

KIM FOSTER, CITY MANAGER  
JAMES SMITH, ATTORNEY



KATHY RAY, MAYOR  
VICKEY ROBERTS, VICE MAYOR  
JOHN ETHERIDGE, COMMISSIONER  
JACKIE JONES, COMMISSIONER  
SAM THARPE, COMMISSIONER

**CITY OF PARIS, TENNESSEE  
BOARD OF COMMISSIONERS REGULAR MEETING AGENDA**

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**CITY HALL COURTROOM  
January 4, 2024  
5:00 P.M.**

**Regular Meeting**

**Call to Order:** Kathy Ray, Mayor

**Roll Call:** Tammie Hopper, Finance Director

**Pledge of Allegiance and Prayer**

**Approval of the Minutes of Previous Meetings:** December 7, 2023 – Regular Meeting

**Board Will Hear Comments from Citizens**

**Board Will Hear Comments from the Commission**

**Service Resolutions and Proclamations:** None

## **OLD BUSINESS**

- 1.) None

## **NEW BUSINESS**

- 1.) **Financial Update:** Tammie Hopper, Finance Director
- 2.) **Appointments to Boards:** Kathy Ray, Mayor
- 3.) **Resolution to Amend the Police Department Rules and Procedures Manual by adding Remote Restraint Devices:** Ean Reed, Assistant Chief of Police
- 4.) **Ordinance to Amend Title 11 Chapter 12 in the Zoning Ordinance regarding Walls, Fences, Screens, and Landscape Requirements in the Paris Municipal Code (First Reading):** Jesse Skidmore, Building Inspector
- 5.) **Ordinance to Enact Title 4 Chapter 6 regarding Swimming Pools, Hot Tubs, and Spas in Building and Utility Codes in the Paris Municipal Code (First Reading):** Jesse Skidmore, Building Inspector
- 6.) **Rezoning Request for Property located at 599 Russell Street (First Reading):** Jessica Crouch, Admin Asst. to City Manager

**Status of Various Projects**  
**Notes from the City Manager**

**Adjournment**

**NEW BUSINESS  
AGENDA ITEM #1  
Financial Update**

**Narrative to November 2023 Operating Statement**

Please see the attached Retail Sales Tax Revenue report with a slight increase of 1.23% over this time last year. We are still at a decrease of 2.13% for our fiscal year-to-date collection rate but are aware that this is an issue across the entire state and not just Henry County.

Revenues were behind expenditures in the General Fund for the month of November due in part to a capital asset purchase made for the state street aid compact wheel loader in the amount of \$173,240.83.

Our Parks and Recreation Department hired 5 new part-time employees for the basketball season with 8 returning from last year. Our condolences go out to the family and friends of Martez Allen, the Civic Center part-time night building supervisor. The Fire Department hired one full-time firefighter. Congratulations to Fire Captain, Barry Farmer, on his retirement.

The city issued 5 new business licenses in the month of November with 3 minimal (under \$100K annual) and 2 standards (over \$100K annual). Our new businesses include: Made Well Counseling Services, Paris Station LLC, Engleking Enterprises, Prime Shine Mobile Detailing LLC and LakeLife Mobile RV. Charter Senior Living Paris LLC assisted living facility changed their name to SNH Tenn Tent LLC.

**CITY OF PARIS, TENNESSEE  
RETAIL SALES TAX REVENUE**

								%
		FY2020	FY2021	FY2022	FY2023	FY2024		Incr(Decr)
JULY		\$802,267	\$898,979	\$951,793	\$1,046,570	\$1,054,946		0.80%
AUGUST		\$799,378	\$843,541	\$895,516	\$931,433	\$943,347		1.28%
SEPTEMBER		\$797,992	\$888,921	\$965,256	\$1,067,740	\$947,948		-11.22%
OCTOBER		\$761,453	\$873,733	\$974,047	\$1,036,880	\$1,049,601		1.23%
NOVEMBER		\$807,105	\$874,641	\$988,199	\$1,059,818			
DECEMBER		\$957,286	\$1,097,412	\$1,210,615	\$1,218,473			
JANUARY		\$713,906	\$844,826	\$839,389	\$915,685			
FEBRUARY		\$727,380	\$719,938	\$859,647	\$936,706			
MARCH		\$840,175	\$1,101,592	\$1,102,651	\$1,106,574			
APRIL		\$865,360	\$1,040,359	\$1,060,677	\$1,069,082			
MAY		\$949,140	\$1,005,346	\$1,105,515	\$1,122,824			
JUNE		\$966,861	\$1,013,926	\$1,125,455	\$1,177,018			
<b>TOTAL</b>		<b>\$9,988,303</b>	<b>\$11,203,215</b>	<b>\$12,078,759</b>	<b>\$12,688,803</b>	<b>\$3,995,842</b>		
Previous YTD % Increase/Decrease		2.79%	12.16%	7.82%	5.05%	-2.13%		

**Monthly Operating Statement  
November 2023**

<b>REVENUES</b>	<u>Annual Budget</u>	<u>Current Month</u>	<u>Yr to Date</u>	<u>Percent Realized</u>
Property Taxes	1,985,000	211,968	230,509	11.61%
Local Option Sales Tax	6,600,000	466,973	2,587,208	39.20%
Wholesale Liquor / Beer	900,000	64,688	385,803	42.87%
Business Tax	450,000	9,603	39,214	8.71%
Fees & Licenses	166,250	49,789	97,261	58.50%
In Lieu Payments	852,250	84,017	280,560	32.92%
Grants	2,854,250	29,089	337,811	11.84%
State Shared taxes	1,895,000	144,441	715,599	37.76%
All Other	1,815,550	132,029	962,426	53.01%
Federal ARPA Grant	0	0	0	0.00%
ARPA/TDEC-WII	950,000	8,182	8,182	0.86%
<b>Total General Fund Revenue</b>	<b>18,468,300</b>	<b>1,200,779</b>	<b>5,644,572</b>	<b>30.56%</b>
Solid Waste Collection - BPU	1,285,000	146,647	561,976	43.73%
Solid Waste Disposal - Transfer	470,000	0	181,168	38.55%
Other Revenue	30,300	8	516	1.70%
<b>Total Sanitation</b>	<b>1,785,300</b>	<b>146,654</b>	<b>743,661</b>	<b>41.65%</b>
Gate Receipts - Brush & Debris	175,000	10,509	79,266	45.29%
County Share Operating Exp	35,000	0	0	0.00%
Gate Receipts - Tires	10,000	742	3,396	33.96%
Other Revenue	41,550	40	950	2.29%
<b>Total Landfill</b>	<b>261,550</b>	<b>11,291</b>	<b>83,612</b>	<b>31.97%</b>
<b>Total Drug Fund</b>	<b>43,550</b>	<b>1,398</b>	<b>16,314</b>	<b>37.46%</b>
<b>TOTAL REVENUES</b>	<b>20,558,700</b>	<b>1,360,122</b>	<b>6,488,159</b>	<b>31.56%</b>

