

**THE
NOLENSVILLE
MUNICIPAL
CODE**

Prepared by the



Municipal Technical Advisory Service

In cooperation with the Tennessee Municipal League

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TOWN OF NOLENSVILLE, TENNESSEE

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PREFACE

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

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

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

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 7 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the city agrees to pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

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

The able assistance of the codes team: Kelley Myers and Nancy Gibson is gratefully acknowledged.

Codification Consultant

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

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

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TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF COMMISSIONERS.
2. MAYOR.
3. TOWN MANAGER.
4. RECORDER, FINANCE DIRECTOR.
5. DEPARTMENTS.
6. CODE OF ETHICS.

CHAPTER 1

BOARD OF COMMISSIONERS²

SECTION

- 1-101. Time and place of regular meetings.

¹Charter references

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

Municipal code references

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

Utilities: titles 18 and 19.

Zoning: title 14.

²Charter references

For charter provisions related to the board of commissioners, see *Tennessee Code Annotated*, title 6, chapter 20. For specific charter provisions related to the board of commissioners, see the following sections:

Compensation: § 6-20-204.

Duties of mayor: § 6-20-203.

Election of the board: chapter 20, part 1.

Oath: § 6-21-103.

Ordinance procedure

Publication: §§ 6-20 and 6-22.

Readings: § 6-20-215.

Residence requirements: § 6-20-110.

Town manager: § 6-21.

Vacancies in office: § 6-20-110.

Vice-mayor: §§ 6-20-202 and 6-20-203.

- 1-102. Election date.
- 1-103. Number of commissioners.
- 1-104. Creation of committees.
- 1-105. Grant application requiring commissioner approval.
- 1-106. Allowing ordinance captions to be read.

1-101. Time and place of regular meetings. (1) The regular meetings of the Nolensville Board of Commissioners shall be held on the first Thursday of each month at 6:30 P.M. at Nolensville Town Hall.

(2) The work sessions of the Nolensville Board of Commissioners shall be held two (2) Mondays before the regular meetings at 4:00 P.M. at Nolensville Town Hall.

(3) Regular meetings of the Nolensville Board of Commissioners shall observe the following order of business.

- (a) Call to order by the mayor and determination of a quorum.
- (b) Approval of agenda.
- (c) Approval or correction of minutes of the previous meeting(s).
- (d) Comments from citizens.
- (e) Commissioners' response to citizens.
- (f) Announcements and report from town manager.
- (g) Consent agenda items
- (h) Old business.
- (i) New business.
- (j) Reports and comments from commissioners.
- (k) Adjournment.

(4) Consent agenda items shall include those items determined by the town manager and or board of commissioners to be routine matters not necessitating discussion. All consent items shall be voted upon simultaneously pursuant to a single motion. Any commissioner shall have the ability to remove any item from the consent agenda for individual discussion. Any item removed from the consent agenda shall be considered separately from the consent agenda by the board of commissioners following approval of the remaining consent agenda.

(5) Reports from the town attorney, finance director, departments, and advisory committees shall be part of the consent agenda for informational purposes only and shall not require approval by the board of commissioners.

(6) At the discretion of the board of commissioners and the town manager, written reports from the town manager, town attorney, finance director, committees, and departments may be permitted in lieu of spoken reports.

(7) The rules of order and parliamentary procedure contained in the most recently published edition of *Robert's Rules of Order*, current edition, shall govern the transaction of business by and before the board of commissioners at

its meetings in all cases to which they are not inconsistent with provisions of the city manager-commission charter or this code.

(8) At any meeting of the board of commissioners, the board shall have the ability to alter the order of business set forth in subsection (3) of this section by the vote of a majority of members present. (2002 Code, § 1-101, as amended by Ord. #21-22, July 2021, Ord. #21-10, April 2021, Ord. #22-23 Feb. 2023, and Ord. #22-24, Feb. 2023)

1-102. Election date. In accordance with *Tennessee Code Annotated*, § 6-3-104, town elections shall be held on the first Tuesday following the first Monday of November in even-numbered years beginning in November 1998, or at the time of the general election in those even years as determined by the election commission.

Town officials elected or re-elected at November elections shall commence their new term of office, and be sworn in at the first meeting of the board of commissioners in January of the calendar year following the year in which said official is elected. (2002 Code, § 1-102)

1-103. Number of commissioners. The number of commissioners, and the terms thereof, shall be in accordance with *Tennessee Code Annotated*, § 6-20-101. (2002 Code, § 1-103, modified)

1-104. Creation of committees. (1) The board of commissioners is authorized to create committees, through resolution or ordinance, whose members will advise the board and make recommendations on various issues impacting the town.

(2) The board of commissioners shall make appointments to all committees created by the board. All members of these committees serve at the pleasure of the board of commissioners.

(3) If at any time a vacancy exists on a committee, the board of commissioners shall fill the vacancy, as expeditiously as possible. (Ord. #20-14, June 2020)

1-105. Grant application requiring commissioner approval.

(1) Approval in the form of a resolution from the board of commissioners shall be required before any grant application shall be made on behalf of the Town of Nolensville.

(2) Grant applications shall be coordinated by town staff under the direction of the town manager. No board, commission, committee, group, or individual shall be authorized to act on behalf of the town by applying for, or accepting, any grant. (Ord. #20-30, Oct. 2020)

1-106. Allowing ordinance captions to be read. Only the captions of ordinances shall be required to be read at both the first and second readings

for such ordinances at meetings of the board of commissioners. (Ord. #20-22, Oct. 2020)

CHAPTER 2

MAYOR¹

SECTION

1-201. Duties and responsibilities.

1-201. Duties and responsibilities. The mayor:

- (1) Shall be the chief executive officer of the municipality, and shall preside at meetings of the board;
- (2) Shall communicate any information needed, and recommend measures the mayor deems expedient to the board;
- (3) (a) Shall make temporary appointments of any officer or department head in case of sickness, absence or other temporary disability; and
 (b) The board may confirm the mayor's appointment or otherwise appoint a person to fill the vacant office unless this duty has been delegated as authorized in the town charter.
- (4) (a) May call special meetings of the board upon adequate notice to the board and adequate public notice; and
 (b) Shall state the matters to be considered at the special meeting, and the action of the board shall be limited to those matters submitted.
- (5) Shall countersign checks and drafts drawn upon the treasury by the treasurer and sign all contracts to which the municipality is a party;
- (6) As a member of the board, may make motions and shall have a vote on all matters coming before the board; and
- (7) Shall make appointments to boards and commissions as authorized by law. (2002 Code, § 1-201, as amended by Ord. #20-13, June 2020)

¹Charter references

For charter provisions related to the mayor, see *Tennessee Code Annotated*, title 6, chapter 3. For specific charter provisions related to the mayor, see the following sections:

Vacancies in office: § 6-20-110.

Vice-mayor: §§ 6-20-202 and 6-20-203.

CHAPTER 3

TOWN MANAGER

SECTION

- 1-301. Duties of town manager.
- 1-302. Appointment of town manager.
- 1-303. Removal of town manager.
- 1-304. Board not to interfere with appointments or removals.
- 1-305. Binding contracts.
- 1-306. To be bonded.
- 1-307. Severability.

1-301. Duties of town manager. The town manager is responsible for the efficient management and operation of the affairs of the town in accordance with the state law and the municipal charter, town ordinances and such directives, regulations, and policies of the board of commissioners (BOC or the board) may, from time to time adopt, subject to those provisions of the municipal charter which require the mayor to act and function as the chief executive officer of the town. The specific duties and responsibilities of the town manager are as follows:

- (1) Day-to-day operation of the town. The town manager shall:
 - (a) Ensure all property, real and personal, owned by the municipality is well maintained;
 - (b) Ensure that all state, county and local ordinances and regulations are followed within the town limits;
 - (c) Ensure stormwater quality through a comprehensive stormwater management program;
 - (d) Manage the efficient operation of the town offices;
 - (e) Identify, and where feasible implement, new and more efficient methods of operations for town departments; and
 - (f) Perform such other duties consistent with this office as may, by vote of the BOC, be required.
- (2) Reports and recommendations to board and committees. The town manager shall:
 - (a) Make recommendations to the board of commissioners for improving quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the municipality;
 - (b) Keep the mayor and board fully advised as to the conditions and needs of the municipality;
 - (c) Report to the mayor and board the condition of all property, real and personal, owned by the municipality and recommend repairs and replacement as needed;

(d) Recommend to the mayor and board and suggest priority of programs or projects involving public works, or public improvements that should be undertaken by the municipality;

(e) Recommend specific personnel positions, as may be required for the needs and operations of the municipality, and may propose personnel policies and procedures for approval by the board; and

(f) Consult and cooperate with the committees of the board in the administration of the town's affairs.

(3) Manage town employees. The town manager shall:

(a) Recruit, hire, evaluate, direct, and, if necessary, discipline and terminate town employees, subject to the provisions of § 1-301, in consultation with the mayor;

(b) Examine, or cause to be examined, the affairs or conduct of any department or employee under his/her control to ensure the proper performance of duties, and shall have access to all town records, books or papers to properly perform this function;

(c) Establish and maintain effective working relationships with employees;

(d) Conduct regular staff meetings to review progress, accomplishments, budgets, strategies and plans for the town;

(e) Facilitate and work within a "team oriented" environment, being both an effective team leader and team member;

(f) Support other staff in the development and implementation of goals, objectives, policies, or priorities;

(g) Train and supervise all staff, including consultants;

(h) Handle confidential information with tact and discretion;

(i) Present all nominees made by the board of commissioners for approval. This duty will include prospective nominees to the planning commission to be selected by the mayor;

(j) Prepare all meeting agendas in coordination with the town recorder; and

(k) The town manager as selected by the board of commissioners shall have the final authority in all personnel matters working in cooperation with the mayor, but not under the mayor's authority, but rather that of the entire board.

(4) Interact effectively with governmental officials and community members. The town manager shall:

(a) Establish and maintain effective working relationships with town officials, the business community, the general public and state, regional and federal officials;

(b) Communicate effectively with the public and development community orally and in writing;

(c) Educate the public on town, county, and state ordinances, regulations, and plans;

- (d) Communicate the town's position effectively in public forums and meetings;
- (e) Work closely with the public receiving inquiries and complaints, and attending to the resolution of same;
- (f) Seek innovative solutions to problems while implementing town regulations and goals; and
- (g) Participate in various local and regional groups. (2002 Code, § 1-301, as amended by Ord. #20-13, May 2020)

1-302. Appointment of town manager. The town manager shall be approved by a majority of the board of commissioners for a term approved by the board. The manager shall be chosen by the board solely on the basis of executive and administrative qualifications with special reference to actual experience in, or knowledge of, accepted practices in respect to the duties of the office hereinafter set forth. No member of the board of commissioners shall receive such appointment neither during the term for which the member shall have been elected nor within one (1) year after the expiration of the member's term. (2002 Code, § 1-302, as amended by Ord. #20-12, June 2020)

1-303. Removal of town manager. Subject to, and provided in, the provisions of any contract between the town and the town manager, the board of commissioners may remove the town manager at any time by a majority vote of its members. (2002 Code, § 1-303, as amended by Ord. #20-21, June 2020)

1-304. Board not to interfere with appointments or removals. Subject to the provisions of § 1-301, neither the board of commissioners, nor any of its members shall direct or request the hiring of any person to, or removal from, office by the town manager or any of the manager's subordinates, or in any manner take part in the hiring or removal of officers and employees in the administrative services of the town. Except for the purpose of inquiry, the board and its members shall deal with the administration solely through the town manager, and neither the board nor any member thereof shall give orders to any subordinates of the town manager, either publicly or privately. (2002 Code, § 1-304)

1-305. Binding contracts. (1) The town manager shall be delegated the authority to enter into contracts on behalf of the Town of Nolensville for routine matters and matters having insubstantial long-term consequences.

(2) Expenditures for any contract for "matters of insubstantial long-term consequences" shall be less than ten thousand dollars (\$10,000.00) during the fiscal year. (Ord. #20-27, Oct. 2020)

1-306. To be bonded. (1) Surety bonds in the amount of ten thousand dollars (\$10,000.00) shall be required for the town manager.

(2) The Town of Nolensville shall pay the cost of all required surety bonds. (Ord. #20-28, Oct. 2020)

1-307. Severability. It is expressly declared that the board of commissioners would have passed the other provision of this chapter irrespective of whether or not one (1) or more provisions may be declared invalid. The provisions of this chapter shall be deemed severable and if any provisions of this chapter, or the application thereof, to any person or circumstances is held invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby. (2002 Code, § 1-306)

CHAPTER 4

RECORDER, FINANCE DIRECTOR

SECTION

1-401. To be bonded.

1-401. To be bonded. (1) Surety bonds in the amount of ten thousand dollars (\$10,000.00) shall be required for the town recorder and finance director.

(2) The Town of Nolensville shall pay the cost of all required surety bonds. (Ord. #20-28, Oct. 2020)

CHAPTER 5

DEPARTMENTS

SECTION

1-501. Establishment of town departments.

1-501. Establishment of town departments. (1) The following town departments and offices are hereby established:

- (a) Town administration;
- (b) Building codes department;
- (c) Engineering department;
- (d) Finance department;
- (e) Human resources department;
- (f) Municipal court;
- (g) Planning department;
- (h) Police department;
- (i) Public works department;
- (j) Office of the town attorney; and
- (k) Office of the town recorder.

(2) For the purpose of satisfying *Tennessee Code Annotated*, § 6-21-301, which requires the creation of four (4) specific departments, the Town of Nolensville shall make the following substitutions:

Required by State Law

Equivalent Created by this Chapter

Department of education

Not applicable

Department of finance

Finance department

Department of public safety

Police department

Department of public works
and welfare

Public works department

(Ord. #20-26, Oct. 2020)

CHAPTER 6

CODE OF ETHICS¹

SECTION

- 1-601. Preamble.
- 1-602. Applicability.
- 1-603. Definition of "personal interest."
- 1-604. Disclosure of personal interest by official with vote.
- 1-605. Disclosure of personal interest in non-voting matters.
- 1-606. Acceptance of gratuities, etc.
- 1-607. Use of information.
- 1-608. Use of municipal time, facilities, etc.
- 1-609. Use of position or authority.
- 1-610. Outside employment.
- 1-611. Ethics complaints.
- 1-612. Violations and penalty.

¹State statutes dictate many of the ethics provisions that apply to municipal officials and employees. For provisions relative to the following, see the *Tennessee Code Annotated*, sections indicated:

Campaign finance: *Tennessee Code Annotated*, title 2, chapter 10.

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

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

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

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

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

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

A brief synopsis of each of these laws appears in the appendix of the municipal code.

1-601. Preamble. The citizens of Nolensville are entitled to have fair, ethical and accountable local government that has earned the public's full confidence for integrity. Furthermore, the effective functioning of democratic government requires that public officials comply with both the letter and spirit of the laws and policies affecting the operations of government; public officials be independent, impartial and fair in their judgment and actions; public office be used for the public good, not for personal gain; and public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility. To this end, the Town of Nolensville Board of Commissioners adopts this code of ethics for the Town of Nolensville to assure public confidence in the integrity of local government and its effective and fair operation. (2002 Code, § 4-501)

1-602. Applicability. This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (2002 Code, § 4-502)

1-603. Definition of "personal interest". (1) For purposes of §§ 1-604 and 1-605, "personal interest" means:

(a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests;

(b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or

(c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), step parent(s), grandparent(s), sibling(s), child(ren), or step child(ren).

(2) The words "employment interest" include a situation in which an official or employee, or a designated family member, is negotiating possible employment with a person or organization that is the subject of the vote, or that is to be regulated or supervised.

