadlines for certain requests Sec. 5-4-5
certification of appropriations Sec. 5-4-6
claims to be filed with comptroller Sec. 5-4-7
contents of general accounts Sec. 5-4-4
fiscal year Sec. 5-4-1
labor relations
total impasse procedure Sec. 5-4-13
liquidated damages in contracts for public works improvements Sec. 5-4-10
payments into general fund
city publication costs Sec. 5-4-3
city rents Sec. 5-4-2
prevailing wage Sec. 5-4-12
purchase of goods and supplies Sec. 5-4-8
records and requisitions for supplies and equipment
duty of purchasing agent upon receipt Sec. 5-4-9
unlawful use of public funds for political advertising Sec. 5-4-11
Hotel/motel occupancy tax
allocation of funds Sec. 5-20-9
collection by operator
inclusion in rate Sec. 5-20-3
collection of tax by city Sec. 5-20-5
definitions Sec. 5-20-1
disclosure of tax Sec. 5-20-6
failure of operator to collect tax Sec. 5-20-7
levy of occupancy tax Sec. 5-20-2
remittance of tax by operator Sec. 5-20-4
rules and regulations
records Sec. 5-20-8
reports Sec. 5-20-8
License and privilege taxes
business tax act
rate for public road contractor
other contractors Sec. 5-12-4
taxes levied thereunder Sec. 5-12-3
collector of licenses and privileges generally Sec. 5-12-1
funds to be part of general fund Sec. 5-12-2
Property taxes
adjustments and refunds Sec. 5-8-9
assessment of property generally Sec. 5-8-1
disposition of picked-up and unappropriated taxes Sec. 5-8-8
installment payment of taxes
attainment of age sixty-five
special provisions Sec. 5-8-6
when due and payable
election and failure to elect Sec. 5-8-5
interest and penalties Sec. 5-8-5
penalty and interest on delinquent taxes Sec. 5-8-7
tax lien and assessment return date Sec. 5-8-2
tax relief to persons upon attainment of age sixty-five Sec. 5-8-10
when and where taxes payable
delinquency date Sec. 5-8-3
when tax books open Sec. 5-8-4
Registration of municipal bonds
application for registration
successive registration Sec. 5-32-3
effect of registration
reconversion and transfer Sec. 5-32-4
generally Sec. 5-32-1
how registry noted on bond Sec. 5-32-5
no charge to be made for registration or transfer Sec. 5-32-6
registration book
contents of record Sec. 5-32-2
Tax-foreclosed property
agent defined Sec. 5-28-1
certification of delinquent taxes on property Sec. 5-28-4
collection and disposition of rentals Sec. 5-28-5
disposition of proceeds of sale Sec. 5-28-8
general duties of agent upon notice of acquisition of property Sec. 5-28-3
properties to be referred to agent Sec. 5-28-2
repairs Sec. 5-28-6

sale generally Sec. 5-28-7
Uptown area redevelopment trust fund
creation of Memphis and Shelby County community redevelopment agency redevelopment trust fund Sec. 5-36-4
definitions Sec. 5-36-2
discretion to grant exemptions Sec. 5-36-6
expenditure of moneys in the redevelopment trust fund Sec. 5-36-8
funding of the redevelopment trust fund Sec. 5-36-5
purpose Sec. 5-36-3
short title Sec. 5-36-1
term of the redevelopment trust fund Sec. 5-36-7

RULES OF THE ROAD
Vehicles and traffic
cruising on public streets Sec. 11-16-50
driving in parks Sec. 11-16-17
driving in processions Sec. 11-16-42
driving on divided streets Sec. 11-16-15
driving on roadways laned for traffic Sec. 11-16-14
driving over fire hose Sec. 11-16-41
driving through funeral processions Sec. 11-16-43
driving when view or control obstructed Sec. 11-16-4
driving within sidewalk area Sec. 11-16-18
duty to devote full time and attention to operating vehicle Sec. 11-16-2
duty to drive at safe speed, maintain lookout and keep vehicle under control Sec. 11-16-3
duty to drive on right side of roadway Sec. 11-16-8
duty to stop at railroad crossing upon approach of train Sec. 11-16-49
emerging from or entering alley, private driveway or building Sec. 11-16-7
entering or leaving controlled-access roadway Sec. 11-16-16
following fire apparatus or driving near fire Sec. 11-16-40
following too closely Sec. 11-16-20
generally
See VEHICLES AND TRAFFIC
general speed restrictions Sec. 11-16-21
lap driving Sec. 11-16-5
limitations on backing Sec. 11-16-38
limitations on turning around Sec. 11-16-32
markings or signs regulating manner of making turns Sec. 11-16-29
minimum speed regulations Sec. 11-16-23
obstructing intersection or crosswalk Sec. 11-16.190
one-way streets Sec. 11-16-27
operating vehicle for advertising purposes Sec. 11-16-46
overtaking and passing school buses
identification of buses Sec. 11-16-13
passing vehicles proceeding in opposite direction Sec. 11-16-9
passing vehicles proceeding in same direction
duty of driver of overtaken vehicle Sec. 11-16-12
generally Sec. 11-16-10
on right side Sec. 11-16-11
procedure upon approach of authorized emergency vehicle Sec. 11-16-39
prohibited turns Sec. 11-16-31
pulling away from curb Sec. 11-16-6
reckless driving Sec. 11-16-44
restriction on use of certain streets by trucks, trailers and heavy-duty vehicles Sec. 11-16-47
right-of-way at uncontrolled intersections Sec. 11-16-24
right-of-way when vehicle turning left at intersection Sec. 11-16-37
speed limit in school zones Sec. 11-16-22
state license required Sec. 11-16-1
stop intersections Sec. 11-16-26
striking parked vehicles or fixed objects Sec. 11-16-45
truck routes Sec. 11-16-48
turning and stopping signals
change of direction after signal given Sec. 11-16-35
duty of drivers receiving signal Sec. 11-16-36
generally Sec. 11-16-33
manner of giving with hand and arm Sec. 11-16-34
turning movements generally Sec. 11-16-28
turns from a designated center lane Sec. 11-16-30
yield intersections Sec. 11-16-25

—S—

SEATBELTS AND CHILD-SAFETY DEVICES
Vehicles and traffic
child passenger safety responsibility Sec. 11-36-1
use of safety belts in passenger vehicles Sec. 11-36-2

SECONDHAND DEALERS
General provisions
business hours Sec. 6-68-1
daily report of purchases Sec. 6-68-3
dealing with minors Sec. 6-68-4
retention period for articles purchased Sec. 6-68-2
special provisions relative to secondhand book dealers Sec. 6-68-5
Purchase information cards
alternate method of information delivery Sec. 6-68-11
dealer to fill in proper type and deliver to police Sec. 6-68-10
forms and required information generally Sec. 6-68-8
generally Sec. 6-68-6
information to be on back of cards Sec. 6-68-9
transaction fee Sec. 6-68-12
types and colors Sec. 6-68-7

SEWER DISCHARGE PROHIBITION
See PUBLIC SERVICES

SEXUALLY ORIENTED BUSINESSES
Additional regulations for adult motels Sec. 6-72-13
Additional regulations for adult theaters and adult motion picture theaters Sec. 6-72-12
Additional regulations for escort agencies Sec. 6-72-10
Additional regulations for nude model studios Sec. 6-72-11
Classification Sec. 6-72-3
Definitions Sec. 6-72-2
Display of sexually explicit material to minors Sec. 6-72-15
Enforcement Sec. 6-72-16
Exemption from location restrictions Sec. 6-72-9
Hearings and appeals Sec. 6-72-6
Injunction Sec. 6-72-17
Location of sexually oriented businesses Sec. 6-72-8
Permit
revocation Sec. 6-72-5
suspension Sec. 6-72-5
Permit required Sec. 6-72-4
Purpose and intent Sec. 6-72-1
Regulations pertaining to exhibition of sexually explicit films or videos Sec. 6-72-14
Transfer of permit Sec. 6-72-7

SIDEWALKS
See STREETS, SIDEWALKS AND PUBLIC PLACES

SIGNS
Zoning
classification of signs Sec. 16-112-4
definitions Sec. 16-112-3
enforcement and penalties Sec. 16-112-12
general standards Sec. 16-112-6
permanent off-premises sign regulations Sec. 16-112-8
permanent on-premise sign regulations Sec. 16-112-7
purpose and scope Sec. 16-112-1
real estate sign regulations Sec. 16-112-10
registration, permits and decals required Sec. 16-112-2
signs prohibited Sec. 16-112-5
temporary off-premises sign regulations Sec. 16-112-9
violations Sec. 16-112-11

SITE PLAN REVIEW
Zoning
amendments Sec. 16-28-11
appeal of administrative site review Sec. 16-28-8
application Sec. 16-28-5
authority Sec. 16-28-1
criteria for site plan review Sec. 16-28-6
effect of site plan approval Sec. 16-28-9
initiation Sec. 16-28-3
period of validity Sec. 16-28-10
procedure for administrative site plan review Sec. 16-28-7
purpose Sec. 16-28-2
site plans required Sec. 16-28-4