<b>EXPENDITURES</b>	<u>Annual Budget</u>	<u>Current Month</u>	<u>Yr to Date</u>	<u>Percent Realized</u>
Grants & Donations	189,505	0	75,828	40.01%
General Administration	515,851	36,142	216,668	42.00%
Economic Development	178,877	14,878	72,962	40.79%
Elections	0	0	0	0.00%
Financial Administration	344,685	27,839	177,897	51.61%
City Hall Building	111,969	7,260	51,535	46.03%
Police Department	2,705,709	189,206	1,130,565	41.78%
Emergency Communications	831,273	69,497	305,875	36.80%
Fire Department	2,068,767	181,741	888,067	42.93%
Building Inspection	242,763	17,526	98,801	40.70%
Street Maintenance	1,963,762	120,976	785,782	40.01%
State Street Aid	1,696,500	174,821	1,502,109	88.54%
Storm Water Management	158,757	4,971	37,972	23.92%
Street Lighting	131,000	10,801	44,241	33.77%
City Garage	350,263	17,938	114,346	32.65%
Cemetery Maintenance	78,892	648	39,861	50.53%
Health & Animal Control	289,290	18,039	153,904	53.20%
Civic Center	740,931	50,924	272,719	36.81%
Parks & Recreation	1,240,489	83,435	616,517	49.70%
Library	196,096	32,683	98,048	50.00%
Community Development	3,082,500	46,260	416,535	13.51%
ARPA-SLFRF	1,000,000	0	17,753	1.78%
ARPA/TDEC-WII	950,000	0	1,170	0.12%
Debt Service	259,000	0	102,511	39.58%
<b>General Fund Expenditures</b>	<b>19,326,879</b>	<b>1,105,585</b>	<b>7,221,664</b>	<b>37.37%</b>
Sanitation Collection	1,217,528	87,402	428,198	35.17%
Contractual Services	800,000	63,984	339,601	42.45%
<b>Total Sanitation</b>	<b>2,017,528</b>	<b>151,386</b>	<b>767,799</b>	<b>38.06%</b>
<b>Total Landfill</b>	<b>234,677</b>	<b>8,266</b>	<b>95,095</b>	<b>40.52%</b>
<b>Total Drug Fund</b>	<b>49,500</b>	<b>191</b>	<b>13,609</b>	<b>27.49%</b>
<b>TOTAL EXPENDITURES</b>	<b>21,628,584</b>	<b>1,265,427</b>	<b>8,098,168</b>	<b>37.44%</b>

<b>REVENUES OVER / (UNDER) EXPENDITURES</b>	<u>Current Month</u>	<u>Yr to Date</u>
<b>General Fund</b>	<b>95,195</b>	<b>(1,577,092)</b>
<b>Sanitation</b>	<b>(4,732)</b>	<b>(24,139)</b>
<b>Landfill</b>	<b>3,025</b>	<b>(11,483)</b>
<b>Drug Fund</b>	<b>1,207</b>	<b>2,705</b>

**NEW BUSINESS  
AGENDA ITEM #2  
Appointments to Boards**

<u>BOARD</u>	<u>CURRENT MEMBER</u>	<u>PROPOSED MEMBER</u>	<u>TERM EXPIRATION</u>	<u>NEW EXPIRATION</u>
Paris Housing Authority  5 Year Term  (Mayoral Appointment)	William Owen Tharpe	Amy Cook	July 7, 2028	July 7, 2028
Planning Commission / Board of Zoning Appeals  3 Year Term  (Mayoral Appointment / Exception: Commission appoints one Commissioner)	Lynda Searcy	Brent Greer	August 8, 2025	August 8, 2025

**NEW BUSINESS  
AGENDA ITEM #3  
Resolution to Amend the Police Department Rules and Procedures Manual by adding  
Remote Restraint Devices**

The following resolution, presented for your consideration, contains a Remote Restraint Device policy for the Policies and Procedures Manual of the City of Paris Police Department. This policy addresses the procedure and use of a new tool to reduce and eliminate the uses of force on subjects that may not be committing a criminal offense. This Remote Restraint Device is a less lethal and pain compliant option to gain control of individuals at large.

**RESOLUTION NO. 1689**

WHEREAS, 1-302 of the Paris Municipal Code provides for the adoption of a Policies and Procedures Manual for the Paris Police Department; and,

WHEREAS, amendments to such policies and procedures are enacted by Resolution by the Board of Commissioners of the City of Paris pursuant to 1-302 and 1-503 of the Paris Municipal Code; and,

WHEREAS, the Board of Commissioners of the City of Paris wishes to go on record as adopting policies for the Paris Police Department governing Body Worn Camera.

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of the City of Paris, enacts VOLUME TWO – GENERAL PATROL, CHAPTER 200 – SECTION 208 REMOTE RESTRAINT DEVICES of the Policies and Procedures Manual of the City of Paris Police Department and substitutes the following therefore:

**CHAPTER 200 SECTION 208  
REMOTE RESTRAINT DEVICES**

**A. Purpose and Scope**

This Policy provides for the issuance and use of remote restraint devices (RRD's) in order to minimize injury to suspects, officers, and emotionally disturbed persons.

A remote restraint device shall be classified as an avoidance to the use of force and is considered on the same tier as handcuffing. It may be used to de-escalate situations by restricting a subject's ability to be combative with officers and prevent subjects who are being detained from fleeing on foot. It does not rely on pain compliance for cooperation of the subject and is intended to be a preventative step to alternative, more injuring uses of force, including control tactics and "less than lethal" devices.

**B. Definitions**

BOLOWRAP® is a hand-held remote restraint device that discharges an eight-foot Kevlar cord to entangle an individual at a range of 10-25 feet. The BOLOWRAP is equipped with entangling barbs at each end of the Kevlar cord. Because this device does not utilize injuring force or pain compliance it is not considered a "less than lethal" tool. The RRD is considered a "de minimus" use of force that may be used to avoid a higher-level use of force.

**C. General Requirements**

1. Only a department approved BOLOWRAP device that has been issued by the department shall be utilized by personnel trained in its deployment and use.
2. All BOLOWRAP devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
3. Officers who have been issued the BOLOWRAP device shall wear the device in an approved holster on their person or keep the device safely and properly stored in their issued vehicle.
4. BOLOWRAP devices should not be used on already handcuffed persons unless they are actively resisting or exhibiting active aggression, and/or to prevent individuals from harming themselves or others.
5. Officers shall be responsible for ensuring their issued devices are properly maintained and in good working order.
6. Officers should not hold both their firearm and the BOLOWRAP device at the same time.



7. Any deployment of the BOLOWRAP device shall be well documented in the reporting officer's incident report and dispatch should be notified via radio upon deployment.

8. The BOLOWRAP is not intended to be a transportation restraint device and shall not be used as a substitute for a hobble or max restraints. Once the subject has been detained, the cord should be cut with an approved device and removed.

#### **D. Considerations For Use**

1. The BOLOWRAP is classified as a restraint device in the same classification as handcuffs. Officers shall not use the device on persons who would not otherwise be legally detained.
2. The use of a BOLOWRAP device on individuals listed below should generally be avoided unless an officer reasonable believes under the totality of the circumstances that other options would be ineffective or would present a greater danger to the officer, the subject, or others:
  - a. Individuals who are known to be pregnant;
  - b. Elderly individuals or obvious juveniles;
  - c. Individuals who are handcuffed or otherwise restrained;
  - d. Individuals detained in a police vehicle;
  - e. Individuals in danger of falling or becoming entangled in machinery or heavy equipment, which would result in death or serious bodily harm;
  - f. Individuals near a body of water that may present a drowning risk;
  - g. Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

#### **E. Application of the BOLOWRAP device**

1. Requirements for the use of the BOLOWRAP remote restraint device meet the same legal thresholds for detaining an individual and may be used in the following circumstances:
  - a. The subject is an immediate danger to themselves or others;
  - b. The subject has committed a crime or is suspected of committing a crime, and reasonable suspicion or probable cause exists to detain the subject;
  - c. The subject is a flight risk and is currently being detained for a criminal investigation.
2. A verbal warning of "WRAP, WRAP, WRAP" should precede a BOLOWRAP device application unless it would otherwise endanger the safety of officers or when it is otherwise not practicable due to the totality of the circumstances. The purpose of the verbal warning is to:
  - a. Provide the individual with a reasonable opportunity to voluntarily comply; and
  - b. Provide other officers and individuals with a warning that the BOLOWRAP device is likely to be deployed;
3. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

4. Reasonable efforts should be made to target lower extremities or lower arms. The head, neck, chest and groin should be avoided. If the dynamics of the situation result in the BOLOWRAP striking the subjects head, neck, chest or groin the subject will be monitored by officers until examined by paramedics or other medical personnel.