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (2002 Code, § 4-503)

1-604. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects, or that would lead a reasonable

person to infer that it affects, the official's vote on the measure. In addition, the official may recuse himself¹ from voting on the measure. (2002 Code, § 4-504)

1-605. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects, or that would lead a reasonable person to infer that it affects, the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by, and filed with, the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (2002 Code, § 4-505)

1-606. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

(1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties;

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business; or

(3) Notwithstanding the provisions of this chapter, an official or town employee may accept a gift and/or gratuity not to exceed twenty-five dollars (\$25.00) per occasion as a sign of appreciation from the public. (2002 Code, § 4-506)

1-607. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (2002 Code, § 4-507)

1-608. Use of municipal time, facilities, etc. (1) An official or employee may not use, or authorize the use of, municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use, or authorize the use of, municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or

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

lease that is determined by the governing body to be in the best interests of the municipality. (2002 Code, § 4-508)

1-609. Use of position or authority. (1) An official or employee may not make, or attempt to make, private purchases, for cash or otherwise, in the name of the municipality.

(2) An official or employee may not use, or attempt to use, his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (2002 Code, § 4-509)

1-610. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter, or any ordinance or policy. (2002 Code, § 4-510)

1-611. Ethics complaints. (1) The town attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the town attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

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

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

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

(3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation, or a civil service policy, rule, or

regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (2002 Code, § 4-511)

1-612. Violations and penalty. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (2002 Code, § 4-512)

TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER

1. NOLENSVILLE HISTORIC COMMISSION ACT.

CHAPTER 1

NOLENSVILLE HISTORIC COMMISSION ACT

SECTION

2-101. Title.

2-102. Purposes.

2-103. Historic commission.

2-104. Powers and duties of the Nolensville Historic Commission.

2-105. Designation and protection of historically significant sites.

2-106. Criteria for designation of historically significant sites.

2-107. Mapping of historically significant sites.

2-108. Property owners approval required.

2-109. Conflicts with zoning ordinance.

2-101. Title. This chapter shall be known as the Nolensville Historic Commission Act. (2002 Code, § 2-101)

2-102. Purposes. The general intent of this chapter includes, among others, the following purposes:

(1) To promote preservation and protection of the physical character and quality of life in the Town of Nolensville;

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

(3) To foster civic pride and historic recognition through the preservation of Nolensville's heritage. (2002 Code, § 2-102)

2-103. Historic commission. (1) Creation of commission. In order to encourage the intent of this chapter, there is hereby established an advisory board to be known as the Nolensville Historic Commission. The Nolensville Historic Commission shall consist of not less than five (5) members and no more than nine (9) members; all of which shall be members of the historic planning commission when appointed, except that one (1) or more members may be selected by the mayor from the community in general in order to comply with the provisions of *Tennessee Code Annotated*, § 13-7-403. All members shall be appointed by the mayor and approved by the board of commissioners. The terms of members of the historic commission

shall be five (5) years, except that the members appointed initially shall be appointed for staggered terms so that the terms of at least one (1) member, but not more than two (2) members, shall expire each year. Vacancies shall be filled for any unexpected terms by the mayor and confirmed by the board of commissioners. All members of the historic commission shall serve without compensation, and shall be selected on the following basis:

(a) One (1) member of the Nolensville Historic Commission may be a member of the board of commissioners appointed by the mayor to serve a term consistent with his or her elected term of office or a designated consultant to the mayor to serve in this capacity;

(b) One (1) member of the Nolensville Historic Commission shall be a member of the Nolensville Planning Advisory Committee, appointed by the mayor, later to be known as the Nolensville Planning Commission to serve a term consistent with his/her term as a member of the planning commission. This member may be an appointee and special advisor from the mayor's office; and

(c) Seven (7) members of the Nolensville Historic Commission shall be appointed by the mayor and approved by the board of commissioners.

(i) Each of the appointees shall be a resident of Nolensville.

(ii) Each shall be appointed for a three (3) year term. Terms of initial appointees shall be: Two (2) members for one (1) year, two (2) members for two (2) years, and three (3) members for three (3) years. Thereafter, subsequent appointments shall be for full three (3) year terms. The staggering of terms to be accomplished with the initial appointments is to ensure continuity of service among historic commission members.

(iii) Appointees should have a background, experience, and desire to be involved in the recognition and preservation of Nolensville's history.

(2) Organization. The Nolensville Historic Commission shall select from its members its own chairperson and such other officers deemed appropriate. It shall establish procedures, rules of order, and regular meeting dates, keep a record of all proceedings, meet no less often than quarterly, and comply with all appropriate regulations of *Tennessee Code Annotated* that apply to municipalities. At least five (5) members shall constitute a decision of the commission on any matter before it.

(3) Conflict of interest. Any member of the Nolensville Historic Commission who shall have a direct or indirect interest in any property or issue which is the subject matter of, or affected by, a decision of said commission shall be disqualified from participating in the discussion, decision, or proceedings of the commission, as a voting member of the commission, in connection therewith. (2002 Code, § 2-103)

2-104. Powers and duties of the Nolensville Historic Commission. The Nolensville Historic Commission shall have the authority and powers granted herein provided, or as provided in the future, by the Nolensville Board of Commissioners to include:

(1) Recommendation to the Nolensville Board of Commissioners that specific geographic sites and/or structures be designated as historically significant and encourage the consideration of specific measures to ensure the preservation and maintenance of such

designated sites;

(2) Prior to submitting such recommendations to the board of commissioners, the Nolensville Historic Commission shall provide formal notification of its recommendation(s) to the owner(s) of record of the affected property(ies), and publicize such notice in an appropriate manner, and conduct such public hearings as would meet the requirements of local, state, or federal law;

(3) Regarding properties designated as historically significant by the Nolensville Board of Commissioners, the Nolensville Historic Commission shall assist the property owner by reviewing proposed preservation plans, changes in exterior design, or modifications to structures or geographical locations, and offering suggestions to retain or enhance the historic importance of the site; and

(4) The Nolensville Historic Commission shall not consider interior structure modifications. (2002 Code, § 2-104)

2-105. Designation and protection of historically significant sites.

Designation of a historically significant site will be done by resolution of the Nolensville Board of Commissioners upon recommendation by the Nolensville Historic Commission. A proclamation (a formal copy to be provided by the owner), along with a metal plaque to be prominently displayed at the site, will be provided by the town.

Once a site or structure is designated as historically significant, the Nolensville Planning Advisory Committee, later to be known as the Nolensville Planning Commission, shall thereafter be responsible for ensuring that appropriate measures are taken to protect the structure(s) and the immediate grounds in consideration of adjacent property development or re-development of the affected site to protect the intrinsic aesthetic and historical qualities of the site. (2002 Code, § 2-105)

2-106. Criteria for designation of historically significant sites. The following criteria are to be used in determining eligibility and appropriateness of selection as a historically significant site:

(1) The quality of significance in Nolensville history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

(a) That are associated with events that have made a significant contribution to the broad patterns of our history;

(b) That are associated with the lives of persons significant in our past;

(c) That embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components lack individual distinction; or

(d) That have yielded, or may be likely to yield, information important in prehistory or history.

(2) Ordinarily, cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have

been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past fifty (50) years shall not be considered eligible for the Nolensville register. However, such properties will qualify if they are integral parts of districts that do meet the criteria, or if they fall within the following categories:

- (a) A religious property deriving primary significance from architectural or artistic distinction or historical importance;
- (b) A building or structure removed from its original location, but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event;
- (c) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life;
- (d) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events;
- (e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived;
- (f) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or
- (g) A property achieving significance within the past fifty (50) years if it is of exceptional importance. (2002 Code, § 2-106)

2-107. Mapping of historically significant sites. All official town maps shall be modified to allow for the inclusion of designated historically significant sites in an appropriate and consistent manner. (2002 Code, § 2-107)

2-108. Property owners approval required. No property shall be designated as a "historically significant site" without the express written approval of the owner(s) of said property. (2002 Code, § 2-108)

2-109. Conflicts with zoning ordinance. In the event any provisions of this section of the Nolensville Municipal Code conflicts with any provisions of the Nolensville Zoning Ordinance, the provisions of the zoning ordinance shall control the conflict and any decisions made shall be made according to the zoning ordinance. (2002 Code, § 2-109)

TITLE 3

MUNICIPAL COURT¹

CHAPTER

1. MUNICIPAL JUDGE.
2. COURT ADMINISTRATION.

CHAPTER 1

MUNICIPAL JUDGE

SECTION

- 3-101. Municipal judge.
- 3-102. Jurisdiction and authority of the municipal court.
- 3-103. Establishment of municipal court.
- 3-104. Qualifications of municipal judge.
- 3-105. Powers of the municipal judge to enforce ordinances.
- 3-106. Exemption of municipal judge from employee policies and powers of the Town of Nolensville.
- 3-107. Exception to the powers of the municipal judge.
- 3-108. Appeal to circuit court.
- 3-109. Power of the mayor and board of commissioners to enter into a contract with a municipal judge.

3-101. Municipal judge. The board of commissioners may appoint a town judge, as provided in § 6-21-501, *et. seq.* of the charter of the Town of Nolensville. (2002 Code, § 3-103, modified)

3-102. Jurisdiction and authority of the municipal court. Said court shall have jurisdiction over all cases for the violation of, and all cases arising under, the laws and ordinances of the Town of Nolensville. (2002 Code, § 3-102)

¹Charter references

Town judge–town court: § 6-4-301.

For complete details relating to an interlocal agreement to provide for consolidated law enforcement of the town's ordinances between the Sheriff of Williamson County, Tennessee, the General Sessions Judge for Williamson County, Tennessee and the Town of Nolensville, Tennessee, see Ord. #98-19, Oct. 1998 of record in the office of the town recorder.

3-103. Establishment of municipal court. Pursuant to § 6-4-301 of the charter of the Town of Nolensville, there is hereby created a municipal court within the Town of Nolensville. (2002 Code, § 3-101)

3-104. Qualifications of municipal judge. The municipal judge shall meet all of the minimum standards and qualifications for a municipal judge as provided in the charter of the Town of Nolensville, and as provided by the laws of the State of Tennessee. (2002 Code, § 3-104)

3-105. Powers of the municipal judge to enforce ordinances. The municipal judge shall have all the powers to enforce the ordinances of the Town of Nolensville as are provided in §§ 6-21-501, *et. seq.* of the charter of the Town of Nolensville, and as otherwise provided pursuant to the laws of the State of Tennessee. (2002 Code, § 3-105, modified)

3-106. Exemption of municipal judge from employee policies and powers of the Town of Nolensville. The municipal judge serves at the pleasure of the board of commissioners and therefore is exempt from the provisions of the employee policy and procedure manual as adopted by the Town of Nolensville. (2002 Code, § 3-106)

3-107. Exception to the powers of the municipal judge. Pursuant to *Tennessee Code Annotated*, § 40-4-122, the municipal judge may not enforce violations, or alleged violations, of the following statutes:

(1) *Tennessee Code Annotated*, §§ 55-50-401, Driving while intoxicated or drugged;

(2) *Tennessee Code Annotated*, § 55-10, Part One-Failing to stop after a traffic accident;

(3) *Tennessee Code Annotated*, §§ 55-50-504, Driving while license is suspended or revoked; or

(4) *Tennessee Code Annotated*, § 55-10-501, Drag racing.

These offenses are specifically reserved to the State of Tennessee by statute and may not be enforced by the municipal judge. (2002 Code, § 3-107, modified)

3-108. Appeal to circuit court. Any party dissatisfied with the judge of the municipal court may appeal to the next session of the circuit court for the eighteenth judicial district held in Williamson County, Tennessee, pursuant to *Tennessee Code Annotated*, § 27-5-102. (2002 Code, § 3-108)

3-109. Power of mayor and board of commissioners to enter into a contract with a municipal judge. Pursuant to the powers granted to the board of commissioners in the charter of the Town of Nolensville, the board of commissioners is hereby authorized to enter into a contract with an appointed

municipal judge upon such terms and conditions as they deem acceptable and beneficial to the Town of Nolensville. (2002 Code, § 3-109)

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Imposition of fines, penalties, and costs.

3-203. Disposition and report of fines, penalties, and costs.

3-204. Contempt of court.

3-205. Litigation tax.

3-201. Maintenance of docket. The municipal court clerk shall keep a complete docket of all matters coming before the municipal judge. The docket shall include, for each defendant, such information as his or her name; warrant and/or summons numbers; alleged offense; disposition; fines; penalties and costs imposed, and whether collected; whether committed to workhouse; and all other information that may be relevant. (2002 Code, § 3-201)

3-202. Imposition of fines, penalties, and costs. (1) All fines, penalties and costs shall be imposed and recorded by the municipal court clerk on the municipal docket in open court.

In cases wherein the defendant admits guilt and waives the opportunity to appear in open court and in cases heard and determined by the municipal judge, the judge shall tax in the bill of court costs in the amount of seventy-five dollars (\$75.00) per case, plus any litigation taxes authorized by the law of the State of Tennessee. A form disclosing the application of the court costs by the Town of Nolensville shall be available from the municipal court clerk at the request of any interested person and to the public.

(2) As used in this section, "electronic citation" means a written citation or an electronic citation prepared by a law enforcement officer on paper or on an electronic data device with the intent the citation shall be filed, electronically or otherwise, with a court having jurisdiction over the alleged offense.

Pursuant to, and in accordance with, state statutory requirements found in *Tennessee Code Annotated*, § 55-10-207(e), each court clerk shall charge and collect an electronic citation fee of five dollars (\$5.00) for each citation which results in a conviction. (2002 Code, § 3-202, as amended by Ord. #21-02, Feb. 2021)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the municipal court clerk in the form of fines, penalties, costs, and forfeitures shall be recorded by him or her and paid over daily to the Town of Nolensville. At the end of each month he or she shall submit to the board of commissioners a report accounting for the collection or

non-collection of all fines and costs imposed by his court during the current month and to date for the current fiscal year. (2002 Code, § 3-203)

3-204. Contempt of court. Contempt of court is punishable by a fine of fifty dollars (\$50.00), or such lesser amount as may be imposed in the judge's discretion.

3-205. Litigation tax. On cases in municipal court there is hereby levied a municipal litigation tax to match the state litigation tax of thirteen dollars and seventy-five cents (\$13.75).

The privilege taxes levied pursuant to this section shall be paid to the town recorder monthly to be used to assist in paying for the operation of municipal court and to defray police costs related to court operation. (2002 Code, § 3-205)

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. PERSONNEL SYSTEM.
2. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
3. TRAVEL REIMBURSEMENT REGULATIONS.

CHAPTER 1

PERSONNEL SYSTEM

SECTION

4-101. Personnel rules and regulations.

4-101. Personnel rules and regulations.¹ The personnel rules and regulations for the Town of Nolensville are adopted herein as if set out verbatim. (Ord. #21-09, May 2021)

¹The personnel rules and regulations for the Town of Nolensville, as amended from time to time, are available in the office of the recorder.

CHAPTER 2

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

4-201. Adopted by reference.

4-201. Adopted by reference. The Town of Nolensville herein adopts *Tennessee Code Annotated*, title 50, chapter 3, the Occupational Safety and Health Act of 1972, as if set out verbatim herein.

CHAPTER 3

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-301. Purpose.
- 4-302. Enforcement.
- 4-303. Travel policy.
- 4-304. Travel reimbursement rate schedules.
- 4-305. Administrative procedures.

4-301. Purpose. The purpose of this chapter and referenced regulations is to bring the town into compliance with *Tennessee Code Annotated*, § 6-54-901--907. This law requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law."

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

4-302. Enforcement. The Chief Administrative Officer (CAO) of the town or his or her designee shall be responsible for the enforcement of these travel regulations.

4-303. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized traveler" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on town business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

(2) Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the town.

Reimbursable expenses shall include expenses for transportation; lodging; meals; registration fees for conferences, conventions and seminars; and other actual and necessary expenses related to official business as determined by the CAO. Under certain conditions, entertainment expenses may be eligible for reimbursement.