SOUTH CENTRAL BUSINESS IMPROVEMENT DISTRICT
Zoning
Bluffview residential (R-B) district zoning district requirements Sec. 16-92-5
creative sign permitting Sec. 16-92-16
existing nonconforming signs Sec. 16-92-14
gateway commercial (C-G) district zoning district regulations Sec. 16-92-7
general provisions for all signs within the six zoning districts of the SCBID Sec. 16-92-13
riverside residential (R-R) district zoning district requirements Sec. 16-92-4

scope of sign regulations Sec. 16-92-11
sign permit procedure Sec. 16-92-15
sign registration, permits and decals Sec. 16-92-12
sign regulations
purpose Sec. 16-92-10
site plan review requirements Sec. 16-92-8
south downtown business park (SDBP) district zoning district requirements Sec. 16-92-6
south downtown residential (R-SD) zoning district requirements Sec. 16-92-3
South Main (SM) district zoning district requirements Sec. 16-92-2
special exception requirements Sec. 16-92-9
sports and entertainment (SE) district zoning district requirements Sec. 16-92-1

SPECIAL PERMIT USE
Zoning standards
authority Sec. 16-36-1
authorized special uses and additional standards Sec. 16-36-4
conditions on special uses Sec. 16-36-2
standards of general applicability Sec. 16-36-3

SPECIAL POLICE OFFICERS
Application for appointment Sec. 2-30-3
Appointment required Sec. 2-30-2
Bond of special officers Sec. 2-30-8
Conditions of commission Sec. 2-30-7
Definitions Sec. 2-30-1
Exemptions from provisions Sec. 2-30-12
Investigation of applicant for commission Sec. 2-30-4
Oath Sec. 2-30-9
Powers Sec. 2-30-10
Promulgation of regulations by director of police services Sec. 2-30-11
Standards applicable to employees Sec. 2-30-6
Standards for issuance of commission Sec. 2-30-5

SPECIAL PURPOSE DISTRICTS
Zoning
CTSD Cordova Town Centre special district Sec. 16-96-1
CU college and university district Sec. 16-96-3
FW floodway district Sec. 16-96-4
H hospital district Sec. 16-96-2
P parking district Sec. 16-96-5
RH-O residential home overlay district Sec. 16-96-6
SMSD South Main special district Sec. 16-96-7

SPECIAL USE PERMITS
Zoning
amendments to special permits Sec. 16-32-10
application procedure Sec. 16-32-4
assurance of compliance with conditions Sec. 16-32-9
authority Sec. 16-32-1
conditions on special uses Sec. 16-32-7
effect of issuance of special use permit Sec. 16-32-8
initiation Sec. 16-32-3
public hearing and notification procedure Sec. 16-32-5
purpose Sec. 16-32-2
reapplication if denied Sec. 16-32-11
required vote Sec. 16-32-6

STATE MISDEMEANOR STATUTES ADOPTED
State misdemeanors Sec. 10-4-1

STOPPING, STANDING AND PARKING GENERALLY
Vehicles and traffic
See VEHICLES AND TRAFFIC
angle parking Sec. 11-40-10
attendants at off-street parking facilities Sec. 11-40-22
bus stops Sec. 11-40.190
city engineer to create and designate tow-away zones
parking in zones
enforcement Sec. 11-40-3
claims for damaged booting devices
presumption on registered owner Sec. 11-40-28
duty of police relative to illegally parked vehicles
ticket for parking violations Sec. 11-40-24
impounding vehicles obstructing street Sec. 11-40-26
impoundment and/or immobilization of vehicles with outstanding traffic ticket violations Sec. 11-40-27
loading and unloading zones
generally Sec. 11-40-17
use Sec. 11-40-18
no-parking zones Sec. 11-40-9
obedience to parking signs Sec. 11-40-1
obstructing traffic prohibited Sec. 11-40-5

opening door of parked or standing vehicle Sec. 11-40-6
parked vehicles restricting or encroaching upon designated handicapped spaces Sec. 11-40-16
parking, loading and unloading in alleys Sec. 11-40-14
parking in handicapped spaces Sec. 11-40-15
parking of nonmotorized equipment or vehicles in residential zone Sec. 11-40-12
parking vehicles in residential zone Sec. 11-40-11
presumption in prosecutions for parking violations Sec. 11-40-25
prohibited for certain purposes Sec. 11-40-4
prohibited in specified places Sec. 11-40-2
regulation of parking on city property Sec. 11-40-21
stopping with left side to curb Sec. 11-40-8
storage of property on public streets and right-of-way unlawful Sec. 11-40-13
taxicab stands Sec. 11-40-20
unattended vehicles Sec. 11-40-7
vehicle owner not to permit parking violations Sec. 11-40-23

STORMWATER MANAGEMENT AND POLLUTION CONTROL
See PUBLIC SERVICES

STREETS, SIDEWALKS AND PUBLIC PLACES
Airports and aircraft
administration
accident reports Sec. 12-76-19
advertisements Sec. 12-76-7
airport authority
promulgation of rules and regulations Sec. 12-76-20
destroying or damaging property Sec. 12-76-13
disposal of refuse Sec. 12-76-14
entering restricted area Sec. 12-76-10
eviction from premises Sec. 12-76-18
firearms and explosives Sec. 12-76-12
gambling Sec. 12-76-15
lost property Sec. 12-76-17
permit for commercial activities generally Sec. 12-76-5
permit for commercial photography Sec. 12-76-6
president to have access to records of commercial users Sec. 12-76-9
restrictions on dogs and other animals Sec. 12-76-16
soliciting funds Sec. 12-76-8
unauthorized taking of property Sec. 12-76-11
airport operating regulations
aircraft radios Sec. 12-76-28
airport authority may delay or restrict operations or refuse clearance Sec. 12-76-24
experimental and test flying Sec. 12-76-26
parachute jumping Sec. 12-76-27
portable traffic-control light Sec. 12-76-30
radio procedure Sec. 12-76-29
removal of disabled aircraft Sec. 12-76-25
report of aircraft accidents Sec. 12-76-31
runway usage Sec. 12-76-23
securing unattended aircraft Sec. 12-76-22
storage and repair of aircraft Sec. 12-76-21
general provisions
acrobatic flying Sec. 12-76-3
definitions Sec. 12-76-1
dropping handbills and circulars from aircraft Sec. 12-76-4
general rules for operating aircraft over city Sec. 12-76-2
motor vehicle and pedestrian traffic at airport
application of traffic regulations Sec. 12-76-32
establishment of no parking zones and loading zones Sec. 12-76-33
following other vehicles Sec. 12-76-36
obstructing traffic Sec. 12-76-37
operation of motorized equipment on apron Sec. 12-76-38
pedestrians' right-of-way Sec. 12-76-35
speed of vehicles Sec. 12-76-39
use of roads and walks Sec. 12-76-34
vehicles for hire Sec. 12-76-40
Building and house numbers
application for number
issuance of certificate Sec. 12-20-7
attaching, stenciling or painting number on building Sec. 12-20-8
display of incorrect number Sec. 12-20-9
meridians described Sec. 12-20-2
method of numbering on east and west streets Sec. 12-20-4
method of numbering on north and south streets Sec. 12-20-3
method of numbering on streets not at right angles with meridians Sec. 12-20-6
method of numbering two entrances Sec. 12-20-5
required Sec. 12-20-1