#### **F. Post deployment considerations**

1. When possible, photographs should be taken of any area of the body injured or impacted by the deployment of the BOLOWRAP.
2. BOLOWRAP operators may remove barbs, pellets (small weights at the end of the Kevlar tether to which the barbs attach) and the tethers from a person or clothing when they are not embedded in the person's body.
3. Absent extenuating circumstances, only appropriate medical personnel should remove pellets or barbs when they enter the body.
4. Only appropriate medical personnel will remove barbs or pellets that are embedded in any sensitive area of the body. Sensitive areas include eyes, face, neck, throat, groin, or breasts.
5. The expended BOLOWRAP cartridge, pellets, barbs, and cord should be collected and submitted into evidence.
6. Medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until medically assessed. Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the Jail.

#### **G. Reporting the use of BOLOWRAP**

Officers shall thoroughly document the use of the restraint device in a report as well as the justification for the use of the restraint device and any mitigating circumstances that indicate the other methods of restraint would be ineffective or unreasonable. The report should also include whether a verbal warning and/or other warning was given or the reason(s) no warning was given.

This Resolution shall become a part of and be spread upon the minutes of this meeting of the Board of Commissioners of the City of Paris, Tennessee.

Unanimously adopted this the 4<sup>th</sup> day of January, 2024.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Finance Director

ATTESTED:

\_\_\_\_\_

**NEW BUSINESS  
AGENDA ITEM #4**

**Ordinance to Amend Title 11 Chapter 12 in the Zoning Ordinance for Walls, Fences, Screens, and Landscape Requirements in the Paris Municipal Code (First Reading)**

The following ordinance, presented for your consideration, reflects an amendment to the Zoning Ordinance regarding Walls, Fences, Screens, and Landscape requirements. This ordinance addresses residential fencing along with commercial fencing. The Planning Commission approved this at their last meeting with the changes and recommendations reflected in the ordinance.

**ORDINANCE NO. 1301**

AN ORDINANCE to Delete Title 11 Chapter 12 (11-1200 through 11-1204) and Enact Title 11 Chapter 12 (11-1200 through 11-1216) of the Paris Municipal Code.

SECTION 1. BE IT ORDAINED by the Board of Commissioners of the City of Paris, Tennessee, Title 11, Chapter 12 of the Paris Municipal Code shall be amended as follows:

- A. That Title 11 Chapter 12 of the Paris Municipal Code be amended by deleting Title 11 Chapter 12 in its entirety. (Ord. #1301, \_\_/\_\_/\_\_\_\_).

**CHAPTER 12**

**WALLS, FENCES, SCREENS, AND LANDSCAPE REQUIREMENTS**

SECTION

- 11-1200. Walls, Fences, Screens, and Landscape Requirements.  
11-1201. Walls and Fences.  
11-1202. Landscape Requirements.  
11-1203. Development Standards for Certain Zones.  
11-1204. Administration and Enforcement.

- 11-1200.** **Walls, Fences, Screens, and Landscape Requirements.** The following regulations establish standards for those districts where walls, fences, screens, and landscaping are required along lot lines and zoning district boundary lines. The standards established herein are minimum standards and shall be used by the City of

Paris in the review and approval of permitted, accessory, or conditional uses which are subject to the requirements of this section.

**11-1201.** **Walls and Fences.** The following requirements shall apply to any non-residential development which abuts adjacent residential lots:

A. **Development Requirements.** Development standards shall be as follows:

1. Non-residential lots abutting residential lots shall be screened on all rear lot lines and alongside lot lines to the intersection of the front building line. Non-residential lots adjacent to residential lots may be required to screen on all rear lot lines and alongside lot lines to the intersection of the front building line at the discretion of the Planning Commission. All required screening shall be placed and continually maintained at the sole expense of the owner or occupant of the lot. The Planning Commission shall have the authority to continue to enforce this development requirement.

2. The Paris Planning Commission may also recommend screening of only a portion of the parking lots, service areas, loading docks, trash receptacles, outdoor storage, outdoor work areas, or similar uses not contained within the building from any residential zoning district located within 150 feet of such uses.

B. **Minimum Standards.** Wooden, brick or masonry fencing walls may be used as a screen provided such screen is sight-obscuring. Wire, plastic sheets, panels or corrugated sheet-metal or panels shall not be used as screening. All screening shall meet the following requirements:

1. Walls shall be designed to facilitate maintenance and shall not modify natural drainage so as to endanger adjacent property.

2. Such screening shall be a minimum of six (6) feet. Screening shall be provided at a height and density to achieve an opacity of 80%.

3. The screen may be composed of view-obscuring vegetation, wood, brick, masonry or vinyl wall, fence, berm or any other screen approved by the Planning Commission. The items may be used individually or in combination. Fences constructed of plastic sheets, panels or corrugated sheet-metal or panels chain link, barbed wire, stock wire, chicken wire or other similar type fences are not permitted to be used for screening.

4. When using vegetation, plant materials shall be at least three (3) feet tall at the time of installation and reach the desired height of six (6) feet within three (3) to five (5) years.

5. No fence shall be located closer to the street than the right-of-way.

6. At any street or driveway intersection the provisions of 11-1502.B. will still apply.

C. **Existing Developments.** In the case of an existing development, should the use of the commercial property change from that originally approved, the Planning Commission shall have the right to review changes and determine the need for any additional screening as required by this section.

D. **Waiver of Requirements.** Any waiver of any of the requirements of this section shall be referred to the Paris Board of Zoning Appeals. (Ord. # 1278, 12/2/21).

**11-1202.** **Landscape requirements.** The following standards shall apply to development in any non-residential district, with the exception of the B-2 zone;

- A. A greenbelt planting strip, a minimum of five (5) feet in depth shall be located within the development area and abutting any public street right-of-way (existing and proposed). This greenbelt strip may include any grass or ground cover behind the curb or sidewalk that may be state or city right-of-way in order to meet the five (5) foot depth requirements. Such landscape strip shall be placed and maintained by the owner or occupant of the development, and may be included in yards required under other sections of this ordinance, and shall be composed of at least one of the following.
  - 1. Two or more rows of evergreen shrubs, spaced an average of three (3) feet apart. Such shrubs shall be expected to grow to a maximum height of three (3) feet in 3 or 4 growing seasons. The remainder of the landscape strip shall be planted in grass, ground cover, or other suitable decorative material, including sand, gravel, stone, or mulch.
  - 2. Other living landscape material such as grass or other ground covers or non-living (artificial) landscape material such as rocks, pebbles, sand, gravel stone or mulch.
- B. Whenever in this section a green belt or planting strip is required, it shall be planted prior to the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained by the owner or occupant with permanent plant materials (Ord. # 825, 04/01/93).

**11-1203.**

**Development Standards for Certain Zones.** In addition to the requirements for such developments required by the other provisions of this ordinance the following standards are applicable to the following developments or zoning districts:

- A. Multi-Family Development.
  - 1. A wall or fence meeting the requirements of 11-1201.
  - 2. A greenbelt planting strip as provided for in 11-1202.
  - 3. A six (6) foot wide landscape planting strip abutting the inside periphery of the wall or fence required in 11-1203 B.1. above meeting the requirements of 11-1202.
  - 4. A three (3) foot landscape planting strip abutting the outside periphery of the wall or fence required in 11-1203.B.1. above meeting the requirements of 11-1202.
- B. Group Housing.
  - 1. A wall or fence meeting the requirements of 11-1201.
  - 2. A greenbelt planting strip as provided for in 11-1202.
  - 3. A six (6) foot wide landscape planting strip abutting the inside periphery of the wall or fence required in 11-1203 C.1. above meeting the requirements of 11-1202.
  - 4. A three (3) foot landscape planting strip abutting the outside periphery of the wall or fence required in 11-1203.C.1. above meeting the requirements of 11-1202.
- C. SC-1 Shopping Center District.
  - 1. The requirements of 11-1202 shall be applicable with the exception that such greenbelt planting strip shall be a minimum of ten (10) feet instead of five (5) feet.