(3) Authorized travelers can request either a travel advance for the projected cost of authorized travel, or advance billing directly to the town for registration fees, air fares, meals, lodging, WIFI, conferences and similar expenses.

Travel advance requests are not considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the town. It will be the responsibility of the CAO to initiate action to recover any undocumented travel advances.

(4) Travel advances are available only for special travel and only after completion and approval of the travel authorization form.

(5) The travel expense reimbursement form will be used to document all expense claims.

(6) To qualify for reimbursement, travel expenses must be:

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

(ii) Actual, reasonable and necessary under the circumstances.

The CAO may make exceptions for unusual circumstances.

Expenses considered excessive will not be allowed.

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

(8) Any person attempting to defraud the town or misuse town travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances.

(9) Mileage and motel expenses incurred within the town are not ordinarily considered eligible expenses for reimbursement.

4-304. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates. The town's travel reimbursement rates will automatically change when the state rates are adjusted.

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

4-305. Administrative procedures. The town adopts and incorporates by reference--as if fully set out herein--the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State

of Tennessee. A copy of the administrative procedures is on file in the office of the recorder.¹

¹State law reference

Tennessee Code Annotated, § 6-54-904, requires a town to notify the comptroller in writing that it has adopted the MTAS policy, including the date of such adoption.

TITLE 5**MUNICIPAL FINANCE AND TAXATION¹****CHAPTER**

1. MISCELLANEOUS.
2. ADEQUATE FACILITIES TAX.
3. PURCHASING.
4. ROAD IMPACT FEES.
5. DEBIT AND CREDIT CARD REQUIREMENTS AND FEES.
6. HOTEL/MOTEL TAX.

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

- 5-101. Official depository for town funds.
5-102. Fiscal year.
5-103. Capital improvement fund.

5-101. Official depository for town funds. Bancorp South is hereby designated as the official depository of funds for the Town of Nolensville. (2002 Code, § 5-101, modified)

5-102. Fiscal year. The fiscal year of the town is hereby fixed and determined to commence on the first day of July of each year. (2002 Code, § 5-102)

5-103. Capital improvement fund. (1) The Town of Nolensville hereby establishes a capital improvements program, which shall include planned infrastructure improvements and other capital expenditures intended to last for more than one (1) year and having anticipated costs in excess of twenty-five thousand dollars (\$25,000.00).

(2) Vehicles shall not be included as line items in the capital improvements program, except those acquired for public works and fire services, intended to last for more than one (1) year, and having anticipated costs in excess of twenty-five thousand dollars (\$25,000.00).

¹Charter references

For specific charter provisions on depositories of municipal funds, see *Tennessee Code Annotated*, § 6-4-402.

(3) Major repairs to a town asset that are intended to extend the life of the asset for more than one (1) year and which have anticipated costs in excess of twenty-five thousand dollars (\$25,000.00) shall qualify as capital expenditures and shall be included in the capital improvements program.

(4) The board of commissioners shall have final authority in selecting infrastructure improvements and other capital expenditures to be included in the capital improvements program and in prioritizing such projects.

(5) A capital improvements fund is hereby established.

(6) The capital improvements fund shall be funded by an initial transfer of four million dollars (\$4,000,000.00) from the general fund. Annual funding shall be allocated by the board of commissioners in an amount determined by the board.

(7) The board of commissioners shall have the authority to finance the capital improvements program by incurring debt, issuing municipal bonds, or levying taxes, fees, or special assessments, pursuant to *Tennessee Code Annotated*, § 6-19-101, and as otherwise allowed by state law and the city manager-commission charter. (Ord. #20-29, Oct. 2021)

CHAPTER 2**ADEQUATE FACILITIES TAX****SECTION**

- 5-201. Short title.
- 5-202. Purpose.
- 5-203. Findings.
- 5-204. Authority.
- 5-205. Definitions.
- 5-206. Tax levy.
- 5-207. Prohibition on issuance of building permit.
- 5-208. Exemptions from tax.
- 5-209. Collection of tax.
- 5-210. Use and segregation of tax funds.
- 5-211. Authority to amend.
- 5-212. Protest of tax.
- 5-213. Additional authority.
- 5-214. Non-repealer.

5-201. Short title. This chapter shall be known and cited as the Town of Nolensville Adequate Facilities Tax. (2002 Code, § 5-201)

5-202. Purpose. It is the intent and purpose of this chapter to authorize the governing body of the Town of Nolensville to impose a tax on new development within the municipality, payable at the time of issuance of a building permit, so as to ensure and require that the person responsible for new development share in the cost of public facilities necessary to serve the residents of Nolensville. (2002 Code, § 5-202)

5-203. Findings. The Town of Nolensville hereby finds and declares that:

(1) Williamson County, Tennessee, has been one of the fastest growing counties in the state for the past fifteen (15) years, having been impacted by the rapid growth in the standard metropolitan area of Nashville.

(2) Anticipated continued growth from the expansion of Nashville and Williamson County is expected to accelerate due to the continuing location of commercial businesses and families in the middle Tennessee area, and from other factors.

(3) Current projections show that:

(a) County population will be one hundred forty-five thousand four hundred (145,400) persons in the year 2010, an increase of fifty-five percent (55%) from 1990; there will be a demand for additional dwelling units between 1990 and 2010; and new residential and non-residential

development will consume an additional number of acres of land in Williamson County and Nolensville.

(b) The projected growth and land use development within these municipalities will cause a demand for municipal capital facilities (roads, parks, town governmental facilities, etc.) over the next fifteen (15) years. Anticipated revenue increases required will be fifty thousand dollars (\$50,000.00) for 1999, eighty-five thousand dollars (\$85,000.00) for 2000, one hundred twenty thousand dollars (\$120,000.00) for 2001, one hundred twenty thousand dollars (\$120,000.00) for 2002, ninety thousand dollars (\$90,000.00) for 2003, and sixty thousand dollars (\$60,000.00) for 2004.

(4) The municipality is committed, both to present and future residents, to maintaining a level of public facilities and services commensurate with those presently provided.

(5) The municipality is prepared to impose a fair, equitable and reasonable share of the costs of providing the necessary public facilities and services on existing residents of the municipality.

(6) The municipality's present population, employment base, tax base and budget cannot alone support the additional revenues needed to supply facilities to serve new growth without a substantial increase in the property tax rate on existing development.

(7) The municipality has adopted by resolution a capital improvements program indicating the need for, and the cost of public facilities anticipated to be funded, in part, by this tax.

(8) Due to these unique circumstances, it is necessary and appropriate that the Town of Nolensville utilize the authority granted by the Legislature of the State of Tennessee to impose an adequate facilities tax on the privilege of engaging in the business of development.

(9) The tax herein imposed is in compliance with chapter 100, Tennessee Private Acts of 1997. (2002 Code, § 5-203)

5-204. Authority. This chapter is imposed under the charter powers of the Town of Nolensville, Tennessee, and under the authority conferred on the municipality to levy an adequate facilities tax on the privilege of engaging in development by chapter 100, Tennessee Private Acts 1997. (2002 Code, § 5-204)

5-205. Definitions. As used in this chapter, unless a different meaning appears from the context:

(1) "Building" means any structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind; the term includes a mobile home. This term will not pertain to buildings used for agricultural purposes.

(2) "Building permit" means a permit for development issued in the Town of Nolensville.

(3) "Capital improvement program" means a proposed schedule of future projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government operating expense, for the purchase, construction, or replacement of the physical assets of the community are included.

(4) "Certificate of occupancy" means a license for occupancy of a building or structure issued in the Town of Nolensville.

(5) "Development" means the construction, building, reconstruction, erection, extension, betterment, or improvement of land providing a building or structure, or the addition to any building or structure, or any part thereof, which provides, adds to, or increases the floor area of a residential or non-residential use.

(6) "Dwelling unit" means a room or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a daily, weekly, monthly, or longer basis; physically separated from any other room(s) or dwelling units which may be in the same structure; and containing independent cooking and sleeping facilities.

(7) (a) "Floor area for non-residential development" means the total of the gross horizontal area of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings, or the centerlines of a party wall separating such building, or portions thereof, or within lines drawn parallel to, and two feet (2') within, the roof line of any building, or portions thereof, without walls but excluding arcades, porticos, and similar open areas which are accessible to the general public, and which are not designed or used as sales, display, storage, services, or production areas.

(b) "Floor area for residential development" means the total or the gross horizontal area of all floors, including basements, cellars, or attics which is heated and/or air-conditioned living space, or designed to be finished into heated and/or air-conditioned living space at a future date.

(8) "General plan" means the official statement of the municipal planning commission which sets forth major policies concerning the future development of the jurisdictional area and meeting the provisions set forth in *Tennessee Code Annotated*, §§ 13-3-301, 13-3-303, and 13-4-302. For the purposes of this chapter only, a "general plan" may consist solely of the land development plan element which sets out a plan or scheme of future land usage.

(9) "Governing body" means the municipal governing body of the Town of Nolensville.

(10) "Major street or road plan" means the plan adopted by the municipal planning commission, pursuant to *Tennessee Code Annotated*, §§ 13-4-401 and 13-4-302, showing, among other things, "the general location,

character, and extent of public ways (and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways."

(11) "Non-residential" means the development of any property for any use other than residential use, except as may be exempted by this chapter.

(12) "Person" means any individual, firm, co-partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit, and the plural as well as the singular number.

(13) "Place of worship" means that portion of a building owned by a religious institution which has tax-exempt status, which is used for worship services and related functions; provided, however, a place of worship does not include buildings, or portions of buildings, which are used for purposes other than for worship and related functions, or which are, or are intended to be, leased, rented or used by persons who do not have tax-exempt status.

(14) "Public buildings" means a building owned by the State of Tennessee, or any agency thereof, a political subdivision of the State of Tennessee, including, but not necessarily limited to, counties, cities, school districts and special districts, or the federal government, or any agency thereof.

(15) "Public facility or facilities" means a physical improvement undertaken by the county or town, including, but not limited to, the following: roads and bridges, parks and recreational facilities, jail and law enforcement facilities, schools, libraries, government buildings, fire stations, sanitary landfills, water, wastewater and drainage projects, airport facilities and other government capital improvements benefitting the citizens of the county and/or town.

(16) "Residential" means the development of any property for a dwelling unit or units. (2002 Code, § 5-205)

5-206. Tax levy. There is hereby levied a tax on each person engaging in the business of development in the municipality, which tax is to be paid at the time of application for a building permit for development, as provided in § 5-209.

Tax Rate Schedule

New residential development	\$1.00 per gross square foot of floor area
New non-residential development	\$2.00 per gross square foot of floor area

(2002 Code, § 5-206)

5-207. Prohibition on issuance of building permit. No building permit for development shall be issued within the municipality unless the tax has been paid in full to the municipality, as provided in § 5-209. (2002 Code, § 5-207)

5-208. Exemptions from tax. No tax shall be assessed or collected for the development of:

- (1) Public buildings;
- (2) Places of worship;
- (3) Barns or outbuildings used for agricultural purposes;
- (4) Replacement structures for previously existing structures destroyed by fire or other disaster;
- (5) Additions to a single-family dwelling;
- (6) A structure owned by a non-profit corporation which is a qualified § 501(c)(3) corporation under the Internal Revenue Code, being U.S.C. § 501(c)(3);
- (7) Permanent residential structures replacing mobile homes where the mobile home is removed within thirty (30) days of the issuance of the certificate of occupancy for the permanent residential structure; provided that the permanent structure is a residence for the owner and occupant of the mobile home, and that owner and occupant has resided on the property for a period of not less than three (3) years; and/or
- (8) Buildings which either have previously had a privilege tax paid upon them, or which have been continuously occupied by the individual(s) making application for three (3) years immediately preceding the date of application for a building permit, and which are moved from on site within the municipality to another site within the municipality; provided that no new building replaces the building moved. If a new building is to be placed on the site, then the person(s) having:
 - (a) Paid the privilege tax for the building which originally occupied the site; or
 - (b) Otherwise qualified in accordance with provisions herein for exemption from paying the privilege tax, will be given first right to the exemption. Payment of the privilege tax would take precedence. The other building would then be required to pay the privilege tax. (2002 Code, § 5-208, modified)

5-209. Collection of tax. (1) Each applicant for a building permit for development, as herein defined, shall state, on a form provided by the municipality, the proposed use (residential or non-residential) and the amount of gross square footage of floor area contained in the development for which the permit is sought.

(2) The municipal official designated in the administrative guidelines shall calculate the tax due on the development and collect such tax prior to acceptance of the application for the permit.

(3) In its sole discretion, the municipality may permit a person engaging in the business of development to defer payment of the tax due until the time for issuance of the building permit. (2002 Code, § 5-209)

5-210. Use and segregation of tax funds. All tax funds collected within the municipality, as authorized herein, shall be deposited and accounted for in a special revenue or capital projects fund, and shall be used for the purpose of public facilities to serve the residents of the municipality. (2002 Code, § 5-210)

5-211. Authority to amend. The municipality may, from time to time, amend the tax herein imposed on development, based upon adoption of a revised capital improvements program. (2002 Code, § 5-211)

5-212. Protest of tax. Any person aggrieved by the decision of the municipal building official, or other responsible official, concerning any aspect of chapter 100, Tennessee Private Acts of 1997 or this chapter may obtain a review of the official's decision in the manner provided in said act. (2002 Code, § 5-212)

5-213. Additional authority. The authority to impose this privilege tax on new developments within the municipality is in addition to all other authority to impose taxes, fees, assessments, or other revenue-raising or land development regulatory measures granted either by the private or public acts of the State of Tennessee and the imposition of such tax, in addition to any authorized tax, fee, assessment or charge, shall not be deemed to constitute double taxation. (2002 Code, § 5-213)

5-214. Non-repealer. The provisions of this chapter shall in no manner repeal, modify, or interfere with the authority granted by any other public or private law applicable to the Town of Nolensville. Chapter 100, Private Acts of 1997 and this chapter shall be deemed to create an additional and alternative method for the municipality to impose and collect taxes for the purpose of providing public facilities within the municipality. (2002 Code, § 5-214)

CHAPTER 3

PURCHASING

SECTION

- 5-301. Purchasing agent.
- 5-302. General procedure for bidding.
- 5-303. Rejection of bids.
- 5-304. Conflict of interest.
- 5-305. Purchasing from employee.
- 5-306. Sealed bid requirements \$10,000.00 or greater.
- 5-307. Competitive bidding \$10,000.00 or greater.
- 5-308. Purchases and contracts costing less than \$10,000.00.
- 5-309. Record of bids.
- 5-310. Considerations in determining bid awards.
- 5-311. Emergency purchases.
- 5-312. Waiver of the competitive bidding process.
- 5-313. Goods and services exempt from competitive bidding.
- 5-314. Purchase orders required for every purchase.
- 5-315. Property control.
- 5-316. Disposal of surplus property.
- 5-317. Employee participation in disposal of surplus property.
- 5-318. Surplus property: items estimated to have monetary value.
- 5-319. Surplus property: town identification removed prior to sale.
- 5-320. Sale of dangerous property.
- 5-321. Additional forms and procedures.

5-301. Purchasing agent. In accordance with *Tennessee Code Annotated*, § 6-19-104(a), the town manager shall be the purchasing agent for the municipality. The town manager shall have the ability to delegate this role. The purchasing agent shall be responsible for the enforcement of the procedures hereby adopted. Except as otherwise provided in this policy, all supplies, materials, equipment, and services of any nature shall be assigned a purchase order number and verified to see that all requirements for purchase have been completed. Once such requirements have been verified, the purchase may be approved and acquired by the purchasing agent. (Ord. #20-40, Jan. 2021)

5-302. General procedure for bidding. The following procedures shall be followed by all town employees when purchasing goods or services on behalf of the town.