central business district sign code
definitions Sec. 12-36-2
design regulations
areas affected Sec. 12-36-4
purpose Sec. 12-36-3
review procedure Sec. 12-36-5
sign standards
general CBID sign standards Sec. 12-36-6
special provisions for general districts Sec. 12-36-7
established Sec. 12-36-1
existing nonconforming signs Sec. 12-36-8
permits Sec. 12-36-9
Central business district surface parking lots
established Sec. 12-40-1
fences and walls Sec. 12-40-7
location prohibited Sec. 12-40-3
locations permitted Sec. 12-40-4
parking lot defined Sec. 12-40-2
parking lot fencing Sec. 12-40-6
supplemental zoning regulations Sec. 12-40-8
surface parking lot lighting Sec. 12-40-5
Central business improvement district
assessments to pay for improvements Sec. 12-32-5
authority to establish zoning regulations, building code or sign code Sec. 12-32-8
board of assessment commissioners Sec. 12-32-6
created Sec. 12-32-1
district boundaries Sec. 12-32-2
estimate of overall cost Sec. 12-32-4
preliminary approval or disapproval of designs and improvements Sec. 12-32-7
required and permissible improvements Sec. 12-32-3
Central business improvement district II
annual budget Sec. 12-44-8
authorized improvements, services and projects Sec. 12-44-4
created Sec. 12-44-1
delegation of authority to district management corporation Sec. 12-44-7
determination and apportionment of special assessments Sec. 12-44-9
district boundaries Sec. 12-44-2
district management corporation Sec. 12-44-6
initial special assessment rates Sec. 12-44-5
special assessment Sec. 12-44-3
time and manner of payment of assessments Sec. 12-44-10
Common mall area
center city commission
appeals Sec. 12-48-3
duties Sec. 12-48-3
enforcement
injunctive or other relief Sec. 12-48-5
meetings Sec. 12-48-4
powers Sec. 12-48-2
definitions Sec. 12-48-1
insurance Sec. 12-48-6
regulation of vehicles Sec. 12-48-7
violation
penalty Sec. 12-48-8
Conduits
poles, wires and conduits.
See within this heading, "Poles, wires and conduits."
Main street trolley system
conduct of passengers or occupants of trolley vehicles Sec. 12-64-5
definitions Sec. 12-64-1
prohibitions Sec. 12-64-2
right-of-way Sec. 12-64-3
vehicles on main street mall Sec. 12-64-4
Motorboats
definitions Sec. 12-96-3
duty of operator in case of accident Sec. 12-96-6
motorboat traffic citation ticket
arrest warrants Sec. 12-96-8
motorboat violation forfeitures Sec. 12-96-9
muffling of exhaust
use of cut-outs Sec. 12-96-7
purpose Sec. 12-96-2
reckless or negligent operation Sec. 12-96-5
short title Sec. 12-96-1
violation of federal laws or regulations Sec. 12-96-4
Motor vehicle and pedestrian traffic at airport
airports and aircraft.
See within this heading, "Airports and aircraft."
Mud Island River Park
control and supervision Sec. 12-88-1
reports on costs and revenues Sec. 12-88-2
Parades and public assemblies
alternative permit Sec. 12-52-10
appeal procedure Sec. 12-52-11
application for permit Sec. 12-52-4
contents of permit Sec. 12-52-13
definitions Sec. 12-52-1
duties of permittee Sec. 12-52-14
exceptions Sec. 12-52-3
fees Sec. 12-52-5

nondiscrimination Sec. 12-52-8
notice of denial of application Sec. 12-52-9
notice to city and other officials Sec. 12-52-12
permit required Sec. 12-52-2
police protection Sec. 12-52-6
prohibitions Sec. 12-52-15
public conduct during parades or public assemblies Sec. 12-52-16
revocation of permit Sec. 12-52-17
standards for issuance Sec. 12-52-7
violations
fines and penalties Sec. 12-52-18
Park and parkway regulations
animals at large prohibited Sec. 12-84-8
applicability Sec. 12-84-1
bathing, fishing and interfering with birds prohibited Sec. 12-84-9
billposting
erecting stands or platforms
meetings Sec. 12-84-5
drinking or sale of beverages with alcoholic content within public park areas and boundaries Sec. 12-84-20
general regulations to cyclists Sec. 12-84-17
hours of operation Sec. 12-84-11
indecency or breaches of the peace Sec. 12-84-7
injuring or picking flowers and plants Sec. 12-84-2
instruction in operating automobiles, and other vehicles and trick riding prohibited Sec. 12-84-19
making fires Sec. 12-84-4
parking or stopping vehicles in certain places prohibited Sec. 12-84-13
permit required for poles and wires Sec. 12-84-6
position of horses ridden on roads Sec. 12-84-16
riding more than two abreast Sec. 12-84-18
sales and exhibitions Sec. 12-84-3
standing vehicles for hire Sec. 12-84-14
staying in park at night prohibited Sec. 12-84-11
throwing missiles, begging and gaming prohibited Sec. 12-84-10
traffic regulations generally Sec. 12-84-12
use of drives and bridle paths generally Sec. 12-84-15
Poles, wires and conduits
conduits
bond Sec. 12-56-16
conduit district established Sec. 12-56-13
conformity with general rules and requirements Sec. 12-56-17
departure from approved construction plans Sec. 12-56-18
depth, gradient, ventilation and drainage Sec. 12-56-20
disturbing or interfering with conduits Sec. 12-56-30
excavations generally Sec. 12-56-22
location Sec. 12-56-19
manholes
construction size, control or costs Sec. 12-56-25
joint use Sec. 12-56-26
permit to enter Sec. 12-56-27
permit to construct, alter or repair Sec. 12-56-15
permit to install wires Sec. 12-56-24
plans to be filed upon execution of work Sec. 12-56-28
required ducts Sec. 12-56-21
restoration of surface improvements Sec. 12-56-23
to be used only for authorized public services Sec. 12-56-29
transfer of rights in conduits Sec. 12-56-31
what rights acquired under article Sec. 12-56-32
wires to be underground within conduit district
exceptions Sec. 12-56-14
general provisions
compliance with national electrical safety code Sec. 12-56-1
dead wires or wires not in use Sec. 12-56-2
trees near wires or street lights Sec. 12-56-3
poles
identification of poles located in street right-of-way Sec. 12-56-10
joint construction Sec. 12-56-8
permit
application Sec. 12-56-6
refusal to issue Sec. 12-56-7
permit to install, reset, replace or repair
required, exceptions Sec. 12-56-5
privilege tax on poles in streets Sec. 12-56-11
removal, replacement or relocation of poles in public places Sec. 12-56-12
reservation of space for city wires Sec. 12-56-9
supervision Sec. 12-56-4
Public art
administration Sec. 12-72-4
definitions Sec. 12-72-2

funding source, use and disbursement of the public art program Sec. 12-72-3
ownership Sec. 12-72-5
purpose Sec. 12-72-1
Public buildings and property use regulations
definitions Sec. 12-68-1
entry into work area Sec. 12-68-3
intent of chapter
responsibility of park commission Sec. 12-68-5
opening and closing hours Sec. 12-68-2
open spaces, parks and recreational areas
use for political gatherings Sec. 12-68-4
Railroads and railroad crossings
crossings
generally Sec. 12-80-14
human flagmen, gates or crossarm signs Sec. 12-80-16
inspection by city engineer Sec. 12-80-19
overhead street or arc lights Sec. 12-80-17
safety gates to be counterbalanced Sec. 12-80-18
signal lights Sec. 12-80-15
general provisions
applicability of chapter to agents and officers Sec. 12-80-3
climbing upon or between cars or engines Sec. 12-80-9
contracts between city and railroads
breaches Sec. 12-80-5
deemed ordinances Sec. 12-80-4
locomotive headlight Sec. 12-80-10
obstructing passage between depots and trains Sec. 12-80-8
parking of railway cars at crossings Sec. 12-80-13
rules and regulations relative to passenger terminal facilities Sec. 12-80-7
sounding of engine whistle Sec. 12-80-12
speed limit Sec. 12-80-11
trains obstructing street Sec. 12-80-1
wooden bridges, culverts or trestles Sec. 12-80-2
work in streets to be under supervision of city engineer
adjustment of conflicts between company and engineer Sec. 12-80-6
Residential corridors
administration Sec. 12-60-7
appeals Sec. 12-60-8
criteria for designation Sec. 12-60-4
establishment of specific residential corridors Sec. 12-60-5
methods of request for designation or deletion of residential corridors Sec. 12-60-6
restrictions to protect corridors Sec. 12-60-3
system established
composition Sec. 12-60-2
title Sec. 12-60-1
Sidewalk construction and maintenance
cement
materials, preparation, placement, treatment and curing Sec. 12-28-13
city engineer to accept and inspect work Sec. 12-28-9
city engineer to furnish grades and lines Sec. 12-28-7
contractor's responsibilities Sec. 12-28-16
cuts and repairs Sec. 12-28-14
driveway openings Sec. 12-28-8
failure of property owner to comply with notice Sec. 12-28-6
notice to property owner to build, repair or clean Sec. 12-28-5
sidewalk construction in developing areas Sec. 12-28-2
sidewalk inspector Sec. 12-28-4
sidewalks required on existing improved streets when construction to begin Sec. 12-28-3
sidewalks surrounding buildings Sec. 12-28-15
Tennessee one call to be notified of laying sidewalks Sec. 12-28-12
thickness and material to be used in concrete sidewalks Sec. 12-28-11
width, location of walks Sec. 12-28-10
work permit Sec. 12-28-1
Sidewalks generally
base of poles set in sidewalks to be concreted Sec. 12-24-20
compliance with chapter 12-12 Sec. 12-24-22
definitions Sec. 12-24-1
drainage Sec. 12-24-11
foliage and tree limbs projecting over sidewalks Sec. 12-24-12
gates and doors not to swing over walks
exception Sec. 12-24-17
general duty of property owner to build, repair and clean Sec. 12-24-3
letters and numbers in sidewalks Sec. 12-24-16
location of meter boxes and cut-off valves Sec. 12-24-19