2. All parking areas shall have a minimum two (2) foot wide landscape berm between major interior traffic aisles or streets and the interior parking areas to control ingress and egress to the parking areas within the development.
3. Plant material spacing for such landscape berms shall be as follows:
  - a. Plant materials shall not be placed closer than the distance required for visibility under the requirements of 11-1500.c.
  - b. Where plant materials are planted in two or more rows, planting shall be staggered in rows.
  - c. Narrow evergreens shall be planted not more than three (3) feet in centers.
  - d. Large evergreen shrubs shall be planted not more than four (4) feet on centers.

D. B-1 and P-B Planned Business District.

1. The requirements of 11-1202 shall be applicable with the exception that such greenbelt planting strip shall be a minimum of ten (10) feet instead of five (5) feet (Ord. # 820, 02/04/93).

E. All Industrial Districts.

1. The requirements of 11-1202 shall be applicable with the exception that such greenbelt planting strip shall be a minimum of fifteen (15) feet instead of five (5) feet.
2. All parking areas shall have a minimum two (2) foot wide landscape berm between major interior traffic aisles or streets and the interior parking areas to control ingress and egress to the parking areas within the development.
3. Plant material spacing for such landscape berms shall be as follows:
  - a. Plant materials shall not be placed closer than the distance required for visibility under the requirements of 11-1500.C.
  - b. Where plant material are planted in two or more rows, planting shall be staggered in rows.
  - c. Narrow evergreens shall be planted not more than three (3) feet in centers.
  - d. Large evergreens shrubs shall be planted not more than four (4) feet on centers.

F. Open Storage Requirements. In any zoning district where open (unenclosed) storage of material and equipment is permitted as a principal use on an individual lot, such open storage shall be screened by walls or fencing, as provided in 11-1201, along all lot lines. Such screening shall be a minimum of seven (7) feet in height.

G. Refuse Collection Point Requirements. All areas established as refuse collection points, or used for dumpster service and/or loading areas, shall be screened as provided in 11-1201 along all sides of the collection point.

**11-1204.**

**Administration and Enforcement.** The standards required herein shall apply to any development or redevelopment which occurs after the adoption of this ordinance. None of the standards required herein shall apply retroactively, except in the event that substantial construction is proposed in which case these standards

shall apply. For the purpose of this section, the following definitions shall be used to determine the application of the standards required herein:

- A. Development - any man-made change to unimproved land.
- B. Redevelopment - any man-made change to improve real estate (including buildings or structures) which is estimated to cost 50% or more of the appraised value of the existing real estate.
- C. Substantial construction - any repair, improvement, or addition to a building or structure which is estimated to cost 50% or more of the appraised value of the existing building or structure either: (a) before the repair, improvement or addition is started; or (b) if the building or structure has been damaged, and is being restored, before the damage occurred.

Provided, however, that in the event a residential structure in a commercial zone is converted from use as a residence to a commercial use, the standards required herein shall apply regardless of the amount or percentage of development, redevelopment, or construction, as defined in A, B, and C above. (Ord. # 1020, 04/01/04.)

- B. That Title 11 Chapter 12 of the Paris Municipal Code be amended by enacting Title 11 Chapter 12 as follows:

**TITLE 11  
CHAPTER 12  
WALLS, FENCES, SCREENS, AND LANDSCAPE REQUIREMENTS**

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**11-1200.**      **General Provisions.**

It shall be unlawful for any contractor, individual or property owner to commence the installation of a fence or wall until the City Manager or the City Manager's designee has issued a fence permit for such work. Any fence permit issued in conflict with the provisions of this *chapter* shall be null and void. It shall be the responsibility of the contractor, individual or property owner to correct any violations that may exist as determined by the Building Official (or his/her designee) within a reasonable time period specified by the Building Official. Fence permits shall not be required for maintenance of an existing fence unless more than 50% of the fence is being constructed within a one year period.

**WALLS, FENCES, SCREENS AND LANDSCAPE REQUIREMENTS IN ALL NON-RESIDENTIAL DISTRICTS**

**11-1201.**      **Walls, Fences, Screens, and Landscape Requirements (Non-Residential).**

The following regulations establish standards for non-residential districts and in those areas where fences and landscaped screens are required along lot lines and zoning district standards. The standards established herein are minimum standards. The Planning Commission, Design Review Commission, BZA, or Historic Commission may impose additional screening, fencing or other measures where deemed necessary to adequately buffer between incompatible land uses.

**11-1202. Walls and Fences.**

The following requirements shall apply to any non-residential development which abuts adjacent *residential zoned property*.

A. Development Requirements. Development standards shall be as follows:

3. Non-residential lots abutting residential lots shall be screened on all rear lot lines and alongside lot lines to the intersection of the front building line. Non-residential lots adjacent to residential lots may be required to screen on all rear lot lines and alongside lot lines to the intersection of the front building line at the discretion of the Planning Commission. All required screening shall be placed and continually maintained at the sole expense of the owner or occupant of the lot. The Planning Commission shall have the authority to continue to enforce this development requirement.

4. The Paris Planning Commission may also recommend screening of only a portion of the parking lots, service areas, loading docks, trash receptacles, outdoor storage, outdoor work areas, or similar uses not contained within the building from any residential zoning district located within 150 feet of such uses.

B. Minimum Standards.

Wooden, brick or masonry fencing walls may be used as a screen provided such screen is sight-obscuring. Wire, plastic sheets, panels or corrugated sheet-metal or panels shall not be used as screening. All screening shall meet the following requirements:

7. Walls shall be designed to facilitate maintenance and shall not modify natural drainage so as to endanger adjacent property.

8. Such screening shall be a minimum of six (6) feet. Screening shall be provided at a height and density to achieve an opacity of 80%.

9. The screen may be composed of view-obscuring vegetation, wood, brick, masonry or vinyl wall, fence, berm or any other screen approved by the Planning Commission. The items may be used individually or in combination. Fences constructed of plastic sheets, panels or corrugated sheet-metal or panels chain link, barbed wire, stock wire, chicken wire or other similar type fences are not permitted to be used for screening.

10. When using vegetation, plant materials shall be at least three (3) feet tall at the time of installation and reach the desired height of six (6) feet within three (3) to five (5) years.

11. No fence shall be located closer to the street than the right-of-way.

12. At any street or driveway intersection the provisions of 11-1502.B. will still apply.

E. Existing Developments.

In the case of an existing development, should the use of the commercial property change from that originally approved, the Planning Commission shall have the right to review changes and determine the need for any additional screening as required by this section.

F. Waiver of Requirements. Any waiver of any of the requirements of this section shall be referred to the Paris Board of Zoning Appeals. (Ord. # 1278, 12/2/21).

**11-1203. Landscape requirements.**

The following standards shall apply to development in any non-residential district, with the exception of the B-2 zone;



- A. A greenbelt planting strip, a minimum of five (5) feet in depth shall be located within the development area and abutting any public street right-of-way (existing and proposed). This greenbelt strip may include any grass or ground cover behind the curb or sidewalk that may be state or city right-of-way in order to meet the five (5) foot depth requirements. Such landscape strip shall be placed and maintained by the owner or occupant of the development, and may be included in yards required under other sections of this ordinance, and shall be composed of at least one of the following.
  - 1. Two or more rows of evergreen shrubs, spaced an average of three (3) feet apart. Such shrubs shall be expected to grow to a maximum height of three (3) feet in 3 or 4 growing seasons. The remainder of the landscape strip shall be planted in grass, ground cover, or other suitable decorative material, including sand, gravel, stone, or mulch.
  - 2. Other living landscape material such as grass or other ground covers or non-living (artificial) landscape material such as rocks, pebbles, sand, gravel stone or mulch.
- B. Whenever in this section a green belt or planting strip is required, it shall be planted prior to the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained by the owner or occupant with permanent plant materials (Ord. # 825, 04/01/93).