- (1) Items expected to cost more than \$10,000.00. (a) The department head of the using department shall deliver to the purchasing agent a written purchase request for the item(s) to be purchased. Such request shall include a brief description of the item(s) to be purchased,

specifications for the item being purchased, the estimated cost of the items, and shall indicate whether the item(s) have been approved in the annual budget.

(b) The purchasing agent shall review the purchase request for completeness and accuracy as required by this chapter. The request shall then be forwarded to the board of commissioners ("the board") for final review and approval. The board shall have the authority to adjust or eliminate various specifications for goods and services, or may disapprove the purchase request, to comply with town policy, the annual budget, or for any other reason it deems in the public interest.

(c) All approved purchase requests shall be signed by the mayor and returned to the purchasing agent who shall proceed with procurement in compliance with this chapter.

(2) Items expected to cost less than \$10,000.00. (a) The department head of the using department shall deliver to the purchasing agent a written purchase request for the item(s) to be purchased. Such request shall include a brief description of the item(s) to be purchased, specifications for the item(s) being purchased, the estimated cost of the item(s), and shall indicate whether the item(s) have been approved in the annual budget.

(b) The purchasing agent shall review the purchase request for completeness and accuracy. Upon determining the matter is routine and has insubstantial long-term consequences, the purchasing agent may approve the purchase. Otherwise the purchasing agent shall direct the item to the board for review and approval.

(c) All approved purchase requests shall be signed and returned to the purchasing agent, who shall proceed with procurement in compliance with this chapter. (Ord. #20-40, Jan. 2021)

5-303. Rejection of bids. The purchasing agent shall have the authority to reject any and all bids, parts of bids, or all bids for any one (1) or more supplies or contractual services included in the proposed contract, when the public interest will be served thereby. The purchasing agent shall not accept the bid of a vendor or contractor who is in default on the payment of taxes, licenses, fees or other monies of whatever nature that may be due the town by said vendor or contractor. (Ord. #20-40, Jan. 2021)

5-304. Conflict of interest. All employees who participate in any phase of the purchasing function are to be free of interests or relationships which are actually or potentially hostile or detrimental to the best interests of the Town of Nolensville, and shall not engage in, or participate in, any commercial transaction involving the town, in which they have a significant interest. (Ord. #20-40, Jan. 2021)

5-305. Purchasing from employee. It shall be the policy of the town not to purchase any goods or services from any employee, or close relative of any town employee, without the prior approval of the board of commissioners. (Ord. #20-40, Jan. 2021)

5-306. Sealed bid requirements \$10,000.00 or greater. (1) On all purchases and contracts estimated to be in excess of ten thousand dollars (\$10,000.00), except as otherwise provided in this chapter, formal sealed bids shall be submitted at a specified time and place to the purchasing agent. The purchasing agent shall submit all such bids for award by the board of commissioners at the next regularly scheduled board meeting or special-called meeting, together with the recommendation as to the lowest responsive bidder.

(2) Notice inviting bids shall be published at least once in a newspaper of general circulation, and at least five (5) days preceding the last day to receive bids. The newspaper notice shall contain a general description of the article(s) to be secured, and the date, time, and place for opening bids.

(3) In addition to publication in a newspaper, the purchasing agent may take other actions deemed appropriate to notify all prospective bidders of the invitation to bid, including, but not limited to, advertisement in community bulletin boards, metropolitan newspapers, professional journals, and electronic media. (Ord. #20-40, Jan. 2021)

5-307. Competitive bidding \$10,000.00 or greater. (1) All purchases of supplies, equipment, services, and contracts estimated to be in excess of ten thousand dollars (\$10,000.00) shall be by competitive bidding and may be awarded to the lowest responsive bidder.

(2) A written record shall be required and available for public inspection showing that competitive bids were obtained by one (1) of the following methods:

- (a) Direct mail advertisement;
- (b) Telephone bids; and/or
- (c) Public notice. (Ord. #20-40, Jan. 2021)

5-308. Purchases and contracts costing less than \$10,000.00. The department head is expected to obtain the best prices and services available for purchases and contracts estimated to be less than ten thousand dollars (\$10,000.00), but is exempted from the formal bid requirements specified in §§ 5-306 and 5-307. (Ord. #20-40, Jan. 2021)

5-309. Record of bids. The purchasing agent shall keep a record of all open market orders and bids submitted in competition thereon, including a list of the bidders, the amount bid by each, and the method of solicitation and bidding, and such records shall be open to public inspection and maintained in

the finance department. As a minimum, the bid file shall contain the following information:

- (1) Request to start bid procedures;
- (2) A copy of the bid advertisement;
- (3) A copy of the bid specifications;
- (4) A list of bidders and their responses;
- (5) A copy of the purchase order; and
- (6) A copy of the invoice. (Ord. #20-40, Jan. 2021)

5-310. Considerations in determining bid awards. Each of the following criteria shall be considered in determining all bid awards:

- (1) The ability of the bidder to perform the contract or provide the material or service required;
- (2) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
- (3) The character, integrity, reputation, judgement, experience, and efficiency of the bidder;
- (4) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
- (5) The quality of performance of previous contracts or services, including the quality of such contracts or services in other municipalities, or performed for private sector contractors;
- (6) The sufficiency of financial resources and the ability of the bidder to perform the contract or provide the service;
- (7) The ability of the bidder to provide future maintenance and service for the use of the supplies or contractual service contracted;
- (8) Compliance with all specifications in the solicitation for bids;
- (9) The ability to deliver and maintain any requisite bid bonds or performance bonds; and
- (10) Total cost of the bid, including life expectancy of the commodity, maintenance costs, and performance. (Ord. #20-40, Jan. 2021)

5-311. Emergency purchases. When, in the judgment of the purchasing agent, an emergency exists, as set forth in *Tennessee Code Annotated*, § 6-56-304(3), or similar situations, the provisions of this chapter may be waived; provided, however, the purchasing agent shall report the purchases and/or contracts to the board of commissioners at the next regular board meeting stating the item(s) purchased, the amount(s) paid, from whom the purchase(s) was made, and the nature of the emergency. (Ord. #20-40, Jan. 2021)

5-312. Waiver of the competitive bidding process. Upon the recommendation of the town manager, and the subsequent approval of the board of commissioners, that it is clearly to the advantage of the town not to contract,

by competitive bidding, the requirements of competitive bidding may be waived; provided that any of the following criteria are met and documented in a written report to the board of commissioners.

(1) Single source of supply. The availability of only one (1) vendor of a product or service within a reasonable distance of the town as determined after a complete and thorough search by the using department and the purchasing agent.

(2) State Department of General Services. A thorough effort was made to purchase the product or service through, or in conjunction with, the State Department of General Services or via a state contract, such effort being unsuccessful.

(3) Purchase from other governmental entities. A thorough effort was made to purchase the product or service through, or in conjunction with, other municipalities or from any federal or state agency. These purchases may be made without competitive bidding and public advertisement.

(4) Purchases from non-profit organizations. A thorough effort was made to purchase the goods or services from any non-profit organization whose sole purpose is to provide goods and services specifically to municipalities.

(5) Purchases from Tennessee state industries. A thorough effort was made to purchase the goods or services from Tennessee state industries (prison industries).

(6) Purchases from instrumentalities created by two or more co-operating governments. An effort was made to purchase the goods or services from a co-op or group of governments which was formed to purchase goods and services for their members.

(7) Real property purchases or leases. (Ord. #20-40, Jan. 2021)

5-313. Goods and services exempt from competitive bidding. The following goods and services need not be awarded on the basis of competitive bidding; provided, however, that the purchasing agent and/or the department head shall make a reasonable effort to assure that such purchases are made efficiently and in the best interest of the town:

(1) Certain insurance. The town may purchase insurance, pursuant to *Tennessee Code Annotated*, § 29-20-407.

(2) Certain investments. The town may make investments of municipal funds in, or purchases from, the pooled investment fund established pursuant to *Tennessee Code Annotated*, § 9-4-601, *et. seq.*

(3) Motor fuel, fuel products, or perishable commodities. Such commodities may be purchased without competitive bidding.

(4) Professional service contracts. Any services of a professional person or firm, including attorneys, accountants, physicians, architects, engineers, and other consultants required by the town, whose fee is less than five hundred dollars (\$500.00), may be hired without competitive bidding. In those instances where such professional service fees are expected to exceed five

hundred dollars (\$500.00), a written contract shall be developed and approved by the board of commissioners prior to the provision of any goods or services. Contracts for professional services shall not be awarded on the basis of competitive bidding; rather, professional service contracts shall be awarded on the basis of recognized competence and integrity. (Ord. #20-40, Jan. 2021, modified)

5-314. Purchase orders required for every purchase. A purchase order, as defined in this chapter, shall be completed by the department head prior to the ordering of all goods and services to be acquired by the Town of Nolensville, whether or not bidding was required for the purchase. The department head shall forward a copy of each such purchase order to the purchasing agent for placement in the purchasing file. (Ord. #20-40, Jan. 2021)

5-315. Property control. A physical inventory of the town's fixed assets shall be taken annually. The goals of the annual inventory shall be as follows:

- (1) To identify unneeded and duplicate assets;
- (2) To provide a basis for insurance claims, if necessary;
- (3) To deter the incidence of theft and negligence;
- (4) To aid in the establishment of replacement schedules for equipment; and
- (5) To note transfers of surplus property.

To be classified as a fixed asset, an item must be tangible, have an expected life longer than the current fiscal year, and have a value of at least one hundred dollars (\$100.00). Any property or equipment that meets these criteria shall be assigned an asset number (affixed with a property sticker), have a completed property card, and be inventoried annually. Such records shall be controlled and maintained by the applicable department head. These records shall be kept in an updated and current condition, and subject to periodic audit. Computer print outs with appropriate information shall be acceptable if signed by the department head. (Ord. #20-40, Jan. 2021)

5-316. Disposal of surplus property. (1) The purchasing agent shall be in charge of the disposal of surplus property. Any member of the board of commissioners, the town manager, town finance director, or any department head may nominate any town-owned property for disposal or sale as surplus property. All such nominations shall be made on forms developed by the town manager and/or town recorder and signed by the person making the nomination. Signed nominations for surplus property with an estimated value in excess of ten thousand dollars (\$10,000.00) shall be forwarded to the board of commissioners for the final decision authorizing the sale. Surplus property with an estimated a value of less than ten thousand dollars (\$10,000.00) may be sold by the town manager.

(2) All such nominations to designate and sell surplus property shall be made on forms developed by the town manager and/or town recorder, and, after review for completion, forwarded to the board of commissioners for the final decision authorizing the sale. The form should include at least the following:

- (a) A brief description of the item proposed for sale, including manufacturer, model number, serial number, age, and condition;
 - (b) The department or office to which the property is assigned;
 - (c) An explanation of why the property is no longer needed by the town;
 - (d) An estimate of the current in-place value of the property;
- and
- (e) The name and signature of the person making the nomination.

(3) Before classifying any property as being surplus, the board of commissioners shall consider the following:

- (a) The age and condition of the property;
- (b) The cost of replacing the property, if any;
- (c) The anticipated remaining life of the property;
- (d) The estimated value of the property; and
- (e) Whether the property might reasonably, safely, and efficiently be used by another town department or office.

(4) It shall be the official policy of the Town of Nolensville that no town-owned property shall be sold, or offered for sale, as surplus property without prior authorization by the board of commissioners. The board's authorization to sell surplus property shall be in the form of a resolution. (Ord. #20-40, Jan. 2021)

5-317. Employee participation in disposal of surplus property. No town employee shall be permitted to bid on surplus property; nor shall any surplus property be sold by, or given to, a town employee by the board of commissioners, the purchasing agent or any town department head. For the purposes of this chapter, members of the board of commissioners shall be considered town employees. (Ord. #20-40, Jan. 2021)

5-318. Surplus property: items estimated to have monetary value. When disposing of surplus property estimated to have monetary value exceeding ten thousand dollars (\$10,000.00), the purchasing agent, in conjunction with the department head, shall comply with the following procedures:

(1) Obtain from the board of commissioners a resolution declaring said items to be surplus property and fixing the date, time and location for the purchasing agent to receive bids.

(2) A copy of the resolution shall be posted in at least three (3) locations in the community.

- (3) Such equipment or materials shall be sold to the highest bidder.
- (4) All pertinent information concerning the sale shall be noted in the fixed asset records of the town.
- (5) The advertisement, bids, and property cards shall be retained for a minimum period of five (5) years. (Ord. #20-40, Jan. 2021)

5-319. Surplus property: town identification removed prior to sale. No surplus town property shall be sold unless and until all decals, emblems, lettering, or coloring which identifies the item as belonging to the Town of Nolensville have been removed or repainted. (Ord. #20-40, Jan. 2021)

5-320. Sale of dangerous property. It shall be the policy of Nolensville to avoid the sale of surplus property that might reasonably be dangerous or hazardous to the ultimate purchaser. Dangerous or hazardous items shall include, but are not limited to, the following:

- (1) Surplus firearms and other weapons. Such items may only be offered for sale to a public law enforcement agency;
- (2) Explosives;
- (3) Volatile or highly toxic chemicals; and
- (4) Equipment and materials that cannot be operated or used safely due to obsolescence, product defect, lack of maintenance, etc. (Ord. #20-40, Jan. 2021)

5-321. Additional forms and procedures. The purchasing agent is hereby authorized and directed to develop such forms and procedures as are necessary to comply with this chapter. (Ord. #20-40, Jan. 2021)

CHAPTER 4

ROAD IMPACT FEES

SECTION

- 5-401. Short title and applicability.
- 5-402. Intent.
- 5-403. Definitions.
- 5-404. Fee determination.
- 5-405. Exemptions.
- 5-406. Independent fee calculation.
- 5-407. Collection of fees.
- 5-408. Use of road impact fees.
- 5-409. Refunds.
- 5-410. Credits for developer contributions.
- 5-411. Miscellaneous provisions.
- 5-412. Appeals.
- 5-413. Violations and penalty.

5-401. Short title and applicability. (1) Short title. This chapter may be known and cited as the Town of Nolensville's "Road Impact Fee Ordinance," and is referred to herein as "this chapter."

(2) Applicability. The provisions of this chapter shall apply to all new development within the corporate limits of the Town of Nolensville, unless such development is expressly exempted. (2002 Code, § 5-401)

5-402. Intent. (1) The intent of this chapter is to ensure that impact generating development bears a proportionate share of the cost of capital improvements to the town's major road facilities; to ensure that the proportionate share does not exceed the cost of providing such facilities; and to ensure that funds collected from impact generating development are actually used to construct improvements that serve new development.

(2) It is not the intent of this chapter to collect any money from any impact generating development in excess of the actual amount necessary to offset demands generated by that development for the type of facilities for which the fee was paid. (2002 Code, § 5-402)

5-403. Definitions. For the purpose of interpreting this chapter, certain words used herein are defined as follows:

(1) "Applicant" means the applicant for a building permit for which an impact fee is due pursuant to the provisions of this chapter.

(2) "Building" means any structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind, including a mobile home, but excluding buildings used for agricultural purposes.

(3) "Building permit" means a permit issued by the building official authorizing performance of a specified activity in or on a structure or building.

(4) "Capital improvement" means any road capital improvement, including, but not limited to, planning, preliminary engineering, engineering design studies, land surveys, right-of-way acquisition, engineering, permitting and construction of all the necessary features for any road construction project including, but not limited to:

(a) Construction of new through lanes;

(b) Construction of new turn lanes;

(c) Construction of new bridges;

(d) Construction of new drainage facilities in conjunction with new road construction;

(e) Purchase and installation of traffic signalization (including new and upgraded signalization);

(f) Construction of curbs, medians and shoulders in conjunction with new road construction; and

(g) Relocating utilities to accommodate new road construction.