metal drains across sidewalks Sec. 12-24-13
obstructing gutters adjoining sidewalks Sec. 12-24-15
obstructions generally Sec. 12-24-2
openings to be covered Sec. 12-24-14
slippery walks to be made safe Sec. 12-24-9
time and method of sweeping Sec. 12-24-7
to be kept free of ice and snow, exceptions Sec. 12-24-6
to be kept free of mud, weeds and grass Sec. 12-24-5
use for storage, display or sale of merchandise prohibited Sec. 12-24-10
water not to drain on sidewalks Sec. 12-24-18
when sidewalks to be relaid
concrete to be used Sec. 12-24-21
wood and brick sidewalks to be kept in repair Sec. 12-24-8
work on sidewalks by tenants Sec. 12-24-4
Street concrete work
compliance required Sec. 12-12-1
inspection of work
certificate of approval Sec. 12-12-7
job permit Sec. 12-12-5
notices to property owners to contain warning Sec. 12-12-8
when work to be commenced and concluded Sec. 12-12-6
worker's bond
breach of conditions Sec. 12-12-4
renewal Sec. 12-12-3
required
amount Sec. 12-12-2
conditions Sec. 12-12-2
Street cuts
intersections to be kept open Sec. 12-8-4
liability of permit holder for damages Sec. 12-8-8
notice when opening is repaired and ready for traffic Sec. 12-8-7
period for which repairs must be maintained
costs of permits Sec. 12-8-10
permit required Sec. 12-8-1
records relative to permits Sec. 12-8-2
refilling of trench Sec. 12-8-6
standards of workmanship for repairing surfaces Sec. 12-8-9
warnings to be displayed Sec. 12-8-5
work to be performed diligently
expiration of permit if work not begun in ninety days Sec. 12-8-3
Streets generally
bus shelters Sec. 12-4-4
curb service Sec. 12-4-9
defacing or injuring streets
painting house numerals on curb Sec. 12-4-7
establishment of street grade prior to improvement of street Sec. 12-4-2
flashing lights projecting revolving beam upon or in view of streets
removal when interfering with traffic Sec. 12-4-11
gas and water pipes under streets and sidewalks Sec. 12-4-10
notice of excavation or site preparation work in utility easements Sec. 12-4-12
obstructing street lamps Sec. 12-4-6
oil not to be spilled on asphalt pavements Sec. 12-4-8
removal of improper materials under grading or paving contract Sec. 12-4-3
street improvements generally Sec. 12-4-1
street obstructions Sec. 12-4-5
Street thoroughfare designations and names
designating alleys Sec. 12-16-1
east and west prefixes Sec. 12-16-4
method of naming and renaming Sec. 12-16-2
north and south prefixes Sec. 12-16-3
official map showing names Sec. 12-16-6
reports to post office of changes in names Sec. 12-16-7
thoroughfares on same line to bear same name, exception Sec. 12-16-5
Wharves and landings
bond may be required for wharfboats moored at public landings Sec. 12-92-1
obstructing wharves and landings Sec. 12-92-2
removal of leaking or sinking vessels from harbor
generally Sec. 12-92-3
procedure in case of failure of master or person in charge to remove Sec. 12-92-4

SUBDIVISIONS
Certificate forms Appendix I
Design standards generally
phasing of development Sec. 15-16-2
subdivision layout Sec. 15-16-1
Drainage
dams Sec. 15-48-6
downstream capacity Sec. 15-48-3
drainage design criteria Sec. 15-48-7
phasing of development Sec. 15-48-4
rural subdivision Sec. 15-48-2

timing of construction Sec. 15-48-5
urban subdivisions Sec. 15-48-1
General provisions
amendments Sec. 15-4-8
conditions Sec. 15-4-6
general declaration Sec. 15-4-2
interpretation, conflict and separability Sec. 15-4-9
jurisdiction and exemptions Sec. 15-4-5
purposes Sec. 15-4-3
requirements for approval of preliminary plan Sec. 15-4-4
reservations and appeals Sec. 15-4-12
saving provision
applicability Sec. 15-4-11
title Sec. 15-4-1
variances Sec. 15-4-7
violation
penalty Sec. 15-4-10
Improvements generally
electrical service Sec. 15-36-3
general provisions Sec. 15-36-1
soil erosion Sec. 15-36-2
Lots and blocks
blocks Sec. 15-20-10
corner lots Sec. 15-20-3
double frontage lots (other than arterial streets) Sec. 15-20-5
flag lots Sec. 15-20-2
general lot design Sec. 15-20-1
lot numbering Sec. 15-20-9
lots abutting arterials Sec. 15-20-4
lots not served by public sewer and water Sec. 15-20-8
lots with easements Sec. 15-20-6
reserve tracts Sec. 15-20-7
Private drives
construction requirements Sec. 15-28-8
dead end drives Sec. 15-28-5
general design criteria Sec. 15-28-2
general provisions Sec. 15-28-1
geometric design standards Sec. 15-28-3
intersections Sec. 15-28-6
maintenance Sec. 15-28-9
multiple access points to public streets Sec. 15-28-7
pavement width Sec. 15-28-4
Procedure
approval period Sec. 15-12-5
final plat requirements Sec. 15-12-7
final plat review Sec. 15-12-8
final plat submission Sec. 15-12-6
minor subdivision Sec. 15-12-10
pre-application Sec. 15-12-1
preliminary plan requirements Sec. 15-12-3
preliminary plan review Sec. 15-12-4
preliminary plan submission Sec. 15-12-2
revisions and amendments Sec. 15-12-9
Public streets
access and circulation Sec. 15-24-3
access limitations Sec. 15-24-6
classification of public streets Sec. 15-24-2
corner radii Sec. 15-24-13
curb and gutter Sec. 15-24-16
curves Sec. 15-24-9
driveways and curb cuts Sec. 15-24-7
general arrangement and layout Sec. 15-24-1
grades Sec. 15-24-11
intersections Sec. 15-24-8
length of dead end street Sec. 15-24-14
medians Sec. 15-24-17
public alleys Sec. 15-24-18
right-of-way dedication Sec. 15-24-5
right-of-way width Sec. 15-24-4
sidewalks
requirements for installation Sec. 15-24-15
sight distance Sec. 15-24-10
street names Sec. 15-24-19
tangents Sec. 15-24-12
Reservation of land
other areas Sec. 15-32-3
public sites and open spaces Sec. 15-32-1
termination Sec. 15-32-2
Sewer systems
cost estimate Sec. 15-52-2
easements Sec. 15-52-4
extension Sec. 15-52-1
lift stations Sec. 15-52-6
on-site systems Sec. 15-52-3
timing of construction Sec. 15-52-5
Standard improvement contract
assurances Sec. 15-40-4
conversion procedures
no bond to bond Sec. 15-40-5
expiration and extension Sec. 15-40-2
property transfer and assumption contract Sec. 15-40-3
required Sec. 15-40-1
Street and alley closings
other requirements Sec. 15-64-4
preapplication Sec. 15-64-1
procedures Sec. 15-64-3

submission requirements Sec. 15-64-2
Street dedications
applicability Sec. 15-60-1
improvements Sec. 15-60-5
preapplication Sec. 15-60-2
review and approval Sec. 15-60-4
submission requirements Sec. 15-60-3
Street improvements
base pavement Sec. 15-44-1
curbs and gutters Sec. 15-44-3
medians Sec. 15-44-2
sidewalks
requirements for installation Sec. 15-44-4
street name signs Sec. 15-44-5
Street name changes
processing procedures Sec. 15-68-2
submission requirements Sec. 15-68-1
Subdivisions revocation
processing and procedures Sec. 15-72-2
standard improvement contract Sec. 15-72-3
subdivision requirements Sec. 15-72-1
Water systems
construction Sec. 15-56-4
fire hydrants Sec. 15-56-3
private system Sec. 15-56-2
public system Sec. 15-56-1
Word usage and definitions
definitions Sec. 15-8-2
word usage Sec. 15-8-1

SWIMMING POOLS
Health and safety
See HEALTH AND SAFETY

—T—

TATTOO ESTABLISHMENTS
General provisions
definitions Sec. 6-76-1
inspections Sec. 6-76-8
minors Sec. 6-76-9
penalties Sec. 6-76-12
permit
form and transfer Sec. 6-76-6
inspection prerequisite to issuance Sec. 6-76-3
public display Sec. 6-76-7
required Sec. 6-76-2
term
fees Sec. 6-76-5
renewal Sec. 6-76-5
training in sterilization techniques and methods prerequisite to issuance Sec. 6-76-4
records required Sec. 6-76-10
removal of tattoo Sec. 6-76-11
shop requirements
disposal of waste materials Sec. 6-76-17
floors, walls and ceilings Sec. 6-76-16
instructions to patrons or customers as to care of skin after tattooing Sec. 6-76-21
operating room facilities Sec. 6-76-13
personal cleanliness of tattoo artists required equipment Sec. 6-76-14
preparation of area to be tattooed Sec. 6-76-18
stencil for transferring design Sec. 6-76-19
sterilizing device required Sec. 6-76-22
storage of tattooing equipment and materials Sec. 6-76-15
tattooing procedures Sec. 6-76-20