**11-1204. Development Standards for Certain Zones.**

In addition to the requirements for such developments required by the other provisions of this ordinance the following standards are applicable to the following developments or zoning districts:

- A. Multi-Family Development.
  - 1. A wall or fence meeting the requirements of 11-1201.
  - 2. A greenbelt planting strip as provided for in 11-1202.
  - 3. A six (6) foot wide landscape planting strip abutting the inside periphery of the wall or fence required in 11-1203 B.1. above meeting the requirements of 11-1202.
  - 4. A three (3) foot landscape planting strip abutting the outside periphery of the wall or fence required in 11-1203.B.1. above meeting the requirements of 11-1202.
- B. Group Housing.
  - 1. A wall or fence meeting the requirements of 11-1201.
  - 2. A greenbelt planting strip as provided for in 11-1202.
  - 3. A six (6) foot wide landscape planting strip abutting the inside periphery of the wall or fence required in 11-1203 C.1. above meeting the requirements of 11-1202.
  - 4. A three (3) foot landscape planting strip abutting the outside periphery of the wall or fence required in 11-1203.C.1. above meeting the requirements of 11-1202.
- C. SC-1 Shopping Center District.
  - 1. The requirements of 11-1202 shall be applicable with the exception that such greenbelt planting strip shall be a minimum of ten (10) feet instead of five (5) feet.
  - 2. All parking areas shall have a minimum two (2) foot wide landscape berm between major interior traffic aisles or streets and the interior parking areas to control ingress and egress to the parking areas within the development.
  - 3. Plant material spacing for such landscape berms shall be as follows:
    - a. Plant materials shall not be placed closer than the distance required for visibility under the requirements of 11-1500.c.
    - b. Where plant materials are planted in two or more rows, planting shall be staggered in rows.
    - c. Narrow evergreens shall be planted not more than three (3) feet in centers.
    - d. Large evergreen shrubs shall be planted not more than four (4) feet on centers.
- D. B-1 and P-B Planned Business District.
  - 1. The requirements of 11-1202 shall be applicable with the exception that such greenbelt planting strip shall be a minimum of ten (10) feet instead of five (5) feet (Ord. # 820, 02/04/93).
- E. All Industrial Districts.

1. The requirements of 11-1202 shall be applicable with the exception that such greenbelt planting strip shall be a minimum of fifteen (15) feet instead of five (5) feet.
  2. All parking areas shall have a minimum two (2) foot wide landscape berm between major interior traffic aisles or streets and the interior parking areas to control ingress and egress to the parking areas within the development.
  3. Plant material spacing for such landscape berms shall be as follows:
    - a. Plant materials shall not be placed closer than the distance required for visibility under the requirements of 11-1500.C.
    - b. Where plant material are planted in two or more rows, planting shall be staggered in rows.
    - c. Narrow evergreens shall be planted not more than three (3) feet in centers.
    - d. Large evergreens shrubs shall be planted not more than four (4) feet on centers.
- F. Open Storage Requirements. In any zoning district where open (unenclosed) storage of material and equipment is permitted as a principal use on an individual lot, such open storage shall be screened by walls or fencing, as provided in 11-1201, along all lot lines. Such screening shall be a minimum of seven (7) feet in height.
- G. Refuse Collection Point Requirements. All areas established as refuse collection points, or used for dumpster service and/or loading areas, shall be screened as provided in 11-1201 along all sides of the collection point.

## **WALLS, FENCES, SCREENS AND LANDSCAPE REQUIREMENTS IN ALL RESIDENTIAL DISTRICTS**

### **11-1205. Walls, Fences, Screens, and Landscape Requirements (Residential).**

1. Subdivision Entrance features may exceed six feet in height to a maximum of 13 feet when specifically approved by the Design Review Commission.
2. Fences attached to subdivision entrance features may be a maximum of 8 feet in height where specifically approved by the Planning Commission or Design Review Commission.
3. Within the required front yard of all residential lots, fences shall not exceed a maximum height of 30 inches with the exception of properties in the historic district. In the Historic District, the height of all fences shall be as determined by the Historic Zoning Board in keeping with the historic character of the property and in substantial conformance with the surrounding area.
4. No fence shall impede or divert the flow of water through any drainage way, or natural overland course of flow.
5. No fence shall block access to any above ground, pad mounted electrical transformer or other equipment and features of electrical, water, gas and sewer infrastructure.
6. All fences shall be maintained in a structurally sound condition and in good repair. Fences and walls shall be free from loose or rotting materials and shall have braces and supports attached or fastened in accordance with common building practices.
7. All fences on double frontage lots and all fences required as part of a development project in accordance with Planning Commission and Design Review requirements shall be maintained in perpetuity in accordance with the conditions of approval.

### **11-1206. Materials.**

Fences and walls in Residential areas, must be constructed of brick, ornamental iron or aluminum, vinyl commercial fence material, chain link, and vinyl coated chain link or rot resistant wood, such as treated lumber, redwood, cypress, and cedar with the following exception of specific requirements imposed by the Planning Commission, Design Review Commission or BZA in accordance with approved development plans.

The Building Official, Planning Commission, BZA, Design Review Commission, or Historic District Commission may approve alternative materials, or require specific materials on a case-by-case basis.

In areas where there exists an established pattern of fence materials, including wood, brick, ornamental metals or stone, the type and character of the surrounding existing materials must be used.

The Building Official shall determine whether the proposed material is in compliance with the intent of the materials authorized.

For retaining walls, formed concrete walls, or concrete wall panels may be allowed provided they are specifically allowed and approved by the Building Official, or other City Board or Commission with jurisdiction over the project.

Any other materials not specifically authorized in this section are specifically not allowed unless in the discretion of the Building Official, the proposed alternative materials are in substantial conformance with the description of the materials allowed and are greater than or equal to the approved materials for structural integrity and durability.

Electrified Fences are not allowed in residential districts. Exceptions may be made by the Building Official under certain limited conditions where the property is legally operating as a legal non-conforming use. Exceptions shall not run with the land and may be revoked if the use of the property changes, or circumstances under which the exception was granted are changed.

**11-1207. Maintenance.**

Fences shall be maintained and kept in good repair by the property owner and/or homeowner association. Examples of a lack of proper maintenance include, but are not limited to, rotten or deteriorated structural members, missing or broken components, excessive sagging of structural members or warping or distortion of planks, and fence or wall materials, leaning, excessive mold, dirt or growth and in the case of painted or other types of finishes, excessive flaking of the fence finish. Lack of proper maintenance and upkeep of a fence or wall shall constitute a violation of these regulations.

**11-1208. Double Fences.**

Double fences may be allowed in the side and rear yards with the exception of double frontage or reverse frontage lots where the property lines face a public right-of-way. A fence permit shall be required prior to the installation of a double fence. A double fence may be installed on the opposite side of a common property line where a fence has been installed that does not provide adequate screening measures, including, but not limited to, height of opposing fence installed between the prescribed maximum height or the use of transparent materials such as chain-link fencing. Double fences shall be installed against the property line seas to prevent non-maintainable land between the fences. The Building Official shall deny permits for double fences where their installation would create a non-maintainable area, or in the opinion of the Building Official would be in contradiction with the spirit and intent of the regulations of the fence ordinance.

**11-1209. Public Easements.**

Fences, walls and hedges installed in or along public easements (utility, drainage, pedestrian and the like) are subject to removal at the owner's expense in the event of maintenance or construction work is required within or along the public easement.

**11-1210. Swimming Pools.**

In addition to the provisions contained in this ordinance, barriers enclosing swimming pools and spas shall meet the requirements of the City of Paris Swimming Pool Ordinance

**11-1211. Appeals.**

Any aggrieved person or any governmental officer, department or board may take an appeal to the Board of Zoning Appeals by filing an application in conformance with the policies and procedures as established in Chapter 16 of the Paris Municipal Code. The Board of Zoning Appeals shall make a ruling on the appeal based upon the authority of the board as specified in 11-1604.

**11-1212. Conflict with other Provisions.**

This article is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law. Where any provision of this article imposes restrictions different from those imposed by any other provision of this article, or by any other ordinance, rule or regulation or the provision of law, whichever provisions are more restrictive or impose higher standards shall control.