(5) "Developer" means any individual, firm, company partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or other group, combination or entity responsible for a new development or a new development project.

(6) "Development project" means an interrelated set of developments, approved by the town pursuant to a subdivision plat, planned development or other development plan.

(7) "Dwelling unit" means a room, or rooms, connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a daily, weekly, monthly, or longer basis; physically separated from any other room(s) or dwelling units which may be in the same structure; and containing independent cooking and sleeping facilities.

(8) "Impact fee study" means the road impact fee update prepared for the Town of Nolensville by Duncan Associates in January 2017, or a subsequent similar report.

(9) "Impact generating development" means any land development designed or intended to permit an increase in the number of service units.

(10) "Major road system" means all existing or planned collector or arterial roads that are identified on the town's adopted major road plan map and are, or will be, the responsibility of the town to improve and maintain.

(11) "Mini warehouse" means a building in which a number of storage units or vaults are rented for the storage of goods, each unit is physically separated from other units and access is usually provided through an overhead door or other common access point.

(12) "Multi-family" means a building used for two (2) or more dwelling units, in which individual living accommodations are provided for each family.

(13) "Non-residential" means the development of any property for any use other than residential use, except as may be exempted by this chapter.

(14) "Non-site-related improvements" means land dedications or provisions of arterial road improvements that are not for the exclusive use or benefit of a new development and which are not site related improvements. "Non-site-related improvements" may be located wholly within a development project.

(15) "Office/institutional" means buildings housing primarily office or institutional uses, including, but not limited to, corporate headquarters, medical offices, real estate offices, hospitals, government buildings, schools, day care centers, and private lodges.

(16) "Residential" means single-family detached or multi-family dwelling units.

(17) "Retail/commercial" means shopping centers, commercial land uses and other non-residential land uses not elsewhere classified in the fee schedule.

(18) "Road impact fee administrator" means the Town of Nolensville employee primarily responsible for administering the provisions of this chapter, or his or her designee.

(19) "Service units" means common units of measure of the demand placed on the road system measured as equivalent dwelling units.

(20) "Single-family detached" means a detached dwelling unit on an individual lot principally used, designed, or adapted for use by a single family.

(21) "Square feet" means gross floor area, defined as the total area of all floors of a primary building and all associated accessory buildings, measured from the external surface of the outside walls, but excluding covered walkways, open roofed over areas, porches and similar spaces, exterior terraces or steps, chimneys, roof overhangs, and similar features. Excluded areas include basements or attic spaces of less than seven feet (7') in height and vehicular parking and maneuvering areas.

(22) "Warehouse" means a building primarily devoted to the storage of materials. (2002 Code, § 5-403)

5-404. Fee determination. (1) Fee schedule. Any person who applies for a building permit for an impact generating development, except those exempted or preparing an independent fee calculation study, shall pay a road impact fee in accordance with the following fee schedule prior to the issuance of a building permit. If any pre-ordinance offset credit is due pursuant to § 5-410(7) and (8), the amount of such credit shall be deducted from the amount of the fee to be paid. Fees per one thousand (1,000) square feet shall be based on square feet, as herein defined, and shall be prorated to the nearest dollar.

<u>Land Use Type</u>	<u>Unit</u>	<u>Impact Fee</u>
Single-family detached	Dwelling	\$4,594.00

<u>Land Use Type</u>	<u>Unit</u>	<u>Impact Fee</u>
Multi-family	Dwelling	\$2,527.00
Hotel/motel	Room	\$919.00
Retail/commercial	1,000 sq. ft.	\$1,424.00
Office/institutional	1,000 sq. ft.	\$2,619.00
Nursing home	1,000 sq. ft.	\$1,057.00
Church	1,000 sq. ft.	\$689.00
Elementary/secondary school	1,000 sq. ft.	\$322.00
Industrial	1,000 sq. ft.	\$1,470.00
Warehouse	1,000 sq. ft.	\$551.00
Mini-warehouse	1,000 sq. ft.	\$459.00

(2) Uses not listed. The road impact fee administrator shall be responsible for calculating the appropriate fee for all building permit applications. If the type of development activity for which a building permit is applied is not specified on the fee schedule, the road impact fee administrator shall use the fee applicable to the most nearly comparable type of land use on the fee schedule. The road impact fee administrator shall be guided in the selection of a comparable type by the *Institute of Transportation Engineers' Trip Generation Manual* (latest edition), studies or reports done by the United States Department of Transportation or the state department of transportation, articles or reports appearing in the *ITE Journal* or other, similar sources. If the road impact fee administrator determines that there is no comparable type of land use on the fee schedule, or that the fee schedule understates the cost to mitigate the road impacts of the development due to the nature, timing or location of the proposed development, the road impact fee administrator shall cause to be prepared an individual assessment pursuant to § 5-406.

(3) Fee assessed on primary use. In many instances, a particular structure may include auxiliary uses associated with the primary land use. For example, in addition to the actual production of goods, manufacturing facilities usually also have office, warehouse, research, and other associated functions. The impact fees are assessed based on the primary land use.

(4) Net impact of redevelopment. If the type of impact generating development for which a building permit is requested is for a change of land use type or for the expansion, redevelopment, or modification of an existing development, the fee shall be based on the net increase in the fee for the new land use type as compared to the previous land use type. Remodeling activity

that does not increase the number of residential units or the amount of non-residential square footage shall not require payment of an impact fee.

(5) No refund for change of use. In the event that the proposed change of land use type, redevelopment, or modification results in a net decrease in the fee for the new use or development as compared to the previous use or development, there shall be no refund of impact fees previously paid.

(6) Impact fee calculation errors. If the road impact fee has been calculated and paid based on error or misrepresentation, it shall be recalculated and the difference refunded to the original fee payer or collected by the town, whichever is applicable. If road impact fees are owed, no permits of any type may be issued for the building or structure in question, or for any other portion of a development of which the building or structure in question is a part, until impact fees are paid. The road impact fee administrator may bring any action permitted by law or equity to collect unpaid fees. (2002 Code, § 5-404)

5-405. Exemptions. The following shall be exempt from the terms of this chapter. An exemption must be claimed at the time of application for a building permit.

(1) Residential alterations. Alterations of an existing dwelling unit where no additional dwelling units are created.

(2) Residential replacement. Replacement of a destroyed, partially-destroyed or moved residential building or structure with a new building or structure of the same use, and with the same number of dwelling units.

(3) Non-residential replacement. Replacement of destroyed, partially-destroyed or moved non-residential building or structure with a new building or structure of the same gross floor area and use.

(4) Pre-ordinance permit applications. Any development for which a completed application for a building permit was submitted prior to the effective date of this chapter; provided that the construction proceeds according to the provisions of the permit and the permit does not expire prior to the completion of the construction.

(5) No waivers; payment of fees by town. Impact fees shall not be waived. In order to promote the economic development of the town or the public health, safety, and general welfare of its residents, the board of commissioners may agree to pay some or all of the impact fees imposed on a proposed development or redevelopment from other funds of the town that are not restricted to other uses. Any such decision to pay impact fees on behalf of an applicant shall be at the discretion of the Board of Commissioners of the Town of Nolensville and shall be made pursuant to goals and objectives articulated by the town board. (2002 Code, § 5-405)

5-406. Independent fee calculation. (1) Use of independent fee calculation. The road impact fee for a proposed new development shall be calculated by the use of an individual assessment of major road impacts if:

(a) The type of new development is not of the type, or reasonable equivalent thereof, listed on the fee schedule in § 5-404(1);

(b) The road impact fee administrator determines that the nature, timing or location of the proposed development makes it likely to generate impacts costing substantially more to mitigate than the costs attributable to the development in the fee schedule; or

(c) The applicant chooses to have the amount of the fee determined by such method.

(2) Cost of study; fee. The applicant shall be responsible for preparation of the individual assessment of road impacts if the applicant chooses to conduct such analysis. The road impact fee administrator shall be responsible for preparation of the individual assessment if the type of new development being proposed is not of the type listed on the fee schedule, or the nature, timing or location of the proposed new development makes it likely that major road system improvements will be necessary to serve the development, the cost of which exceed the costs attributable to the development in the fee schedule.

(3) Content of study. The person preparing the individual assessment of road impacts shall be a qualified professional, and shall be approved by the road impact fee administrator on the basis of professional training and experience.

(4) Road impact fee formula. The individual assessment of road impacts shall compute the impact fee per residential unit or, in the case of non-residential development, the impact fee per one thousand (1,000) square feet of gross floor area, using the following formula:

$$\text{Impact fee} = \text{EDUs} \times \text{Netcost/EDU}$$

Where:

$$\text{EDUs} = \text{VMT/Single family VMT}$$

$$\text{VMT} = \text{Triprate}/2 \times \% \text{New} \times \text{Length}$$

$$\text{Triprate} = \text{Average daily trip ends on a weekday (ADT) per unit of development (e.g., dwelling unit or 1,000 square feet)}$$

$$\% \text{ New} = \text{Percent of average daily trips that are primary, as opposed to pass-by or diverted-linked trips}$$

$$\text{Length} = \text{Average length of a trip in miles associated with the land}$$

use, from national transportation data

Net cost/EDU = Net cost per equivalent dwelling unit as calculated in the impact fee study separately for residential and non-residential uses

(5) Application procedure. The individual assessment of road impacts shall be prepared on an application form provided by the town. The determination of the appropriate impact fee for the development, based on the above formula, the information provided by the applicant and any other information determined to be relevant by the road impact fee administrator shall be made by the road impact fee administrator.

(6) Appeals. The applicant may appeal the decision of the road impact fee administrator on the individual assessment to the board of commissioners, pursuant to § 5-412, appeals. (2002 Code, § 5-406, modified)

5-407. Collection of fees. The collection of impact fees shall be as follows:

(1) Collection at building permit. Except as set forth in subsection (2) below, the impact fees for all affected development shall be calculated and collected in conjunction with the application for each building permit for such development.

(2) Collection for non-permit development. For uses not ultimately requiring a building permit, the fee shall be calculated and collected at the time of approval of the site plan. (2002 Code, § 5-407)

5-408. Use of road impact fees. (1) Segregation of funds. A Road Impact Fee Fund, that is distinct from the General Fund of the town, is hereby created, and the impact fees received will be deposited in the interest bearing account of the Road Impact Fee Fund.

(2) FIFO accounting. Monies in the impact fee account shall be considered to be spent in the order collected, on a first in/first out basis.

(3) Eligible expenditures. The monies in the road impact fee account shall be used only for the following:

(a) To acquire or construct planned improvements that add capacity to the major road system and that are included in the calculation of the road impact fee. Capacity expanding improvements include, but are not limited to, constructing new roads, relocating roads, widening of roads to increase lane and/or shoulder width or to add additional travel lanes, signalization, addition of turn lanes and other intersection improvements, and drainage improvements if they are associated with improvements that will add capacity or enhance traffic flow;

(b) Qualifying project costs include project engineering costs; the acquisition cost of rights-of-way and easements, including legal costs;

the construction cost of improvements, including, but not limited to, public street travel lanes, public pedestrian and bicycle pathways, turning lanes, or the portion thereof, located within the right-of-way of a public street, lighting, signalization, signage and landscaping improvements that are required for the road improvement to function effectively; and the principal, interest and other financing costs of bonds, notes or other obligations issued by, or on behalf of, the town to finance qualified improvements;

(c) As described in § 5-409, refunds; or

(d) As described in § 5-410, credits.

(4) Ineligible expenditures. The monies in each impact fee account shall not be used for the following:

(a) Rehabilitation, reconstruction, replacement or maintenance of existing facilities and capital equipment, except to the extent that the projects increase the capacity to serve new development and is included in the impact fee calculation; or

(b) Ongoing operational costs. (2002 Code, § 5-408)

5-409. Refunds. (1) Refund of unspent funds. Any monies in the Impact Fee Fund that have not been spent within ten (10) years after the date on which such fee was paid shall be returned to the current owners with earned interest since the date of payment.

(2) Notice of the right to a refund. Notice of the right to a refund, including the amount of the refund and the procedure for applying for, and receiving, the refund, shall be sent or served in writing to the present owners of the property within thirty (30) days of the date the refund becomes due. The sending by regular mail of the notices to all present owners of record shall be sufficient to satisfy the requirement of notice.

(3) Pro rata refund basis. The refund shall be made on a pro rata basis, and shall be paid in full within ninety (90) days of the date certain upon which the refund becomes due.

(4) Refund; permit expiration. If an applicant has paid an impact fee required by this chapter and the building permit later expires without the possibility of further extension, and the development activity for which the impact fee was imposed did not occur and no impact has resulted, then the applicant who paid such fee shall be entitled to a refund of the fee paid, without interest. In order to be eligible to receive such refund, the applicant who paid such fee shall be required to submit an application for such refund within thirty (30) days after the expiration of the permit or extension for which the fee was paid.

(5) Administrative fee. The town shall assess two percent (2%) of the amount of any refund to cover the administrative costs of processing refunds. (2002 Code, § 5-409)

5-410. Credits for developer contributions. Credit against the road impact fees shall be provided for contributions toward the major road system included in the calculation of the impact fee.

(1) Reimbursement credits available. The town may provide reimbursement from the impact fee account for contributions toward the major road system that are included in the calculation of the impact fee.

(a) Approved reimbursements for construction shall generally become effective when the improvements have been completed and have been accepted by the town under the provisions of a prior agreement.

(b) Approved reimbursements for land dedication shall become effective when the land has been conveyed to the town and has been accepted by the town under the provisions of a prior agreement.

(2) Land valuation. Credit for dedication of land for major road system right-of-way shall be based on the value of the land to be dedicated. The value of any land required to be dedicated during the subdivision process shall be based upon the "fair market value" of the land at the time of filing the final plat. The value of any land required to be dedicated as part of a rezoning or other approval shall be based on the value of the land at the time of the application for the approval. The value shall be determined by a certified appraiser who is selected and paid for by the applicant, and who uses generally accepted appraisal techniques. If the town disagrees with the appraised value, the town may engage another appraiser at the town's expense, and the value shall be an amount equal to the average of the two (2) appraisals. If either party rejects the average of the two (2) appraisals, a third appraisal shall be obtained, with the cost of such third appraisal being borne by the party rejecting the average. The third appraiser shall be selected by the first two (2) appraisers, and the third appraisal shall be binding on both parties. Approved credits for dedicated land shall become effective when the land has been conveyed to the town and has been accepted by the town.

(3) Construction cost. In order to receive credit for major road system improvements, the developer shall submit complete engineering drawings, specifications, and construction cost estimates or property appraisals to the road impact fee administrator. The road impact fee administrator shall determine the amount of reimbursement credit due based on the information submitted, or where such information is deemed inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the road impact fee administrator.

(4) Developer agreement. To qualify for an impact fee credit, the developer must enter into an agreement with the town. At a minimum, the developer agreement shall specify the amount of the credit, and within how many years the developer will be reimbursed from impact fees collected by the town, assuming adequate funds are available for such repayment.

(5) Reimbursement fund. The town will allocate a minimum of twenty-five percent (25%) of annual road impact fees collected to reimburse developers

for eligible improvement credits. If the amount allocated for reimbursements is not sufficient to make all payments due to developers for that year, each developer will receive a pro rata share of the amount owed, and the unpaid amount will be added to the amount owed for the following year. If less than twenty-five percent (25%) of annual road impact fee collections are required for reimbursements in any given year, the remainder may be used for project expenditures.

(6) Expiration of credits. Credits provided pursuant to this chapter shall be valid from the effective date of such credits until ten (10) years after such date.