TAX-FORECLOSED PROPERTY
Revenue and finance
See REVENUE AND FINANCE

TAXICABS
Certificate of public convenience and necessity
accident reports Sec. 6-80-19
application for certificate Sec. 6-80-8
assignment or transfer of certificate Sec. 6-80-21
book and accounting records of certificate holder Sec. 6-80-14
business to be conducted by certificate holder agreements with drivers Sec. 6-80-16
certificate issued to owner only Sec. 6-80-11
expiration and renewal of the certificate Sec. 6-80-22
fee Sec. 6-80-12
fines, suspension and revocation of certificate Sec. 6-80-23
increase in number of vehicles after issuance enlargement of authority Sec. 6-80-17
insurance Sec. 6-80-10
manifests Sec. 6-80-20
passenger vehicle for hire services Sec. 6-80-13
replacement of vehicles Sec. 6-80-18
required
exceptions Sec. 6-80-7
standards for issuance of certificate Sec. 6-80-9
telephone records Sec. 6-80-15
Definitions Sec. 6-80-1
Drivers and conductors

applicant to fill out identification questionnaire and be fingerprinted Sec. 6-80-26
application for a driver's permit Sec. 6-80-25
consent required for a taxicab to pick up additional passengers Sec. 6-80-42
defensive driving school and taxi safety/courtesy course required Sec. 6-80-28
display of permit Sec. 6-80-33
drivers not to work more than twelve hours out of twenty-four Sec. 6-80-43
drug screening Sec. 6-80-39
expiration and renewal Sec. 6-80-34
fee Sec. 6-80-31
fines, suspension and revocation of permit Sec. 6-80-35
form, size, design and contents Sec. 6-80-32
investigation
issuance
not to issue to certain persons Sec. 6-80-27
notification of arrest or indictment Sec. 6-80-29
notification of company change of driver Sec. 6-80-30
prohibited manner of solicitation Sec. 6-80-37
receipt and discharge of passengers on sidewalk Sec. 6-80-40
solicitation of passengers by drivers
drivers to remain in or near vehicle Sec. 6-80-44
standards of appearance and conduct of drivers Sec. 6-80-38
total passengers in vehicle
carrying passengers in front seat of taxicab Sec. 6-80-41
unauthorized use of permit
defacing or removing permit Sec. 6-80-36
vehicle drivers Sec. 6-80-24
Fares
demand of fare in advance
refusal to convey passengers Sec. 6-80-52
in-kind payments of fares Sec. 6-80-55
rates Sec. 6-80-50
rates to be displayed Sec. 6-80-51
receipt for fare Sec. 6-80-54
refusal to pay fare Sec. 6-80-53
Powers of director of police services and inspections
director of police services
powers
appeal of decisions Sec. 6-80-5
duty of vehicle for hire inspectors to enforce chapter Sec. 6-80-6
rules and regulations of the director of police services relative to vehicles for hire Sec. 6-80-4
Terminals and routing
approval of terminals Sec. 6-80-2
taxicab stands
use by other vehicles prohibited Sec. 6-80-3
Vehicles
equipment and maintenance Sec. 6-80-45
maintenance Sec. 6-80-47
scanners Sec. 6-80-49
taximeters Sec. 6-80-48
television requirement Sec. 6-80-46

THEFT AND RELATED OFFENSES
Community antenna systems
connecting, modifying or tampering with franchised system Sec. 10-16-1
Defrauding light, gas and water division by tampering with measuring devices and diverting the utility services of another Sec. 10-16-3
Shoplifting Sec. 10-16-2

TRAFFIC ADVISORY COMMISSION
Annual report Sec. 2-88-8
Assistance from city departments Sec. 2-88-9
Chairperson Sec. 2-88-4
Composition
appointment of members Sec. 2-88-2
Created Sec. 2-88-1
Duties Sec. 2-88-7
Expense allowances Sec. 2-88-10
Meetings
quorum
records Sec. 2-88-6
Secretary Sec. 2-88-5
Terms and removal of members Sec. 2-88-3

TRAFFIC-CONTROL DEVICES
Vehicles and traffic
altering or injuring devices Sec. 11-12-5
controlled-access roadways Sec. 11-12-12
designation of crosswalks Sec. 11-12-9
establishment of safety zones Sec. 11-12-10
flashing signals Sec. 11-12-7
generally
See VEHICLES AND TRAFFIC
installation and maintenance generally Sec. 11-12-1
marking traffic lanes Sec. 11-12-11
obedience to devices Sec. 11-12-13
pedestrian-control signal Sec. 11-12-8

traffic-control signal legend generally Sec. 11-12-6
unauthorized signs and signals Sec. 11-12-4
uniformity
when official Sec. 11-12-2
when signs required Sec. 11-12-3

TRAFFIC REGULATIONS
Vehicles and traffic
boarding or alighting from vehicle in motion Sec. 11-68-3
clinging to moving vehicles Sec. 11-68-2
deposit of glass and nails in street prohibited
removal of same Sec. 11-68-5
riding on a portion of vehicle not intended for passengers Sec. 11-68-4
use of roller skates and coasters in roadway Sec. 11-68-1

TRAILERS AND TRAILER COURTS
See BUILDINGS AND CONSTRUCTION

TREE REMOVAL
Zoning
definitions Sec. 16-124-3
fees Sec. 16-124-6
inspection and enforcement Sec. 16-124-7
permit procedure Sec. 16-124-5
purpose Sec. 16-124-2
short title Sec. 16-124-1
tree survey
permit requirements
alternative procedures Sec. 16-124-4

—U—

UNDERTAKERS
Approval of plans and specifications for establishments Sec. 6-84-4
Establishments to conform to building and plumbing codes Sec. 6-84-5
Floors in workrooms Sec. 6-84-7
Permit
required
contents Sec. 6-84-2
term Sec. 6-84-2
revocation Sec. 6-84-3
Report of homicides and suicides
generally Sec. 6-84-8
in absence of investigation by police Sec. 6-84-9
Toilets, urinals and wash basins at establishments Sec. 6-84-6
Undertaker defined Sec. 6-84-1

UPTOWN AREA REDEVELOPMENT TRUST FUND
See REVENUE AND FINANCE

—V—

VEHICLE EQUIPMENT
Vehicles and traffic
brakes for motorcycles and motorized bicycles Sec. 11-32-2
brakes for trailers and semitrailers Sec. 11-32-3
brakes generally Sec. 11-32-1
emission control devices and emissions generally Sec. 11-32-23
horn
bells, sirens or exhaust whistles on emergency vehicles Sec. 11-32-17
lights
headlamps on motorcycles Sec. 11-32-9
headlights complying with prohibition against glaring and dazzling lights
anti-glare devices Sec. 11-32-13
mounted height of lamps Sec. 11-32-13
headlights on motor vehicles
operation during inclement weather Sec. 11-32-12
lamp at end of train of vehicles Sec. 11-32-10
lighting devices and reflectors on vehicles having width in excess of eighty inches, truck tractors and trailers
lamp or flag on projecting load Sec. 11-32-11
on vehicles other than motor vehicles
visibility distance Sec. 11-32-8
required on motor vehicles
exceptions Sec. 11-32-7
regulations as to color, type and visibility distance Sec. 11-32-7
maintenance and adjustment of brakes Sec. 11-32-6
muffler cutout prohibited Sec. 11-32-16
muffler required Sec. 11-32-15
obscene or patently offensive bumper stickers, window signs or automotive equipment prohibited Sec. 11-32-25
offensive sound systems installed in or on vehicles prohibited Sec. 11-32-26

operating vehicle equipped with tire in dangerous condition Sec. 11-32-22
performance ability of brakes Sec. 11-32-5
rear view mirrors Sec. 11-32-21
service brakes required Sec. 11-32-4
steering mechanism and wheel alignment Sec. 11-32-20
television in motor vehicles
penalty
law enforcement Sec. 11-32-24
use of spotlights prohibited
exception Sec. 11-32-14
windshields and windows Sec. 11-32-18
windshield wipers Sec. 11-32-19

VEHICLES AND TRAFFIC
Abandoned, junked or wrecked vehicles and parking vehicles
housing code
buildings and construction
See BUILDINGS AND CONSTRUCTION
Accidents
accident studies Sec. 11-48-4
garages to report Sec. 11-48-2
immediate notice to police Sec. 11-48-1
review of traffic accident reports
fee Sec. 11-48-3
Administration and enforcement
compliance with financial responsibility law required
evidence of compliance Sec. 11-8-10
court may adopt rule permitting deposit of chauffeur's or operator's license in lieu of bond Sec. 11-8-6
definitions Sec. 11-8-1
dismissal or nolle prossing of summons or citation not prohibited Sec. 11-8-8
limitation on action for traffic violation
service of summons Sec. 11-8-7
when action deemed commenced Sec. 11-8-7
procedures applicable to summonses and traffic citations Sec. 11-8-4
Sections 7-63-101 through 7-63-107, T.C.A., adopted Sec. 11-8-2
violation forfeitures Sec. 11-8-5
when attendance of driver education course required
additional penalty for benefit of driver education program Sec. 11-8-9
when summonses deemed lawful complaints for prosecution Sec. 11-8-3