**11-1213. Enforcement.**

It shall be the duty of the City Manager or the City Manager's designee to administer and enforce the provisions of this article. The City Manager or the City Manager's designee shall have the power to make inspections necessary to carry out his/her duties.

**11-1214. Permits.**

1. It shall be unlawful to commence the erection of a fence until the City of Paris has issued a permit for such work. Applications for Fence Permits will be available at City Hall.
2. Applications for a fence permit shall contain a dimensional sketch or scale plan indicating the shape, size, height and location on the lot of any fence to be erected, altered or moved and of any other buildings on the lot and all drainage from or onto the lot. The Code Enforcement Officer may require additional materials and information necessary to ensure compliance with all rules and regulations regarding fences and walls. If the proposed fence complies with the provisions of this article and other ordinances of the city, the Code Enforcement Officer shall issue a building permit for such activity. If the application is refused, the code enforcement officer shall state the reasons for refusal in writing.

**11-1215. Violations and Penalties.**

It shall be unlawful for any person to violate or fail to comply with any provisions of the Building Codes for the City of Paris, Tennessee as herein adopted by reference and modified. Any Violation of any section of this chapter upon conviction, shall be punished by a fine of not less nor more than fifty (\$50.00) dollars. Each day such violation continues shall constitute a separate offense. This penalty shall be in addition to any other penalty provided by any section of this chapter. (Ord. #1255, 6/23/20), Ord. #417, 04/30/1970, Ord. #1300, 11/02/2023).

**11-1216. Non-Conforming Fences and Walls.**

Any fence or wall erected lawfully prior to (effective date of this ordinance), may be maintained in its present condition. However, no fence may be substantially altered except in conformity with the provisions of this article. This article shall not be construed as abating any action now pending under, or by virtue of, prior existing regulations or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, or as waiving any right of the city under any section or provision, or as vacating or annulling any rights obtained by any person by lawful action of the city except as shall be expressly provided for in this article.

(Ord #1301, \_\_/\_\_/\_\_\_\_).

SECTION 2. All Ordinances and parts of Ordinance in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. This Ordinance shall take effect on and after the final passage and adoption.

Passed and adopted \_\_\_\_\_.

Passed and adopted \_\_\_\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Finance Director

**NEW BUSINESS  
AGENDA ITEM #5**

**Ordinance to Enact Title 4 Chapter 6 – Swimming Pools, Hot Tubs, and Spas in Building and Utility Codes in the Paris Municipal Code (First Reading)**

The following ordinance, presented for your consideration, reflects an additional chapter to Title 4 Building and Utility Codes regarding Swimming Pools, Hot Tubs, and Spas. In the past, swimming pool regulations have been enforced using the Building Code. This ordinance addresses swimming pool regulations as its own chapter along with the proper enforcement and requirements. The Planning Commission has reviewed this with recommendations reflected in this ordinance.

**ORDINANCE NO. 1302**

AN ORDINANCE  
to enact Title 4 Chapter 6 of the Paris Municipal Code

SECTION 1. BE IT ORDAINED by the Board of Commissioners of the City of Paris, Tennessee, that the following be enacted as Title 4, Chapter 6 of the Paris Municipal Code:

**TITLE 4  
BUILDING AND UTILITY CODES  
CHAPTER 6  
SWIMMING POOLS, HOT TUBS AND SPAS**

- 4-600.** Definitions.
- 4-601.** Permits.
- 4-602.** Public Swimming Pools.
- 4-603.** Private Swimming Pools.

**4-600.** **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:

- A. Accessory Dwelling Unit means an Accessory Structure which may be used as a dwelling.
- B. Accessory Structure means detached structures, including, but not limited to, dressing rooms, showers, pool equipment houses, gazebos, etc.
- C. Appurtenances and Accessories includes, but shall not be limited to, circulating and booster pumps, water filters, water heaters, chlorinating systems, above-ground piping and plumbing, and electrical panels.
- D. Barrier means a Permanent fence, wall, building, or combination thereof, a minimum of four (4) feet but no greater than six (6) feet in height, which completely surrounds the swimming pool and obstructs direct access to the swimming pool or spa.
- C. Permanent shall mean not being able to be removed, lifted, or relocated without the use of a tool.
- D. Building Inspector means the person designated by the City of Paris having authority to enforce the building and construction codes.

- E. Community Club Swimming Pool means the same as that term is defined in Title11, Chapter 9, Section 11-922 (B).
- F. Floodplain refers to land adjacent to the floodway having a one percent or greater chance of flooding in any given year, also known as the 100-year flood frequency according to the Federal Emergency Management Agency (FEMA) Flood Insurance Map profile.
- G. Floodway means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the floodplain according to the Federal Emergency Management Agency (FEMA) Flood Insurance Map.
- H. Pool depth is the distance between the floor of the pool and the maximum operation water level.
- I. Nuisance refers to a condition that is offensive to neighbors or the neighborhood, affects standards of health and safety, or obstructs or interferes with reasonable and comfortable use of property in the vicinity.
- J. Private swimming pool means the same as that term is defined in Title11, Chapter 9, Section 11-922 (A).
- K. Public swimming pool means any body of water used for public or semipublic swimming or recreational bathing, which is artificial or semi-artificial in construction, including all appurtenances, operated for the public in general.
- L. Safety cover means a device of sufficient strength and durability permanently installed over and around the swimming pool so as to prevent the entrance of people.
- M. Swimming pools, hot tubs and spas means any in-ground, above ground or on ground vessel, permanent or temporary, intended for swimming, bathing, or wading that has the capacity to contain water over 18 inches in depth. Wading pools 18 inches or less which are drained and filled daily are not considered swimming pools.
- N. Wading pool means any constructed or prefabricated pool containing a maximum capacity of 18 inches or less in depth. Wading pools are not regulated by this division.
- O. Water line refers to the measurement made from the outer edge of the water wall and shall include bond beam or coping if it extends beyond the outer edge of the water wall of the swimming pool. Other terms used in this chapter shall have the meanings usually accorded to them by the Henry County Health Department.

**4-601. Permits.**

- A. No swimming pool, hot tub, spa or appurtenances thereto shall be installed, enlarged or altered until a permit is obtained.
- B. Permit applications are subject to the following requirements:
  - (1) A dimensional sketch, drawn to scale, must be submitted with the application showing the proposed location of the swimming pool, hot tub, or spa, the appurtenances and accessories, other accessory structures and fencing on the lot and indicating thereon the distance in feet that the water line is located from the rear property line, nearest side property line, principal building, and any easements on the property.
  - (2) To protect neighboring properties and waterways from stormwater runoff, erosion and sediment must be controlled during the construction of the swimming pool. This includes the installation and maintenance of silt fences and other erosion control measures.
  - (3) Property improvements, including swimming pools, should not alter the natural or designed flow of lot drainage by increasing the velocity or concentrated flow of storm water runoff, nor create in any way a negative impact on adjoining property. Any damage resulting as a result of such actions is the responsibility of the offending property owner.

- (4) If the Building Inspector of the City of Paris deems it necessary, a complete set of engineering plans, including a drainage plan with the stormwater drainage pipes, including size and capacity, shall be furnished before a permit is issued.
- (5) Permit applications shall be processed by the Building Inspector of the City of Paris or the Building Inspector's designee to ensure that the proposed location of the swimming pool, hot tub or spa is in compliance with the City of Paris Zoning Ordinance.

**4-602.**            **Public Swimming Pools.** Public swimming pools must comply with the rules and regulations of the Tennessee Department of Health Services, the rules and regulations of the Henry County Health Department, and the rules and regulations of the City of Paris.

**4-603.**            **Private Swimming Pools.**

**A.        General**

1. All residential, non-commercial, private swimming pools, hot tubs and spas shall be installed and maintained in compliance with all applicable building and technical codes adopted by the City of Paris, the Henry County Health Department and the Tennessee Department of Health Services.
2. The location of swimming pools, hot tubs, spas, appurtenances, accessories and accessory structures on residential lots shall be in compliance this section and all other applicable sections of the City of Paris, Tennessee Municipal Code.