(7) Pre-ordinance offset credits. Developers may not obtain reimbursement credits for a non-site-related capital improvement completed prior to the effective date of this chapter, but applicants for building permits within the development project for which such improvement had been made shall be eligible for reduced impact fees. Application for such offset credits must be made, on forms provided by the town, within one (1) year after the effective date of this chapter. In the event that the impact generating development for which the credits are claimed is partially completed, the amount of the credits shall be reduced by the amount of the impact fees that would have been charged for the completed portion of the development project had this chapter been in effect. In the event that the impact generating development project has been fully completed, no credits shall be issued. If some credits are warranted, the town shall determine the appropriate percentage reduction of impact fees within the development project, and shall reduce the impact fees charged for all future building permits within the development project.

(8) Prior payment of county road impact fee. The town's road impact fee will be reduced by the amount of any prior payments of county road impact fees for the same property. In order to receive a credit for prior payment of the Williamson County road impact fee, an applicant will need to provide evidence of payment to the road impact fee administrator. (2002 Code, § 5-410)

5-411. Miscellaneous provisions. (1) Developer exactions. Nothing in this chapter shall restrict the town from requiring the construction of reasonable improvements required to serve the development project, whether or not such improvements are of a type for which credits are available under § 5-410, credits for developer contributions.

(2) Record keeping. The impact fee administrator shall maintain accurate records of the impact fees paid, including the name of the person paying such fees, the project for which the fees were paid, the date of payment of each fee, the amounts received in payment for each fee, and any other matters that the town deems appropriate or necessary to the accurate accounting of such fees. Records shall be available for review by the public during normal business hours and with reasonable advance notice.

(3) Programming of funds. The town's capital improvements program shall assign monies from the impact fee fund to specific projects and related expenses for eligible improvements of the type for which the fees in that fund were paid. Any monies, including any accrued interest, not assigned to specific projects within such capital improvements program and not expended pursuant to § 5-409, refunds, or § 5-410, credits for developer contributions, shall be retained in the same impact fee fund until the next fiscal year.

(4) Administrative charges. The town shall assess a surcharge of two percent (2%) of the road impact fee collected to cover the expenses of collecting the fee and administering this chapter. The administrative charge may not be paid with impact fee credits.

(5) Underpayment or overpayment. If an impact fee has not been paid, has been underpaid or has been overpaid for any reason, the underpayment or overpayment shall be remedied as soon as possible after it is discovered. Any amounts overpaid by an applicant shall be refunded by the impact fee administrator to the applicant within thirty (30) days after the discovery of the overpayment, with interest since the date of such overpayment. Any amounts not paid or underpaid by the applicant shall be paid to the impact fee administrator within thirty (30) days after notice is given to the applicant of the amount due, with interest since the date of such underpayment. In the case of a nonpayment or underpayment, the town shall not issue any additional permits or approvals for the project for which the impact fee was previously underpaid until such underpayment is corrected, and if amounts owed to the town are not paid within such thirty (30) day period, the town may also rescind any permits issued in reliance on the previous payment of such impact fee.

(6) Periodic updates. The impact fee schedules and the administrative procedures established by this chapter shall be reviewed at least once every three (3) years.

(7) Annual fee schedule inflation adjustment. In years when a comprehensive update is not performed, the road impact fee schedule shall be adjusted to account for construction cost inflation, pursuant to the provisions of this section. On January 1 following each calendar year during which the fee schedule was not comprehensively updated, an adjusted fee schedule shall become effective. The road impact fee administrator shall make the adjusted road impact fee schedule publicly available. The road impact fee administrator shall calculate adjustments to the impact fee rates based upon the percentage change over the most recently available preceding twelve (12) month period in the *Engineering News Record Construction Cost Index*, or, if this index becomes unavailable, a comparable index. (2002 Code, § 5-411)

5-412. Appeals. Any determination made by the impact fee administrator charged with the administration of any part of this chapter may be appealed to the board of commissioners within thirty (30) days from the date of the decision to be appealed. (2002 Code, § 5-412)

5-413. Violations and penalty. Furnishing false information on any matter relating to the administration of this chapter, including without limitation, the furnishing of false information regarding the expected size, use, or impacts from a proposed development, shall be a violation of this chapter. (2002 Code, § 5-413)

CHAPTER 5

DEBIT AND CREDIT CARD REQUIREMENTS AND FEES

SECTION

- 5-501. Payment by credit card or debit card.
- 5-502. Convenience fee.
- 5-503. Notice to card users.
- 5-504. Notice to comptroller.

5-501. Payment by credit card or debit card. (1) It is lawful for the town to receive payment by credit card or debit card for any public court fine and/or fee assessment, or other monies collected by Nolensville.

(2) As used in this subsection, unless the context otherwise requires:

(a) "Credit card" has the same meaning as defined in *Tennessee Code Annotated*, § 47-22-101.

(b) "Debit card" has the same meaning as defined in *Tennessee Code Annotated*, § 39-14-102(3). (2002 Code, § 5-501)

5-502. Convenience fee. The Town of Nolensville is hereby establishing a processing fee of five percent (5%) from customers using credit or debit cards as the method of payment.

In the event that the credit or debit card company issuing the card does not honor payment of the charge, the town shall collect the same fee that it normally charges for returned checks, and this fee shall be in addition to the normal fee for using a credit or debit card for payment. (2002 Code, § 5-502)

5-503. Notice to card users. Any notice to the customer owing the fees/charges shall state the percentage of the processing fee for use of a credit or debit card. (2002 Code, § 5-503)

5-504. Notice to comptroller. Filing of a pre-implementation statement with the comptroller's office, as required by *Tennessee Code Annotated*, § 47-10-119, shall be required thirty (30) days prior to implementing the above processing fees. The town shall provide to the comptroller of the treasury a post-implementation review of the system between twelve (12) and eighteen (18) months after the date a pre-implementation statement has been filed with the comptroller. (2002 Code, § 5-504)

CHAPTER 6

HOTEL/MOTEL TAX

SECTION

- 5-601. Definitions.
- 5-602. Register required; availability for inspection.
- 5-603. Rooms to be numbered.
- 5-604. Tax levied.
- 5-605. Collection.
- 5-606. Remission to town.
- 5-607. Collection, development of report, audit, etc.
- 5-608. Operator cannot advertise that he will assume tax.
- 5-609. Delinquent taxes; offenses by operators and/or transients.
- 5-610. Operators to keep records.
- 5-611. Additional powers of recorder; remedies available to tax payer.
- 5-612. Recorder to collect; disposition of proceeds.

5-601. Definitions. As used in this chapter:

(1) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever.

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

(3) "Occupancy" means the use or possession, or the right to use or possession, of any room lodgings or accommodations in any hotel.

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

(5) "Tourism" means attracting non-residents to visit a particular municipality and encouraging those non-residents to spend money in the municipality, which includes travel related to both leisure and business activities.

(6) "Tourism development" means the acquisition and construction of, and financing and retirement of debt for, facilities related to tourism.

(7) "Transient" means any person who exercises occupancy or is entitled to occupancy of any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days. (Ord. #21-24, Sept. 2021)

5-602. Register required; availability for inspection. Every person to whom a permit is issued under this chapter shall, at all times, keep a standard hotel register, in which shall be inscribed the names of all guests renting or occupying rooms in his hotel. Such register shall be signed in every case by the persons renting a room or by someone under his direction, and after registration is made and the name of the guest is inscribed as herein provided, the manager shall write the number of the room which guest is to occupy, together with the time such room is rented, before such person is permitted to occupy such room. The register shall be open to inspection at all times to the town. (Ord. #21-24, Sept. 2021)

5-603. Rooms to be numbered. Each sleeping room and in every hotel in the town shall be numbered in a plain and conspicuous manner. The number of each room shall be placed on the outside of the door of such room, and no two (2) doors shall bear the same number. (Ord. #21-24, Sept. 2021)

5-604. Tax levied. There is hereby levied, assessed and imposed, and shall be paid and collected, a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount equal to four percent (4%) of the consideration charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided herein. (Ord. #21-24, Sept. 2021)

5-605. Collection. Such tax shall be added by each operator to each invoice prepared by the operator for the occupancy in his hotel to be given directly or transmitted to the transient, and shall be collected by such operator from the transient and remitted to the town. (Ord. #21-24, Sept. 2021)

5-606. Remission to town. The tax hereby levied shall be remitted by all operators who lease, rent or charge for occupancy within a hotel in the town to the town recorder of the town such tax to be remitted to such officer no later than the twentieth day of each month for the preceding month. The operator is hereby required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy, whether prior to occupancy or after occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient then the obligation to the town entitled to such tax shall be that of the operator. (Ord. #21-24, Sept. 2021)

5-607. Collection, development of report, audit, etc. The town recorder shall be responsible for the collection of such tax. A monthly tax return

under oath shall be filed with the town recorder by the operator with such number of copies thereof as the town recorder and finance director may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the finance director and approved by the board of commissioners prior to use. The finance department may audit each operator in the town at least once per year and shall report on the audits made on a quarterly basis to the board of commissioners. (Ord. #21-24, Sept. 2021)

5-608. Operator cannot advertise that he will assume tax. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax, or any part thereof, will be assumed or absorbed by the operator, or that it will not be added to the rent, or that if added, any part will be refunded. (Ord. #21-24, Sept. 2021)

5-609. Delinquent taxes; offenses by operators and/or transients. Taxes collected by the operator which are not remitted to the town recorder on, or before, the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date, at the rate of twelve percent (12%) per annum, such taxes are delinquent. Such interest shall become a part of the tax. Each occurrence of willful refusal of an operator to collect or remit the tax, or willful refusal of a transient to pay the tax imposed, is declared to be unlawful and shall be punishable upon conviction by a fine not in excess of fifty dollars (\$50.00). (Ord. #21-24, Sept. 2021)

5-610. Operators to keep records. It shall be the duty of every operator liable for the collection and payment to the town of the tax imposed by this chapter to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of, and payment to, the town, which records the town recorder shall have the right to inspect at all reasonable times. (Ord. #21-24, Sept. 2021)

5-611. Additional powers of recorder; remedies available to tax payer. The town recorder, or other authorized collector of the tax in administering and enforcing the provisions of this chapter, shall have, as additional powers, those powers and duties with respect to collecting taxes as provided by law for the county clerks.

Upon any claim of illegal assessment and collection, the tax payer shall have the remedy provided in *Tennessee Code Annotated*, title 67. The town recorder shall have all those powers and duties as provided in *Tennessee Code Annotated*, § 67-1-707(b), with respect to the adjustment and settlement with tax payers of errors of taxes collected. Any tax paid under protest shall be paid to

the town recorder. Any suit filed to recover taxes paid under protest may be brought by filing the same against the town recorder of the town. (Ord. #21-24, Sept. 2021)

5-612. Recorder to collect; disposition of proceeds. The town recorder is hereby charged with the duty of collection of the tax herein levied and the proceeds received by the town from the tax shall be used exclusively for tourism and tourism development within the town as required by *Tennessee Code Annotated*, § 67-4-1403. (Ord. #21-24, Sept. 2021)

TITLE 6

LAW ENFORCEMENT¹

[RESERVED FOR FUTURE USE]

¹Res. #99-07, April 1, 1999, establishes the Nolensville Police Department, appointment of officers, duties, and the procedure for establishing rules and regulations for the operation of the department.

Charter reference

General police powers: chapter 20, part 6.

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE CODE.
2. LIFE SAFETY CODE.
3. AUTOMATIC FIRE SPRINKLER SYSTEMS.
4. ALARM SYSTEM REGULATION.
5. FIRE IMPACT FEE.
6. OPEN BURNING.

CHAPTER 1

FIRE CODE

SECTION

- 7-101. Fire code adopted.
7-102. Modifications.

7-101. Fire code adopted. The International Fire Code, 2018 edition, plus appendices, as published by the International Code Council, is hereby adopted by reference as though it was copied herein fully. Any provisions in said code which conflict with existing ordinances of the Town of Nolensville shall prevail. (Ord. #97-18, Oct. 1997, as amended by Ord. #02-02, Aug. 2002, Ord. #05-05, April 2005, Ord. #07-21, Nov. 2007, and Ord. #14-17, Nov. 2014, modified)

7-102. Modifications. Within the fire code, when reference is made to the duties of a certain official named therein, that the designated official of the Town of Nolensville who has duties corresponding to those of the named official in the fire code shall be deemed to be the responsible official insofar as enforcing the provisions of the fire code are concerned. (Ord. #97-18, Oct. 1997)

¹Municipal code reference

Building, utility and housing codes: title 12.
Fires in streets, etc.: § 16-112.

CHAPTER 2

LIFE SAFETY CODE

SECTION

- 7-201. Life Safety Code adopted.
- 7-202. Application.
- 7-203. Equal applicability.
- 7-204. Enforcement of chapter.
- 7-205. Board of adjustments and appeals.
- 7-206. Modifications.
- 7-207. Violations.
- 7-208. Penalties.
- 7-209. Definitions.

7-201. Life Safety Code adopted. Pursuant to the authority granted by Tennessee Code Annotated, § 6-54-502 et seq., and for the purpose of prescribing regulations governing the design, operation and maintenance of buildings and other structures for safety to life from fire and similar emergencies, the NFPA 101, Life Safety Code, 2018 edition as published by the National Fire Protection Association, is hereby adopted by reference and included herein as part of the code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of said NFPA 101, Life Safety Code has been filed with the town recorder and is available for public use and inspection. Said NFPA 101, Life Safety Code, Chapter 33, Referenced Publications, of the National Fire Protection Association shall be the latest editions available by the National Fire Code Subscription Service. (Ord. #02-05, Aug. 2002, as amended by Ord. #05-05, April 2005, Ord. #07-21, Nov. 2007, and Ord. #14-17, Nov. 2014, modified)

7-202. Application. The provisions of the codes adopted by reference in § 7-201, shall govern the manner in which:

- (1) The codes are applied to new construction and existing buildings.
- (2) Occupancies and types of construction are classified for the purpose of determining minimum code requirements.
- (3) The minimum requirements of codes may be modified to permit the use of alternate materials or methods of construction.
- (4) Where, in any specific case, there is a conflict between this code and another code or standard the most applicable shall govern as determined by the fire chief. (Ord. #02-05, Aug. 2002)

7-203. Equal applicability. The provisions of NFPA 101, Life Safety Code shall apply equally to both public and private property, and it shall apply

to all structures and their occupancies, except as otherwise specified. Exception: One- and two-family dwellings. (Ord. #02-05, Aug. 2002)

7-204. Enforcement of chapter. (1) The fire chief, fire marshal, or duly authorized representative known as fire inspector shall enforce the NFPA 101, Life Safety Code herein adopted by reference.

(2) The fire chief and fire inspector shall be authorized to inspect all property within the Town of Nolensville and any future area that shall be annexed to the Town of Nolensville.

(3) The fire chief shall have the authority to enforce traffic and parking rules and regulations relating to life safety.

(4) The fire chief and fire inspector shall be authorized to issue summons, citations, and written notices and take any action required to remove or abate any situation that poses an immediate threat to life and/or property.

(5) The fire chief shall be authorized to require the submittal of drawings and specifications for review and approval; and insure all fire protection and life safety conditions are satisfactory prior to authorizing the issuance of a certificate of completion or certificate of occupancy.

(6) The fire chief and fire inspector shall be authorized to grant an extension of up to a 30-day time limit to correct violations upon proof and receipt of a written request not less than three days prior to expiration of notice. (Ord. #02-05, Aug. 2002, modified)

7-205. Board of adjustments and appeals. The building code and fire code board of adjustments and appeals shall hear any filed appeal and the established laws, ordinances, and rules regulating such board shall govern. (Ord. #02-05, Aug. 2002)

7-206. Modifications. The fire chief may recommend to the board of mayor and aldermen modifications of the provisions of the NFPA 101, Life Safety Code upon application, in writing, by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit or the code shall be observed, public safety secured, and substantial justice done. The particulars of such modifications when granted or allowed shall be contained in an amendment to this chapter or by resolution of the board of mayor and aldermen. (Ord. #02-05, Aug. 2002)

7-207. Violations. It shall be unlawful for any person to violate any of the provisions of this chapter, or the NFPA 101, Life Safety Code hereby adopted, or fail to comply therewith, or violate or fail to comply with any order made hereunder, or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or fail to comply with

such order as affirmed or modified by the board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. (Ord. #02-05, Aug. 2002)

7-208. Penalties. (1) Any person violating any of the provisions of this chapter, the NFPA 101, Life Safety Code, or the conditions of any permit issued hereunder, shall be served by the authority having jurisdiction with a summons, citation, or written notice stating the nature of the violation and providing up to thirty (30) working days time limit for the satisfactory correction thereof.