Bicycles
acrobatic and unicycle riding Sec. 11-24-16
bicycle routes and bikeways Sec. 11-24-17
bicycle safety guide and bikeway map Sec. 11-24-18
clinging to moving vehicles Sec. 11-24-13
effect of regulations Sec. 11-24-1
equipment
bell or other signal device Sec. 11-24-6
brake Sec. 11-24-5
lights and reflectors Sec. 11-24-4
obedience to traffic-control devices Sec. 11-24-9
parking on sidewalks Sec. 11-24-11
racing and endurance contests Sec. 11-24-15
removal or alteration of serial number Sec. 11-24-3
riding on roadways Sec. 11-24-8
riding on sidewalks Sec. 11-24-10
to be ridden in single file Sec. 11-24-12
towing other vehicles Sec. 11-24-14
traffic laws apply to persons riding bicycles Sec. 11-24-2
use of permanent seat required
carrying excess persons forbidden Sec. 11-24-7
General provisions and definitions
application to persons propelling pushcarts Sec. 11-4-11
application to persons working on street Sec. 11-4-12
authority of firefighters to direct traffic Sec. 11-4-7
authority of police to direct traffic Sec. 11-4-6
city impound lot
sales Sec. 11-4-17
unsalvageable sales Sec. 11-4-18
definitions Sec. 11-4-1
duty of police to enforce traffic laws Sec. 11-4-5
establishment, control and general duties of traffic division of police division Sec. 11-4-3
exemptions for authorized emergency vehicles Sec. 11-4-13
general duties of director of police under title Sec. 11-4-2
obedience to school safety patrols Sec. 11-4-9
obedience to traffic officers Sec. 11-4-8
report of vehicles stored for more than thirty days Sec. 11-4-14
riding or driving animals or animal-drawn vehicles Sec. 11-4-10
traffic design department generally Sec. 11-4-4

traffic records and reports Sec. 11-4-15
violators to furnish name and address Sec. 11-4-16
Horse-drawn carriages
See HORSE-DRAWN CARRIAGES
Inspection of vehicles
director of public service authorized to promulgate rules and regulations regarding inspection of vehicles Sec. 11-64-3
procedure when vehicle found defective Sec. 11-64-2
required
frequency
exceptions Sec. 11-64-1
Lights
vehicle equipment.
See within this heading, "Vehicle equipment."
Limousines, shuttles and other vehicles for hire
See LIMOUSINES, SHUTTLES AND OTHER VEHICLES FOR HIRE
Miscellaneous traffic regulations
boarding or alighting from vehicle in motion Sec. 11-68-3
clinging to moving vehicles Sec. 11-68-2
deposit of glass and nails in street prohibited
removal of same Sec. 11-68-5
riding on a portion of vehicle not intended for passengers Sec. 11-68-4
use of roller skates and coasters in roadway Sec. 11-68-1
Motorcycles
parent deemed guilty of misdemeanor for permitting minors to violate chapter Sec. 11-20-6
passenger seats required Sec. 11-20-3
penalty for violation Sec. 11-20-5
riding on motorcycles Sec. 11-20-1
wearing of crash helmets by driver and passenger required
operation of headlights required Sec. 11-20-2
windshield
wearing of goggles by operator and passenger Sec. 11-20-4
Parking meters
daily deposit of route collections required Sec. 11-44-7
deposit of coin
overtime parking Sec. 11-44-4
deposit of slugs prohibited Sec. 11-44-5
duties of director of public works Sec. 11-44-1
injuring or tampering with meters Sec. 11-44-6
installation and operation generally Sec. 11-44-2
marking of and parking within metered spaces Sec. 11-44-3
Pedestrians
applicability Sec. 11-28-1
crossing at other than crosswalks Sec. 11-28-5
duty of drivers with regard to pedestrians Sec. 11-28-10
pedestrian tunnels or overhead crossings Sec. 11-28-6
right-of-way in crosswalks Sec. 11-28-4
soliciting rides, employment or business Sec. 11-28-8
soliciting the watching or guarding of parked vehicles Sec. 11-28-9
special provisions relative to pedestrians carrying white cane or guided by dog Sec. 11-28-11
use of crosswalks generally Sec. 11-28-2
walking on roadways Sec. 11-28-7
when crossing at marked crosswalk required Sec. 11-28-3
Registration of vehicles
freight vehicles
information to be given Sec. 11-60-8
registration fees for freight motor vehicles Sec. 11-60-9
required registration Sec. 11-60-7
general provisions
definitions Sec. 11-60-1
display of registration plates
manner Sec. 11-60-6
persons required to register motor vehicles
exceptions Sec. 11-60-2
proof of inspection prerequisite to registration Sec. 11-60-3
registration fees Sec. 11-60-4
registration under chapters 1 through 6 of title 55, Tennessee Code Annotated required
penalty for violation of section Sec. 11-60-5
Rules of the road
cruising on public streets Sec. 11-16-50
driving in parks Sec. 11-16-17
driving in processions Sec. 11-16-42
driving on divided streets Sec. 11-16-15
driving on roadways laned for traffic Sec. 11-16-14
driving over fire hose Sec. 11-16-41
driving through funeral processions Sec. 11-16-43
driving when view or control obstructed Sec. 11-16-4
driving within sidewalk area Sec. 11-16-18

duty to devote full time and attention to operating vehicle Sec. 11-16-2
duty to drive at safe speed, maintain lookout and keep vehicle under control Sec. 11-16-3
duty to drive on right side of roadway Sec. 11-16-8
duty to stop at railroad crossing upon approach of train Sec. 11-16-49
emerging from or entering alley, private driveway or building Sec. 11-16-7
entering or leaving controlled-access roadway Sec. 11-16-16
following fire apparatus or driving near fire Sec. 11-16-40
following too closely Sec. 11-16-20
general speed restrictions Sec. 11-16-21
lap driving Sec. 11-16-5
limitations on backing Sec. 11-16-38
limitations on turning around Sec. 11-16-32
markings or signs regulating manner of making turns Sec. 11-16-29
minimum speed regulations Sec. 11-16-23
obstructing intersection or crosswalk Sec. 11-16.190
one-way streets Sec. 11-16-27
operating vehicle for advertising purposes Sec. 11-16-46
overtaking and passing school buses
identification of buses Sec. 11-16-13
passing vehicles proceeding in opposite direction Sec. 11-16-9
passing vehicles proceeding in same direction
duty of driver of overtaken vehicle Sec. 11-16-12
generally Sec. 11-16-10
on right side Sec. 11-16-11
procedure upon approach of authorized emergency vehicle Sec. 11-16-39
prohibited turns Sec. 11-16-31
pulling away from curb Sec. 11-16-6
reckless driving Sec. 11-16-44
restriction on use of certain streets by trucks, trailers and heavy-duty vehicles Sec. 11-16-47
right-of-way at uncontrolled intersections Sec. 11-16-24
right-of-way when vehicle turning left at intersection Sec. 11-16-37
speed limit in school zones Sec. 11-16-22
state license required Sec. 11-16-1
stop intersections Sec. 11-16-26
striking parked vehicles or fixed objects Sec. 11-16-45
truck routes Sec. 11-16-48
turning and stopping signals
change of direction after signal given Sec. 11-16-35
duty of drivers receiving signal Sec. 11-16-36
generally Sec. 11-16-33
manner of giving with hand and arm Sec. 11-16-34
turning movements generally Sec. 11-16-28
turns from a designated center lane Sec. 11-16-30
yield intersections Sec. 11-16-25
Seatbelts and child-safety devices
child passenger safety responsibility Sec. 11-36-1
use of safety belts in passenger vehicles Sec. 11-36-2
Stopping, standing and parking generally
angle parking Sec. 11-40-10
attendants at off-street parking facilities Sec. 11-40-22
bus stops Sec. 11-40.190
city engineer to create and designate tow-away zones
enforcement Sec. 11-40-3
parking in zones Sec. 11-40-3
claims for damaged booting devices
presumption on registered owner Sec. 11-40-28
duty of police relative to illegally parked vehicles
ticket for parking violations Sec. 11-40-24
impounding vehicles obstructing street Sec. 11-40-26
impoundment and/or immobilization of vehicles with outstanding traffic ticket violations Sec. 11-40-27
loading and unloading zones
generally Sec. 11-40-17
use Sec. 11-40-18
no-parking zones Sec. 11-40-9
obedience to parking signs Sec. 11-40-1
obstructing traffic prohibited Sec. 11-40-5
opening door of parked or standing vehicle Sec. 11-40-6
parked vehicles restricting or encroaching upon designated handicapped spaces Sec. 11-40-16
parking, loading and unloading in alleys Sec. 11-40-14
parking in handicapped spaces Sec. 11-40-15