**B.        Barriers**

1. Private residential swimming pools, hot tubs and spas shall be enclosed by a fence, wall, building, or combination thereof not less than five (5) feet or greater than six (6) feet in height. The barrier shall completely enclose the area so that there is no direct access by small children or unsuspecting persons. A natural barrier, pool cover, or other protective device approved by the City of Paris Building Inspector may be used so long as the degree of protection afforded is equivalent to the enclosure, gate, and latch described herein. Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from these provisions.
2. Openings between vertical and horizontal members of barriers shall be spaced at intervals close enough to prevent passage of a four-inch sphere through the openings.
3. All gates allowing access to the area must be self-latching. The latches must be placed a minimum of four feet above the underlying ground or otherwise made inaccessible to small children from the outside. Gates leading directly to the area must be kept closed at all times unless premise occupants are in the vicinity of the area and can observe entry to the area through open gates.
4. Barriers, including gates, shall be maintained in good repair at all times to prevent entry into the area by small children and unsuspecting persons. If any portion of the barrier or gates become unsatisfactory to protect against entry into the area, whether caused by general deterioration, high winds, storms, etc., the barrier shall be repaired as soon as possible. Pending the permanent repairs, the area shall be protected by an adequate temporary barrier.
5. When the Code Enforcement Officer determines a barrier is deemed inadequate for protection and the premises owner or occupant fails to secure the area the Code Enforcement Officer shall give notice as set forth in this section to the owner of the real estate upon which the violation has occurred.

**C.        Maintenance.**

1. It shall be the responsibility of the owner and/or the occupant of the premises to maintain a swimming pool, hot tub, and/or spa in safe, sanitary, and working condition at all times. Water contained in a swimming pool, hot tub or spa shall be maintained to a level of clarity that allows for the unaided visual inspection of the lowest point of the pool, hot tub or spa. Water not meeting this clarity definition shall be deemed a potential health and safety hazard, and thus a public nuisance.
2. All swimming pools shall be maintained to ensure the disinfection of all pool water pursuant to applicable health standards under state law and county ordinance. If disinfection is not maintained, then the owner of the real property upon which said pool is located shall be notified by United States mail, return receipt requested, by the Code Enforcement Officer to either:
  - A. Disinfect the swimming pool pursuant to applicable health standards under state laws and county ordinances; or
  - B. Drain and maintain the swimming pool, so that stagnant water does not accumulate.Swimming pools with a safety cover which includes an anchoring mechanism properly labeled, installed, used and maintained in accordance with the manufacturer's published instructions shall be considered in compliance with this subsection.
3. Pools, hot tubs or spas that are not being maintained in accordance with this chapter and present a danger to the life, health or safety of any person shall be drained of all water by the owner or operator, and the owner or operator shall either:
  - (a) Fracture the shell and fill with dirt or sand that is not capable of holding water; or
  - (b) Remove the pool structure; or
  - (c) Cover with a safety cover.
4. A pool that remains drained of water for 180 days, not in working condition, and not covered as provided by subsection (2) above is presumed to be no longer maintained as a swimming pool. It shall be an affirmative defense to this subsection that the pool is in the process of actively being brought into compliance with this Chapter.
5. When the City of Paris Code Enforcement Officer finds any pool, hot tub or spa is not being maintained in accordance with this chapter and presents a danger to the life, health or safety of any person, then the City of Paris Code Enforcement Officer shall give notice as set forth in this section to the owner of the real estate upon which the violation has occurred.

**D. Appurtenances and Accessories**

Appurtenances and accessories, such as, but not limited to, circulating pumps, water filters, water heaters, chlorination systems, booster pumps, electrical panels, etc.

- (1) May not encroach into any easement; and
- (2) Must be completely screened from view from the street by solid, site-proof fence of wood, masonry, or stone (not chain link, plastic, etc.) if located on any side of the principal structure which allows public view from any public street or public right of way.

**E. Accessory Structures**

- (1) Detached accessory structures such as, but not limited to, pool houses, showers, dressing rooms, equipment storage buildings, pool slides, etc., shall comply with all applicable technical Code requirements of the City of Paris Building Codes and the Zoning Ordinance.



- (2) Accessory Dwelling Units must comply with the provisions of this section and the provisions of any applicable Accessory Dwelling Unit Ordinance.
- (3) Permits for accessory structures are required. Applications for permits may be obtained from the City Manager or City Manager's designee. Applications shall be reviewed and approved by the City Manager or the City Manager's designee prior to issuance of a building permit from the City of Paris.

**F. Floodplain and Floodway Areas**

1. Installation of swimming pools, hot tubs and spas on properties located in the floodplain areas of the City requires approval of the City of Paris engineering department prior to approval of a permit application.
  - (a) Pool equipment should be one foot above the base floodplain elevation using the Federal Emergency Management Agency (FEMA) Flood Insurance Profile.
  - (b) Above ground pools in the floodplain shall be anchored.
2. There shall be no swimming pools, hot tubs or spas on property located in the floodway.
3. The following documentation is required prior to the issuance of a permit for a swimming pool located in a floodplain:
  - (a) A plan drawn to scale showing the location, dimensions, existing and proposed elevations and grading of the area(s) in question where the swimming pool, hot tub and/or spa are to be installed.
  - (b) The elevation of the swimming pool, hot tub and/or spa deck in relation to mean sea level.
  - (c) The elevation of the 100-year base flood as determined from the most recent printing of the Flood Insurance Rate Map (FIRM) for the area as published by the Federal Emergency Management Agency (FEMA).
  - (d) Certificate by a registered land surveyor that the swimming pool, hot tub and/or spa deck will be one and one-half feet or more above the base flood elevation if the proposed plan is implemented.
  - (e) A description of a known benchmark, or temporary benchmark, including location and elevation used in determining elevations at the site. Surveyor should use GPS and a global positioning unit for verification of the benchmark utilized. Type of GPS field procedure should be included and surveyors shall meet Tennessee standards of professional practice.

**G. Drainage of Water**

1. The water in swimming pools, hot tubs and spas, when it is necessary to be drained, shall not be drained in a manner that will create a nuisance to adjoining properties.
2. Water accumulating on the top of covers is classified as rainwater. Rainwater may be drained into the sanitary sewer system or the street storm drains. It may be drained into the ground surface provided that it does not cause a nuisance to adjacent property owners. The drainage of rainwater onto the ground surface that causes, or is claimed to cause, a nuisance to adjacent property owners is a civil matter to be resolved between the property owners.

**H. Notification, Violation and Penalty**

1. Notice of Violation. Upon the failure of any owner of property within the City to meet any of the provisions of this chapter, the City shall serve a notice of violation.