(2) The offender shall, within the time period stated in such notice, permanently cease all violations as prescribed by the authority having jurisdiction. Any permit issued hereunder shall be void until such time as the violation is corrected.

(3) Any person who shall continue any violation beyond the time provided in § 7-208(1) may be punished by the issuance of a penalty not to exceed fifty dollars (\$50.00) per violation.

(4) Each day any violation of any provision of this chapter or the failure to perform any act or duty required by this chapter continues shall constitute a separate offense.

(5) Any person violating any of the provisions of this chapter shall become liable to the town for expense, loss or damage occasioned by town personnel or equipment by reason of such violation. (Ord. #02-05, Aug. 2002)

7-209. Definitions. (1) "Authority having jurisdiction." The Fire Chief or the Fire Marshal of the Nolensville Fire Department.

(2) "Fire chief." The Fire Chief of the Nolensville Volunteer Fire Department.

(3) "Fire marshal." The Fire Marshal of the Town of Nolensville who enforces the provisions of applicable codes and standards adopted by the Town of Nolensville.

(4) "Jurisdiction." Town of Nolensville, Tennessee.

(5) "Person." Any individual, partnership, firm, corporation, company, association, joint stock company, trust, estate, limited liability company, political subdivision and agency, authority, commission, or department of the United States, or of the State of Tennessee, or any other legal entity, or their legal representative, agent, or assigns. (Ord. #02-05, Aug. 2002, modified)

CHAPTER 3

AUTOMATIC FIRE SPRINKLER SYSTEMS

SECTION

- 7-301. Automatic fire sprinkler systems required.
- 7-302. Definitions.
- 7-303. Buildings requiring sprinkler systems.
- 7-304. Standard of construction and installation.
- 7-305. Requirements for existing buildings.
- 7-306. Miscellaneous provisions.
- 7-307. Schedule of fees.

7-301. Automatic fire sprinkler systems required. Automatic fire sprinkler systems shall be installed and maintained in operable condition in the buildings and at the locations specified in this chapter. Such systems shall be installed in each building that shall be built or for which a building permit is issued after the effective date of the ordinance comprising this chapter. (as added by Ord. #04-02, Feb. 2004)

7-302. Definitions. Whenever in this chapter the words or phrases hereinafter in this section defined are used, they shall have the following meaning:

(1) "Automatic fire extinguishing system." An approved system of devices and equipment that automatically detects a fire and discharges an approved fire-extinguishing agent onto or in the area of a fire.

(2) "Automatic fire sprinkler system." An integrated system of piping connected to a water supply, with listed sprinklers that automatically initiate water discharge over a fire area. Where required, the sprinkler system shall also include a control valve and a device for actuating an alarm when the system operates.

(3) "Building." Any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a firewall shall be considered as a separate building.

(4) "Existing building." Any structure erected prior to the adoption of this code.

(5) "Dwelling." Any building that contains not more than one- or two-dwelling units intended to be used, rented, leased, let, or hired out to be occupied or that are occupied for habitation purposes.

(6) "Dwelling unit." One or more rooms arranged for the use of one or more individuals living together, as in a single housekeeping unit, that normally have cooking, living, sanitary, and sleeping facilities.

(7) "Fire chief." The fire chief of the Nolensville Volunteer Fire Department.

(8) "Fire department connection." A hose connection at grade level or street level for use by the fire department only for the purposes of supplying water to standpipes and/or sprinkler systems.

(9) "Fire marshal." The fire and life safety code enforcement official appointed by the fire chief and approved by the board of mayor and aldermen of the Town of Nolensville, Tennessee.

(10) "Gross floor area." The area within the inside perimeter of the exterior walls with no deductions for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of areas open and unobstructed to the sky.

(11) "Manufactured home." A structure, transportable in one or more sections, that in the traveling mode is 8 body ft (2.4 m) or more in width and 40 body ft (12 m) or more in length or, where erected on-site, is 320 square feet (28 meters squared) or more, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation where connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

(12) "New building." Any structure erected after adoption of this code.

(13) "Retrofit." The mandatory installation of an automatic fire sprinkler system in a structure that exists at the time of adoption of this code.

(14) "Shall." Indicates a mandatory requirement.

(15) "Structure." That which is built or constructed.

(16) "Substantially remodeled," or "rehabilitated." Any structural alteration or restoration of a building for which the cost or value exceeds fifty percent (50%) of the current replacement cost of the partial building; or where more than fifty percent (50%) of the current replacement cost of the particular building; or where more than fifty percent (50%) of the gross square footage has been structurally altered, such building shall conform to the requirements for new buildings. (as added by Ord. #04-02, Feb. 2004)

7-303. Buildings requiring sprinkler systems. (1) All new buildings classified as group E, I, R2, R3 and R4, as described in the 1999 Standard Building Code, shall be provided with an automatic fire sprinkler system regardless of the gross floor area, except as may otherwise be provided herein.

(2) All new buildings classified as group A, B, F, H, M, R1, and S, with uses and occupancies described in the 1999 Standard Building Code shall be provided with an automatic fire sprinkler system.

(3) New buildings more than two (2) stories in height shall be provided with an automatic fire sprinkler system.

(4) Any dwelling where people are confined or sleep must be sprinkled.

(5) For the purpose of this chapter, eaves, bay windows, chimneys and porticos and all permanent fixtures attached to a dwelling will be considered to be part of the dwelling that will be used to determine the distance between the dwellings. (as added by Ord. #04-02, Feb. 2004, and amended by Ord. #05-01, April 2005, Ord. #05-27, Dec. 2005, and Ord. #07-25, Jan. 2008)

7-304. Standard of construction and installation. Automatic fire sprinkler systems required by this code shall be designed and installed in accordance with the scope and purpose of the latest edition of the following standards as published by the National Fire Protection Association for the applicable occupancy.

- (1) NFPA 13, Standard of the Installation of Sprinkler Systems.
- (2) NFPA 13D, Standard for the Installation of Sprinkler Systems in One- and Two- Family Dwellings and Manufactured Homes.
- (3) NFPA 13R, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height. (as added by Ord. #04-02, Feb. 2004)

7-305. Requirements for existing buildings. (1) An existing building that is substantially remodeled, or rehabilitated shall be equipped with an automatic fire sprinkler system if the subsequent building meets and of the conditions for new buildings in § 7-303 of this chapter. § 7-305(1) shall not apply to existing:

- (a) One- and two-family dwellings that are substantially remodeled or rehabilitated.
 - (b) Existing one- and two-family dwellings moved into or within the town.
 - (c) New or existing manufactured homes shall not require the installation of an automatic fire sprinkler system.
- (2) Any addition to an existing building which is over two thousand five hundred (2,500) square feet, or any addition which brings the building area to two thousand five hundred (2,500) gross square feet or more shall cause the entire building to conform to the requirements for new buildings.
- (3) Existing one- and two-family dwellings, existing one- and two-family dwellings moved into or within the town, existing one- and two-family dwellings that are added to, and new or existing manufactured homes are not required to be sprinklered.
- (4) Nothing herein shall be constructed as to discourage or deny any property owner from installing an automatic fire sprinkler system in any type of building located within the Town of Nolensville. (as added by Ord. #04-02, Feb. 2004)

7-306. Miscellaneous provisions. (1) Where an automatic fire sprinkler system is determined to increase the hazard to the property or occupants to be protected, other automatic fire extinguishing systems appropriate for the hazard shall be designed, installed, tested, inspected, and maintained in accordance with National Fire Protection Association standards. Such systems must be inspected and shall follow rule 0780-2-7-08 of the Department of Commerce and Insurance for Fire Protection Sprinkler Contractors Installation, Inspection, and Service. The installer is required to

perform the inspection and supply to the Town of Nolensville the proper certificate from the State of Tennessee.

(2) An automatic fire sprinkler system or automatic fire extinguishing system provided as a requirement of this code, or otherwise installed shall be supervised in accordance with the Standard Fire Prevention Code, Standard Building Code, and NFPA 101 Life Safety Code. Automatic fire sprinkler systems in dwellings must be a looped flow through design. Final pressure in the system in dwellings must be at least seven (7) psi at the sprinkler head. Minimum size of sprinkler lines in dwellings shall be a minimum 3/4 inch and in no event shall be smaller than the minimum size line required for a looped flow through system.

(3) Every new fire department connection for an automatic fire sprinkler system shall be located on the address side of the building. With the exception of one- and two-family dwellings, a fire hydrant shall be located not more than one hundred (100) feet from the fire department connection to the sprinkler system. Fire department connections shall be provided with a locking cap or caps of type approved by the fire chief.

(4) Occupancies shall be classified in accordance with chapter 3 of the Standard Building Code, 1999 edition.

(5) Where these requirements conflict with the Standard Fire Prevention Code, Standard Building Code, NFPA 101 Life Safety Code, or any state, or federal requirement, the more stringent requirement shall apply.

(6) The passage of this ordinance will not effect any development in which the owner has obtained an approved preliminary plat as of the date of the enactment of the ordinance comprising this chapter. (as added by Ord. #04-02, Feb. 2004, and amended by Ord. #05-01, April 2005, and Ord. #09-04, May 2009)

7-307. Schedule of fees. Residential and non-residential sprinkler permits one hundred dollars (\$100.00). If anyone commences work before obtaining permit and inspection, fees shall be doubled; and all fees shall be paid by the person to whom the permit is issued. (as added by Ord. #09-04, May 2009)

CHAPTER 4

ALARM SYSTEM REGULATION

SECTION

7-401. Definitions.

7-402. Operation and regulation of alarms.

7-403. Violation and penalty.

7-401. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicated a different meaning.

(1) "Alarm business" means the business of any individual, partnership, corporation, or other entity engaged in selling, leasing, maintaining, servicing, repairing, altering replacing, moving or installing any alarm system or in causing any alarm system to be sold, leased, maintained, service, repaired, altered, replaced, moved or installed in or on any building, structure of facility.

(2) "Alarm system" means any mechanical, electrical and/or electronic system designed to:

(a) Record, view, monitor, protect against, avoid or reduce the probability of personal or property loss or injury resulting from fire, smoke, heat, burglary, theft, shoplifting, pilferage or other losses of that type.

(b) Monitor, detect or prevent intrusion.

(c) Detect and summon aid for other emergencies.

Alarm system does not include any such system which is installed in a motor vehicle.

(3) "Alarm user" means the person or company or entity of any kind in control of any building, structure or facility or portion thereof wherein an alarm system is maintained.

(4) "False alarm" means an alarm signal eliciting a response by the police or fire department when a situation requiring a response by the police or fire department does not in fact exist; but this definition does not include an alarm signal caused by unusually violate conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user. (as added by Ord. #07-05, May 2007)

7-402. Operation and regulation of alarms. (1) Whenever an alarm is activated in the city, thereby requiring an emergency response to the location by authority personnel, a police and/or fire officer on the scene of the activated alarm shall determine whether the emergency response was in fact required as indicated by the alarm system or whether in some way the alarm system malfunctioned and thereby activated a false alarm.

(2) If the police or fire officer at the scene of the activated alarm system determines the alarm to be false and no emergency exists, then such officer shall submit a report of the false alarm to the respective chief. A written notification of emergency response and determination of the response shall be mailed or delivered to the alarm user.

(3) The authority shall have the right to inspect any alarm system on the premises to which response has been made.

(4) It shall be a violation of this chapter to intentionally cause a false alarm, except in connection with the testing or servicing of an alarm system as permitted in this chapter. Any person who intentionally causes a false alarm in violation of this chapter shall be subject to the penalty provision in this chapter.

(5) There shall be provided to the alarm user a ten (10) day grace period during the initial installation of the alarm system. The penalty provisions in this chapter will not apply for false alarms activated during the grace period.

(6) Any alarm business testing or servicing any alarm system shall notify the authority and instruct such authority of the location and time of such testing and servicing, and upon completion of the test or service. This subsection shall apply to any testing period after the initial installation period has ceased. The provisions in this section regarding false alarms will not apply to the alarm user if prior notice of such testing has been made to the respective authority as outlined in this section. (as added by Ord. #07-05, May 2007)

7-403. Violation and penalty. It is hereby found and determined that more than three (3) false alarms are excessive and constitute a public nuisance. Whenever an alarm system has produced three (3) false alarms within a twelve (12) month period, the alarm user shall be guilty of violating this chapter for each subsequent false alarm. Each violation of this chapter shall be punishable by a fine of twenty-five dollars (\$25.00), except that any person who intentionally causes a false alarm in violation of this article shall be subject to a penalty not to exceed fifty dollars (\$50.00). (as added by Ord. #07-05, May 2007)

CHAPTER 5

FIRE IMPACT FEE

SECTION

- 7-501. Fire fee adopted.
- 7-502. Purpose.
- 7-503. Applicability.
- 7-504. Amount of fee - residential.
- 7-505. Amount of fee - non-residential.
- 7-506. Accessory residential uses.
- 7-507. Non-exclusive.
- 7-508. Modifications to fee.
- 7-509. Collection of fee.
- 7-510. Failure to pay fee.
- 7-511. Failure to pay fee - liability of purchaser.
- 7-512. Failure to pay fee - court action.
- 7-513. Severability.

7-501. Fire fee adopted. Pursuant to *Tennessee Code Annotated*, § 6-19-101(b), the Town of Nolensville hereby adopts a fire impact fee. (Ord. #22-02, March 2022)

7-502. Purpose. The town's fire impact fee is to be placed into a separate account for the purpose of construction of fire station(s) and the maintenance or the operation of the municipal fire department. (Ord. #22-02, March 2022)

7-503. Applicability. This fee applies to all building permits issued after the date of the adoption of this chapter. (Ord. #22-02, March 2022)

7-504. Amount of fee - residential. The fee is set at nine hundred eighty-one dollars (\$981.00) for each building permit issued for any residential project in the town from the date of the adoption of this chapter. To the extent multiple dwelling units are included in one (1) building permit, the nine hundred eighty-one dollar (\$981.00) fee shall be assessed on a per dwelling unit basis. (Ord. #22-02, March 2022)

7-505. Amount of fee - non-residential. The fee is set at a rate of two dollars thirty-nine cents (\$2.39) per square foot for any non-residential structure in the town for which a building permit is issued. (Ord. #22-02, March 2022)

7-506. Accessory residential uses. No fee shall be imposed against any accessory residential structure constructed after the date of the adoption of this chapter. (Ord. #22-02, March 2022)

7-507. Non-exclusive. The board of commissioners may impose additional fire related exactions against developments approved after the adoption of this chapter to the extent there is a need caused by the new development. This exaction shall not reduce the fire impact fee owed by the development. To the extent the board of commissioners previously imposed a fire related exaction against a development, the board of commissioners may credit that exaction against the fee owed under this section or treat the exaction as one that addresses a need caused by the development. (Ord. #22-02, March 2022)

7-508. Modifications to fee. The board of commissioners may, from time to time, amend the amount of this fee to ensure proper levels of fire and emergency protection are provided to residents. (Ord. #22-02, March 2022)

7-509. Collection of fee. It is the duty of the developer to ensure that the fee is paid to the town manager or the town manager's designee at the time a building permit is issued. (Ord. #22-02, March 2022)

7-510. Failure to pay fee. If a development fails to pay any fee required herein, the town reserves the right to withhold any future building permits and/or certificates of occupancy and further to issue a stop work order on any ongoing construction until such fee is paid. Further, each day in violation of this chapter is a separate penalty and the town may seek fines as permitted under the town code and under the Constitution of the State of Tennessee. (Ord. #22-02, March 2022)

7-511. Failure to pay fee - liability of purchaser. It is the duty of the purchaser of any real property in the Town of Nolensville to ensure any fee required by this chapter has been paid. Any unpaid fee runs with the land and becomes due and owing by the current owner and/or occupant of the land. (Ord. #22-02, March 2022)

7-512. Failure to pay - court action. In addition to the remedies set forth above, the town may bring an action against the developer/owner/occupant of the land in question to recover any unpaid fire fee. (Ord. #22-02, March 2022)

7-513. Severability. If any phrase, clause, sentence, paragraph or section of this chapter shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this chapter since they would have been enacted by the board of commissioners without the incorporation in the chapter of any such unconstitutional phrase, clause, sentence, paragraph or section. (Ord. #22-02, March 2022)

CHAPTER 6

OPEN BURNING

SECTION

7-601. Open burning.