parking of nonmotorized equipment or vehicles in residential zone Sec. 11-40-12
parking vehicles in residential zone Sec. 11-40-11
presumption in prosecutions for parking violations Sec. 11-40-25
prohibited for certain purposes Sec. 11-40-4
prohibited in specified places Sec. 11-40-2
regulation of parking on city property Sec. 11-40-21
stopping with left side to curb Sec. 11-40-8
storage of property on public streets and right-of-way unlawful Sec. 11-40-13
taxicab stands Sec. 11-40-20
unattended vehicles Sec. 11-40-7
vehicle owner not to permit parking violations Sec. 11-40-23
Taxicabs
See TAXICABS
Traffic-control devices
altering or injuring devices Sec. 11-12-5
controlled-access roadways Sec. 11-12-12
designation of crosswalks Sec. 11-12-9
establishment of safety zones Sec. 11-12-10
flashing signals Sec. 11-12-7
installation and maintenance generally Sec. 11-12-1
marking traffic lanes Sec. 11-12-11
obedience to devices Sec. 11-12-13
pedestrian-control signal Sec. 11-12-8
traffic-control signal legend generally Sec. 11-12-6
unauthorized signs and signals Sec. 11-12-4
uniformity
when official Sec. 11-12-2
when signs required Sec. 11-12-3
Traffic control photographic system
administration Sec. 11-14-2
definitions Sec. 11-14-1
offense Sec. 11-14-3
penalty Sec. 11-14-5
procedure Sec. 11-14-4
Vehicle equipment
brakes for motorcycles and motorized bicycles Sec. 11-32-2
brakes for trailers and semitrailers Sec. 11-32-3
brakes generally Sec. 11-32-1
emission control devices and emissions generally Sec. 11-32-23
horn
bells, sirens or exhaust whistles on emergency vehicles Sec. 11-32-17
lights
headlamps on motorcycles Sec. 11-32-9
headlights complying with prohibition against glaring and dazzling lights
anti-glare devices Sec. 11-32-13
mounted height of lamps Sec. 11-32-13
headlights on motor vehicles
operation during inclement weather Sec. 11-32-12
lamp at end of train of vehicles Sec. 11-32-10
lighting devices and reflectors on vehicles having width in excess of eighty inches, truck tractors and trailers
amp or flag on projecting load Sec. 11-32-11
on vehicles other than motor vehicles
visibility distance Sec. 11-32-8
required on motor vehicles
exceptions Sec. 11-32-7
regulations as to color, type and visibility distance Sec. 11-32-7
maintenance and adjustment of brakes Sec. 11-32-6
muffler cutout prohibited Sec. 11-32-16
muffler required Sec. 11-32-15
obscene or patently offensive bumper stickers, window signs or automotive equipment prohibited Sec. 11-32-25
offensive sound systems installed in or on vehicles prohibited Sec. 11-32-26
operating vehicle equipped with tire in dangerous condition Sec. 11-32-22
performance ability of brakes Sec. 11-32-5
rear view mirrors Sec. 11-32-21
service brakes required Sec. 11-32-4
steering mechanism and wheel alignment Sec. 11-32-20
television in motor vehicles
law enforcement Sec. 11-32-24
penalty Sec. 11-32-24
use of spotlights prohibited
exception Sec. 11-32-14
windshields and windows Sec. 11-32-18
windshield wipers Sec. 11-32-19
Vehicle loads
extension of loads on passenger vehicles Sec. 11-52-4
mud flaps on trucks Sec. 11-52-7
ownership identification Sec. 11-52-6
permit required for excessively wide vehicles Sec. 11-52-3

protruding objects Sec. 11-52-5
vehicles so constructed or loaded as to obstruct traffic prohibited Sec. 11-52-2
vehicles to be constructed and loaded so as to prevent escape of load Sec. 11-52-1
Vehicle noise regulations
definitions Sec. 11-56-1
exemptions Sec. 11-56-7
horns and other warning devices generally Sec. 11-56-4
manner of enforcement Sec. 11-56-6
motorized vehicles Sec. 11-56-2
mufflers Sec. 11-56-3
trains Sec. 11-56-5

—W—

WASTEWATER DISCHARGE AGREEMENTS
See PUBLIC SERVICES

WEAPONS
Air guns
discharge prohibited
exception Sec. 10-32-1
Discharging firearms Sec. 10-32-4
Replica firearms Sec. 10-32-3
Weapons
carrying Sec. 10-32-2

WEIGHTS AND MEASURES
Annual registration fees Sec. 6-104-6
Inspection of weights, measures, scales, taximeters and gas dispensers Sec. 6-104-4
Inspector not to have conflicting interests Sec. 6-104-3
Inspector office created
general duties Sec. 6-104-2
Monthly report of fees to director of public services Sec. 6-104-7
Registration of commercial devices Sec. 6-104-1
Sealing of tested devices Sec. 6-104-5
Weights and measures violations Sec. 6-104-8

WRECKERS AND TOWING OPERATORS
Administrative fees Sec. 6-88-7
Appeal from suspension or revocation Sec. 6-88-51
Application for permit Sec. 6-88-28
Billheads Sec. 6-88-9
City employees soliciting for wrecker companies Sec. 6-88-17
City impound lot Sec. 6-88-8
City impound lot storage fees Sec. 6-88-7
Creation of zones Sec. 6-88-29
Definitions Sec. 6-88-2
Destination requirements Sec. 6-88-11
Duty to remove accident debris Sec. 6-88-13
Emergency wrecker service records Sec. 6-88-10
Expiration and renewal Sec. 6-88-35
Fees prescribed Sec. 6-88-6
Hazardous material clean-up Sec. 6-88-12
Identification of wreckers Sec. 6-88-5
Intent of provisions Sec. 6-88-1
Investigation of applicant Sec. 6-88-29
Issuance of wrecker decals Sec. 6-88-33
Liability insurance required Sec. 6-88-30
License and decal responsibility Sec. 6-88-34
License requirements Sec. 6-88-3
Making false statements Sec. 6-88-27
Permit requirements Sec. 6-88-26
Private lot fees Sec. 6-88-7
Private property tow authorization Sec. 6-88-15
Purpose of provisions Sec. 6-88-1
Reporting accidents Sec. 6-88-16
Rules and regulations of director of police services Sec. 6-88-18
Scene calls Sec. 6-88-16
Stolen vehicles Sec. 6-88-8
Storage charges Sec. 6-88-9
Soliciting business generally Sec. 6-88-14
Soliciting repair business at accident scene Sec. 6-88-14
Suspension or revocation Sec. 6-88-51
Transfer and display of decals Sec. 6-88-33
Violations Sec. 6-88-50
Wrecker classifications Sec. 6-88-4

—Z—

ZONING
Accessory structures and uses
authorization Sec. 16-104-1
bulk and location regulations Sec. 16-104-4
particular permitted accessory structures and uses Sec. 16-104-2
prohibited accessory structures and uses Sec. 16-104-3
use limitations Sec. 16-104-5
Administration and enforcement
administrative bodies, departments, and personnel
summary of authority Sec. 16-12-1

interpretations Sec. 16-12-2
violation and penalty Sec. 16-12-3
Agricultural district
generally Sec. 16-72-1
Amendments
application procedure Sec. 16-24-5
authority Sec. 16-24-1
comprehensive rezonings Sec. 16-24-9
guidelines for decision Sec. 16-24-3
initiation Sec. 16-24-4
public hearing and notification procedure Sec. 16-24-6
reapplication when denied Sec. 16-24-8
required vote Sec. 16-24-7
type and purpose Sec. 16-24-2