2. Notice of Violation shall be given to the owner of such property to bring the property into compliance within a specified time of the effective date of such notice.
3. Notice of Violation may be given by personal service on the owner or one of the owners, or the duly authorized agent of such owner, or upon any person of suitable age and discretion residing in the owner(s)'s usual place of residence, or by first-class letter addressed to the last known place of residence of such owner(s). Proof of the mailing of such first class letter by the City shall be a complete compliance with this section.
4. In the event the Notice of Violation is returned in the mail, the notice shall be posted on the property where the violation exists by taping or affixing the Notice on or near the front door of the dwelling an envelope containing the notice, or in the case of a vacant lot, by placing a sign containing the notice on the property. Such notice shall include a description of the location of the violation; a statement of violation or violations; a correction order with a reasonable time to correct the violation and include, if applicable, a statement of the right to file a lien in accordance with the provisions outlined in in this section.
5. If a property owner fails to correct the condition set forth in the Notice of Violation within the time specified in the notice to the owner, the owner shall be subject to fines and penalties as provided in this section.
6. The effective date of the Notice of Violation shall be the date when notice is delivered by personal service and/or posted on the property, or if the Notice of Violation is mailed by first-class mail the effective date shall be seven business days after mailing.
7. Notices in the form of signs, tags or other items posted of affixed by the Code Enforcement Officer shall not be removed, mutilated, destroyed or tampered without authorization from the Code Enforcement Officer.
8. Violation and penalty.
  - (a) Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than \$50.00, or the maximum amount allowed by law. Each day's continuance of a violation shall be considered a separate offense.
  - (b) The owner of any premise, where anything in violation of this chapter shall exist, and any person who may have knowingly assisted in the commission of any such violation, shall be guilty of separate offenses.
  - (c) Persons in violation of this chapter may also be subject to injunctive proceedings.
  - (d) In addition to the penalty provided in this section, if a property owner fails to correct a violation under this chapter, the City Manager or the City Manager's designee shall cause the violation to be corrected.
  - (e) If the City of Paris Code Enforcement officer determines that a violation presents a foreseeable danger to the life, health, or safety of any person, the City of Paris is be authorized to have said pool, hot tub or spa drained of all water and either the shell fractured and filled with dirt or sand that is not capable of holding water, or covered with a material of sufficient strength, durability and water tightness to prevent the entrance of water or people.
  - (f) All expenses, including costs of labor, incurred by the City of Paris for correcting and/or remediating any violations of this section may be accessed to the real estate upon which the violation occurred as a lien and may be recorded as a Notice of Lien in the Register's Office of Henry County, Tennessee. This lien shall affix to the real estate immediately. The Notice of Lien may include an administrative fee and recording fee, incurred by the City of Paris, and such amount of the lien shall accrue interest at ten (10) percent per annum from the date of recording of the Notice of Lien.

- (e) A copy of any Notice of Lien shall be mailed by certified mail to the last known address of the owner of the property.
- (f) The City of Paris Finance Director is authorized to collect, in the same manner as for taxes, the amount due pursuant to the Notice of Lien at the time city taxes levied against such property are collected for the next succeeding year. For any such expenditures, suit may be instituted and foreclosure had in the name of the city; and the statement so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended in any such work or improvements.

SECTION 2. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its final passage and adoption.

Passed and adopted \_\_\_\_\_.

Passed and adopted \_\_\_\_\_.

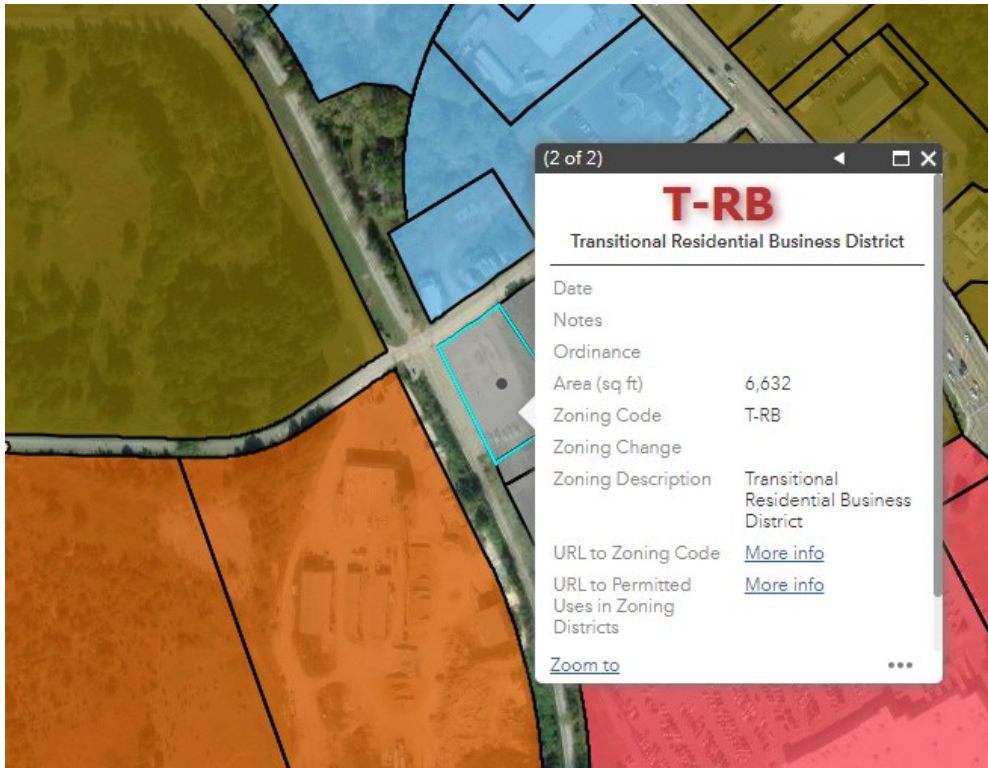
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Finance Director

**NEW BUSINESS**  
**AGENDA ITEM #6**  
**Rezoning Request for Property located at 599 Russell Street (First Reading)**

Mr. Paige "Tuffy" Craig has requested the rezoning of property located at 599 Russell Street. His intentions for this property are to build a maintenance shop to maintain and repair business vehicles for his trucking company (Wayne Craig Trucking, LLC). This property is currently zoned T-R-B (Transitional Residential Business). Mr. Craig is requesting it be rezoned to M-2 (Heavy Industrial).

As is required, the City Commission should refer this request to the Planning Commission for recommendation. This request may be adopted on first reading, or the City Commission may wish to defer any action until the Planning Commission has made a recommendation. Any action would require a public hearing at a future meeting.



**STATUS OF VARIOUS PROJECTS  
January 2024**

	<b>PRIMARY STAFF</b>	<b>TARGET COMPLETION DATE(S)</b>	
HOME Grant	Morris/Foster	2024	The contractor for House #3 on W. Blythe Street is currently working with staff on the setbacks and scheduled to start on the footing soon. House #2 is over 70% complete. The same contractor that is building house #2 will be building house #3 so timing on #3 will depend on finishing house #2.
Back Alley Paris	Foster/Morris/ Ray	June 2024	“Destination Paris” is currently in the conceptual phase. Dan Knowles is again the artist.
2018 STBG Project for Signalization & Safety Upgrades at 3 Intersections Downtown	Foster/Morris	Fall 2024	Final Right of way plans are at TDOT. Waiting on NTP to Right of Way. Preliminary Construction ready for submittal when NTP to Right of Way is received. Began work on proprietary items request for signal items. TLM addressing comments on final NEPA document.
Rison St Bridge Replacement	Foster/Morris	Summer 2024	Staff had secured 7 out of 8 construction easements from property owners. An outstanding issue with two of the easements has been resolved.
2020 Multimodal Access Grant for 4 Downtown Intersections	Foster/ Morris	Fall 2024	Excess land process continues. Preliminary construction plans are still under review by some divisions at TDOT. Began work on proprietary items request for signal items. Right of Way acquisition process continues. The city attorney is working on Title Opinions. Final Utility Coordination completed, and certification package submitted to TDOT for review.
2022 Multimodal Access Grant for Tyson/M.W. Intersection Upgrades & Sidewalk	Foster/Morris	Fall 2025	Received NTP to design. TLM continues to work on a preliminary construction estimate. Work has begun on the preliminary plan set.
2021 TA Grant for Sidewalk Project along Fairgrounds & Royal Oak	Foster	Winter of 2026	Continue working on the SDC form. TLM continues to work on the preliminary layout.
TDEC Water Infrastructure Improvement (WII) Grant	Foster	Spring 2026	City-wide hydraulic modeling continues. Waiting for the final survey to be delivered on the Brooks St. project.
Downtown Improvement Grant	Morris/Crouch/Foster	Summer 2023	We have an additional project moving forward and work has begun. Estimated completion date January 2024 due to weather. This project is 50% complete.
Municipal Facilities Project	Foster	Dependent on Direction	Waiting on state historical approval to demo the existing building
Volunteer Sidewalk Issue	Foster	ASAP	Final survey has been received. Developed multiple options to address ADA without impacting vehicle access. Modeling best options to determine impact on vehicles. Construction plans set up has begun. <b>Hoping to have a recommendation ready for Thursday night’s City Commission meeting.</b>

**Notes from the City Manager:**

- None