Amenity incentives in multifamily and central business districts
amenity incentive as a right Sec. 16-56-2
amenity incentives allowed Sec. 16-56-5
authority Sec. 16-56-3
computation of amenity incentives Sec. 16-56-6
procedure Sec. 16-56-4
purpose Sec. 16-56-1
Appeals from administrative decisions
authority Sec. 16-48-1
effect of filing an appeal Sec. 16-48-4
initiation Sec. 16-48-2
procedure Sec. 16-48-3
Certificates of occupancy
authority Sec. 16-20-1
certificate of occupancy required Sec. 16-20-3
procedure Sec. 16-20-4
purpose Sec. 16-20-2
Chapter 16-116 Chart II
Chapter 16-116 nonconformities Chart II
exception for repairs pursuant to public order Sec. 16-116-6
nonconforming accessory uses and structures Sec. 16-116-7
nonconforming lots of record Sec. 16-116-4
nonconforming on-premise and off-premise signs Sec. 16-116-5
nonconforming structures Sec. 16-116-3
nonconforming uses of land and structures Sec. 16-116-2
purpose Sec. 16-116-1
Commercial districts
CBD central business district Sec. 16-84-4
C-H highway commercial district Sec. 16-84-3
C-L local commercial district Sec. 16-84-2
C-N neighborhood commercial district Sec. 16-84-5
C-P planned commercial district Sec. 16-84-1
Comprehensive plan and procedure
authority Sec. 16-16-1
effect Sec. 16-16-3
procedure for development, adoption and amendment Sec. 16-16-4
purpose and definition Sec. 16-16-2
General provisions
applicability
building permits issued prior to effective date Sec. 16-4-6
existing buildings, structures or uses Sec. 16-4-7
existing shopping center district, wholesale-distribution park district, planned unit development approvals and community unit development approvals Sec. 16-4-5
existing variances and special permits Sec. 16-4-4
general scope Sec. 16-4-3
pending applications Sec. 16-4-8
general purpose and intent Sec. 16-4-2
short title Sec. 16-4-1
Industrial districts
I-H heavy industrial district Sec. 16-88-2
I-L light industrial district Sec. 16-88-1
Interpretation and definitions
definitions Sec. 16-8-2
word usage Sec. 16-8-1
Landscape and screening regulations
alternative streetscape treatment Sec. 16-120-7
approved plant list Sec. 16-120-12
definitions Sec. 16-120-13
existing tree cover suggestions Sec. 16-120-10
installation and maintenance Sec. 16-120-8
introduction Sec. 16-120-1
landscape plan Sec. 16-120-11
landscape/screening requirements Sec. 16-120-4
other requirements Sec. 16-120-5
purpose Sec. 16-120-2
quality standards Sec. 16-120-9
submittal and approval process Sec. 16-120-3
substitution of existing trees and plants Sec. 16-120-6
Office districts
O-G general office district Sec. 16-80-2
O-L limited office district Sec. 16-80-1
Off-street parking and loading
Application of regulations Sec. 16-108-2
loading
design and maintenance Sec. 16-108-7
number of parking spaces Sec. 16-108-5
parking
design and maintenance Sec. 16-108-4
purpose Sec. 16-108-1
regulations of general applicability
off-street loading Sec. 16-108-6
off-street parking Sec. 16-108-3
required number of loading spaces Sec. 16-108-8
Overlay district regulations
AHR airport height regulation district Sec. 16-100-2
FCD Fletcher Creek drainage basin district Sec. 16-100-5

FP floodplain district Sec. 16-100-1
H-P and H-C historic district overlay zones Sec. 16-100-3
Winchester Park special pilot district (Win Park SPD) Sec. 16-100-4
Planned development regulations
appeals from land use control board's recommendation Sec. 16-52-11
final plan approval process Sec. 16-52-10
general standards and criteria Sec. 16-52-3
letter of intent and outline plan Sec. 16-52-8
mixed use planned developments Sec. 16-52-6
modification by the land use control board Sec. 16-52-16
outline plan approval process and effect of approval Sec. 16-52-9
post-completion certificate Sec. 16-52-15
procedure for amendment Sec. 16-52-14
procedures for planned development approval Sec. 16-52-7
purpose Sec. 16-52-1
reapplication if denied Sec. 16-52-13
relation between planned development and zoning districts Sec. 16-52-2
specific standards and criteria for planned commercial or industrial developments Sec. 16-52-5
specific standards and criteria for planned residential developments Sec. 16-52-4
zoning administration permits Sec. 16-52-12
Procedure for special use permits
amendments to special permits Sec. 16-32-10
application procedure Sec. 16-32-4
assurance of compliance with conditions Sec. 16-32-9
authority Sec. 16-32-1
conditions on special uses Sec. 16-32-7
effect of issuance of special use permit Sec. 16-32-8
initiation Sec. 16-32-3
public hearing and notification procedure Sec. 16-32-5
purpose Sec. 16-32-2
reapplication if denied Sec. 16-32-11
required vote Sec. 16-32-6
Regulations of general applicability
flood elevations to be provided for certain subdivisions Sec. 16-68-3
maintenance of established open space Sec. 16-68-1
one building per lot Sec. 16-68-2
Residential districts
R-D duplex residential district Sec. 16-76-7
R-MH multiple dwelling residential district Sec. 16-76-11
R-ML multiple dwelling residential district Sec. 16-76-9
R-MM multiple dwelling residential district Sec. 16-76-10
R-MO mobilehome district Sec. 16-76-12
R-SE estate residential district Sec. 16-76-1
R-S6 single-family residential district Sec. 16-76-5
R-S8 single-family residential district Sec. 16-76-4
R-S10 single-family residential district Sec. 16-76-3
R-S15 single-family residential district Sec. 16-76-2
R-S61 single-family residential infill district Sec. 16-76-6
R-TH townhouse residential district Sec. 16-76-8
Signs
classification of signs Sec. 16-112-4
definitions Sec. 16-112-3
enforcement and penalties Sec. 16-112-12
general standards Sec. 16-112-6
permanent off-premises sign regulations Sec. 16-112-8
permanent on-premise sign regulations Sec. 16-112-7
purpose and scope Sec. 16-112-1
real estate sign regulations Sec. 16-112-10
registration, permits and decals required Sec. 16-112-2
signs prohibited Sec. 16-112-5
temporary off-premises sign regulations Sec. 16-112-9
violations Sec. 16-112-11
Site plan review
amendments Sec. 16-28-11
appeal of administrative site review Sec. 16-28-8
application Sec. 16-28-5
authority Sec. 16-28-1
criteria for site plan review Sec. 16-28-6
effect of site plan approval Sec. 16-28-9
initiation Sec. 16-28-3
period of validity Sec. 16-28-10

procedure for administrative site plan review Sec. 16-28-7
purpose Sec. 16-28-2
site plans required Sec. 16-28-4
South central business improvement district
Bluffview residential (R-B) district zoning district requirements Sec. 16-92-5
creative sign permitting Sec. 16-92-16
existing nonconforming signs Sec. 16-92-14
gateway commercial (C-G) district zoning district regulations Sec. 16-92-7
general provisions for all signs within the six zoning districts of the SCBID Sec. 16-92-13
riverside residential (R-R) district zoning district requirements Sec. 16-92-4
scope of sign regulations Sec. 16-92-11
sign permit procedure Sec. 16-92-15
sign registration, permits and decals Sec. 16-92-12
sign regulations
purpose Sec. 16-92-10
site plan review requirements Sec. 16-92-8
south downtown business park (SDBP) district zoning district requirements Sec. 16-92-6
south downtown residential (R-SD) zoning district requirements Sec. 16-92-3
South Main (SM) district zoning district requirements Sec. 16-92-2
special exception requirements Sec. 16-92-9
sports and entertainment (SE) district zoning district requirements Sec. 16-92-1
Special exceptions
authorized special exceptions Sec. 16-44-2
effect of grant of special exception Sec. 16-44-7
findings Sec. 16-44-6
initiation Sec. 16-44-3
procedure Sec. 16-44-4
purpose Sec. 16-44-1
standards for and conditions attached to special exceptions Sec. 16-44-5
Special purpose districts
CTSD Cordova Town Centre special district Sec. 16-96-1
CU college and university district Sec. 16-96-3
FW floodway district Sec. 16-96-4
H hospital district Sec. 16-96-2
P parking district Sec. 16-96-5
RH-O residential home overlay district Sec. 16-96-6
SMSD South Main special district Sec. 16-96-7
Standards for special permit use
authority Sec. 16-36-1
authorized special uses and additional standards Sec. 16-36-4
conditions on special uses Sec. 16-36-2
standards of general applicability Sec. 16-36-3
Tree removal
definitions Sec. 16-124-3
fees Sec. 16-124-6
inspection and enforcement Sec. 16-124-7
permit procedure Sec. 16-124-5
purpose Sec. 16-124-2
short title Sec. 16-124-1
tree survey
permit requirements
alternative procedures Sec. 16-124-4
Variations
authority Sec. 16-40-1
conditions on variations Sec. 16-40-7
determination of compliance with conditions Sec. 16-40-8
effect of grant of variation Sec. 16-40-9
findings Sec. 16-40-6
initiation Sec. 16-40-3
length of variation Sec. 16-40-10
procedure Sec. 16-40-4
purpose Sec. 16-40-2
standards and proof required for variations Sec. 16-40-5
Zoning district map
district boundaries Sec. 16-64-3
map incorporated Sec. 16-64-1
omitted land Sec. 16-64-2
Zoning districts established
annexed land Sec. 16-60-2
districts established Sec. 16-60-1

ZONING DISTRICT MAP
District boundaries Sec. 16-64-3
Map incorporated Sec. 16-64-1
Omitted land Sec. 16-64-2

ZONING DISTRICTS ESTABLISHED
Annexed land Sec. 16-60-2
Districts established Sec. 16-60-1