7-602. Exceptions.

7-603. Violations and penalty.

7-601. Open burning. No person shall cause, suffer, allow, or permit open burning within the entire town limits of the Town of Nolensville except as set forth in § 7-602 hereinbelow.

7-602. Exceptions. (1) Non-commercial fires used for cooking of food including barbeques and outdoors fireplaces;

(2) Commercial incinerators;

(3) Commercial barbeque fireplace or cooker.

(4) Non-commercial fires used for ceremonial or recreation purposes including bonfires and cookouts.

(5) Fires set at the direction and under the supervision of responsible fire control persons for training purposes or directed at the prevention, elimination, or reduction of fire hazards.

(6) Demolition of structures may be conducted by open burning provided that there is unilaterally issued state or local building codes order to demolish the structure by open burning because of a structural failure or potential structural failure. Such orders will be recognized only where there is no other safe way to demolish the structure and responsible fire control personnel are on-site at all times until the fire is extinguished.

(7) Fires set at the direction of law enforcement agencies or courts for the purpose of destruction of controlled substances and legend drugs seized as contraband. This does not include antineoplastic agents.

(8) The fire chief and the fire inspector have the authority to allow open burning were there is no other practical, safe, and/or lawful method of disposal.

(9) Warming fires during construction or demolition of buildings and other warming fires as approved by the fire inspector.

(10) Disposal of "wood waste" but only as approved by the fire chief or fire inspector.

(11) The fire chief or the fire marshal shall have the authority to permit or prohibit open burning not specifically addressed herein.

(12) Open burning allowed under the above provisions shall meet all of the provisions and requirements of the fire code as adopted by the Town of Nolensville, and must be permitted under the conditions approved by the Nolensville Fire Department, unless otherwise stated.

For the purposes of this chapter, the fire chief and fire marshal shall be those persons specified in the fire code of the Town of Nolensville, Tennessee.

7-603. Violations and penalty. Violations of this chapter shall subject the offender to a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

TITLE 8**ALCOHOLIC BEVERAGES**¹**CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.
3. PACKAGE LIQUOR STORES.

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

- 8-101. Definition of alcoholic beverages.
- 8-102. Consumption of alcoholic beverages on premises.
- 8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.
- 8-104. Annual privilege tax to be paid to the town recorder.
- 8-105. Concurrent sales of liquor by the drink and beer.
- 8-106. Advertisement of alcoholic beverages.

8-101. Definition of alcoholic beverages. As used in this chapter, unless the context indicates otherwise: "alcoholic beverages" means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patented medicine or beer, where the latter being defined pursuant to *Tennessee Code Annotated*, § 57-5-101. (2002 Code, § 8-101, modified)

8-102. Consumption of alcoholic beverages on premises. *Tennessee Code Annotated*, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on-premises consumption which are regulated by the said code when such sales are conducted within the corporate limits of Nolensville, Tennessee. It is the intent of the board of commissioners that the said *Tennessee Code Annotated*, title 57, chapter 4, inclusive, shall be effective in Nolensville, Tennessee, the same as if said code sections were copied herein verbatim. (2002 Code, § 8-102)

8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises. Pursuant to the authority contained in

¹State law reference

Tennessee Code Annotated, title 57.

Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by *Tennessee Code Annotated*, title 57, chapter 4, section 301, for the Town of Nolensville General Fund to be paid annually as provided in this chapter) upon any person, firm corporation, joint stock company, syndicate, or association engaging in the business of selling, at retail in the Town of Nolensville, of alcoholic beverages for consumption on the premises where sold. (2002 Code, § 8-103)

8-104. Annual privilege tax to be paid to the town recorder. Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the Town of Nolensville shall remit annually to the town recorder the appropriate tax described in § 8-103. Such payments shall be remitted not less than thirty (30) days following the end of each twelve (12) month period from the original date of the license. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law. (2002 Code, § 8-104)

8-105. Concurrent sales of liquor by the drink and beer. Any person, firm, corporation, joint stock company, syndicate or association which has received a license to sell alcoholic beverages in the Town of Nolensville, pursuant to *Tennessee Code Annotated*, title 57, chapter 4, shall, notwithstanding the provisions of § 8-212(3) of the ordinances of the Town of Nolensville, qualify to receive a beer permit from the town. (2002 Code, § 8-105)

8-106. Advertisement of alcoholic beverages. All advertisement of the availability of liquor for sale by those licensed pursuant to *Tennessee Code Annotated*, title 57, chapter 4, shall be in accordance with the rules and regulations of the Tennessee Alcoholic Beverage Commission. (2002 Code, § 8-106)

CHAPTER 2

BEER¹

SECTION

- 8-201. Board composition.
- 8-202. Powers and duties of the beer board.
- 8-203. Eligibility for beer permit required for engaging in beer business.
- 8-204. Application requirements.
- 8-205. Permits.
- 8-206. Conditions of permits.
- 8-207. Application fees and taxes.
- 8-208. Restrictions upon granting permits.
- 8-209. Referral of applications to local law enforcement agencies.
- 8-210. Prohibited acts.
- 8-211. Permit revocation or suspension.
- 8-212. Civil penalty in lieu of revocation or suspension.
- 8-213. Additional privilege tax.
- 8-214. Loss of clerk's certification for sale to minor.
- 8-215. Annual sales reporting.

8-201. Board composition. There is hereby established a beer board to be composed of the board of commissioners. The mayor shall be the chairperson of the beer board. Its members shall serve without compensation. (Ord. #21-05A, April 2021)

8-202. Powers and duties of the beer board. The beer board shall hold monthly meetings, if necessary, for the purpose of regulating beer as permitted by this section, including the power to issue permits related thereto. The powers and requirements of the beer board include:

(1) The Town of Nolensville Beer Board may promulgate such by-laws, rules and regulations not inconsistent with state law, as it deems appropriate for the conducting of its business, copies of which shall be filed with the secretary of the board, and with the town recorder.

(2) All meetings of the beer board shall be open to the public. The board shall hold regular meetings at such times and at such locations as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chair; provided he/she gives twenty-four (24)

¹State law reference

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

hours' written notice to each member and at least four (4) members are present at the meeting. The board may adjourn a meeting at any time to another time and place. All meetings of the board shall be recorded electronically and the recording shall be incorporated into the minutes of each meeting. The recording is incorporated regardless of whether the board specifically includes the recording in the minutes.

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

(4) The town recorder shall make a record of the preceding of all meetings of the beer board to be known as the minutes. The record shall be a public record and shall contain at least the following: The date of each meeting; the name of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board.

(5) The term "beer," as used herein, means any alcoholic beverage as defined in *Tennessee Code Annotated*, § 57-5-101.

(6) The Town of Nolensville Beer Board meeting shall be conducted according to the latest available edition of *Robert's Rules of Order*. (Ord. #21-05A, April 2021)

8-203. Eligibility for beer permit required for engaging in beer business. (1) Permits shall be issued to the owner of the business, whether a person, firm, corporation, joint-stock company, syndication association or limited liability company. A written application, under oath, shall be filed with the town recorder's office prior to the date of the hearing. The town recorder shall, within five (5) days after receipt of an application, notify each member of the beer board of such application.

(2) No such permit shall be issued until the beer board has approved the written application for the permit which application shall contain questions necessary to the determining of whether or not the applicant has met all laws of this state and all provisions of this chapter, and other regulations of the Town of Nolensville then in effect. (Ord. #21-05A, April 2021)

8-204. Application requirements. The application for a beer permit shall be submitted to the town recorder at least fourteen (14) days prior to the beer board meeting at which it is to be considered. The town recorder shall, within five (5) days after receipt of an application, notify each member of the beer board of such applications. The form of such application shall be prescribed by the beer board.

Each applicant must affirmatively and explicitly state:

(1) The applicant shall state that the business will be conducted in person and shall indicate whether he or she is acting as an agent for any other person, firm, corporation, syndicate, association, joint venture, joint stock company, or limited liability company.

(2) The location of the premises at which the business shall be conducted.

(3) The owner or owners of such premises.

(4) If the applicant is a private individual, he or she must indicate the names and address of all other persons who have an ownership interest of five percent (5%) or more in the business proposed to be established.

(5) If the applicant is a corporation whose stock is traded on a recognized stock exchange, the applicant must indicate only the names and addresses of those persons who have an ownership interest of five percent (5%) or more in the corporation establishing the proposed business. If the applicant is a corporation, the applicant shall indicate whether the corporation is authorized to do business within the State of Tennessee.

(6) If the applicant is a partnership, a joint venture, limited liability company or a corporation whose stock is not traded on a recognized stock exchange, the applicant must also indicate the names and address of all persons who have an ownership interest of five percent (5%) or more in the entity establishing the proposed business, whether as a member or stockholder of the partnership, the joint venture, corporation, member of a limited liability company or of otherwise.

(7) If the applicant is a partnership, a joint venture, a limited liability company or a corporation, the private individual who signs the application shall indicate, in words, that he or she signs on behalf of and then indicate the name of the business entity. By such signature, the partnership, the joint venture, limited liability company or the corporation agrees to be bound by all regulations under this chapter and to be liable for any violations thereof. Where it deems it to be appropriate, the beer board may require the applicant to furnish, as a condition of approval, a certified copy of a resolution approved by the managing body of the business entity authorizing the individual signing the application on behalf of the business entity to obligate the entity.

(8) If the applicant will operate the business through an agent, the name and the address of the agent will be indicated and the agent shall be referred to as the "manager." Any time the applicant/licensee changes managers, it shall notify the beer board, in writing, within thirty (30) days of the change and shall supply the name and address of the new manager.

(9) No permittee shall open his/her premises to the public for the sale of beer until the permittee shall first have filed with the beer board floor plans and diagrams completely disclosing and designating a physical arrangement of the premises, should the beer board so require the same of any applicant. (Ord. #21-05A, April 2021)

8-205. Permits. No person shall sell, store for resale, distribute, or manufacture beer in the town without a permit issued by the beer board. The following types of permits may be issued by the beer board:

(1) Wholesaler's permits may be issued to distributors, manufacturers, and brewers selling directly to retailers.

(2) A retailer's off-premises permit may be issued to any person engaged in the sale of beer for consumption and not resale where the beer sold is not to be consumed by the purchaser upon, or near, the premises of the seller. The holder of the permit shall not permit the consumption of any beer and/or alcoholic beverages upon, or near, the premises. To the extent permitted by state law, this prohibition shall not apply to samples of beer. Off-premises retailers may permit any one (1) individual to receive up to four (4) two (2) ounce samples of four (4) distinct beers. No samples shall be given without verification that the sampler has reached the age of twenty-one (21). No samples shall be given to any person who appears to be intoxicated, whether through drugs, alcohol, medication, or otherwise. The holder of the permit is required to ensure that no individual receives more than four (4) two (2) ounce samples in one (1) calendar day. The receipt of a sample shall not be conditioned upon the purchase of any items from the off-premises retailer.

(3) A retailer's on-premises permit may be issued to any person engaged in the sale of beer where the beer is to be consumed by the purchaser or his guests upon the premises of the seller.

(4) A retailer's combined permit may be issued to any person engaged in the sale of beer where the beer is to be consumed by the purchaser or his guests upon, or off, of the premises of the seller. Holders of a combined permit shall comply with all rules applicable to on-site and off-site permittees.

(5) A retailer's special events permit may be issued to any person engaged in the sale of beer for consumption by the purchaser upon the premises of the seller for a specified period of time in conjunction with special events and similar public or private social events; provided adequate sanitation, security and crowd control is provided by the organizer.

(6) A manufacturer's permit may be issued to the manufacturer of beer. A manufacturer may further obtain a separate combined permit to allow the sale of beer for on-site and off-site consumption as set forth herein. (Ord. #21-05A, April 2021)

8-206. Conditions of permits. Every applicant to whom a beer permit is issued agrees to the following conditions:

(1) The premises are declared to be a public place for the purpose of inspection by any duly authorized enforcement officer or town official.

(2) The permit required by this chapter shall be posted in a conspicuous place on the premises of the permit holder, together with all other permits, licenses, and stamps as required by law.

(3) The permit holder shall keep invoices and all other memoranda fully descriptive relating in any way to the storing, sale, distribution by sale or gift or manufacture of beer, and the permit holder shall permit any town official, or representatives or employees of the town, to inspect, at any time during the business hours of the day, all such articles, containers, packages, invoices, books, appears and memoranda as may be deemed necessary in the opinion of the director of finance or his authorized agent, representative or employee in ascertaining whether or not all state and local taxes have been paid, or in determining the amount of such taxes that may be due.

(4) Any applicant making any false statement in such application shall forfeit the permit, and shall not be eligible to receive any permit for a period of ten (10) years.

(5) Beer permits are not transferable from one (1) person to another or from one (1) location to another. A new permit is required in the manner provided herein.

(6) All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for the holder not to comply with any and all express restrictions or conditions which may be written into the holder's permit by the beer board.

(7) A retail on-site permit, a retail off-site permit, a retail combined permit, and a special events permit shall permit a business to sell beer at all times between the hours of 6:00 A.M. and 3:00 A.M. during any calendar week, except sales may not begin until 11:00 A.M. on Sundays.

(8) A manufacturer's combined permit for on-site and off-site sale shall permit a business to sell beer it manufactures between the hours of 6:00 A.M. and 3:00 A.M. during any calendar week, except sales may not begin until 11:00 A.M. on Sundays. (Ord. #21-05A, April 2021)

8-207. Application fees and taxes. All applications for the issuance of permits by the Town of Nolensville Beer Board shall be accompanied by a non-refundable application fee of two hundred fifty dollars (\$250.00) for use of offsetting the expenses of investigating the applicant and processing the application. Said fee shall be in the form of a cashier's check payable to the Town of Nolensville. Each applicant (including, if applicable, a manager) must be a person of good moral character and he/she must certify that they have read, and are familiar with, the provisions of this chapter. All applications shall be on such forms as the beer board shall prescribe and/or furnish. No application fee shall be required of an owner of a business holding a valid beer permit, at a location in the Town of Nolensville for a business as of October 1, 1996. In the event the business location changes or ownership of said business changes, a

new permit is required, and the new application must be accompanied by a non-refundable application fee. (Ord. #21-05A, April 2021)

8-208. Restrictions upon granting permits. No permit shall be issued to sell any beverage coming within the provisions of this chapter that are:

- (1) In violation of any provision of the state law.
- (2) In violation of the Zoning Ordinance of the Town of Nolensville.

(a) Pursuant to *Tennessee Code Annotated*, § 57-5-103(a)(1), no person shall engage in the storing, selling, distribution, giving away, or manufacturing of beer, or other beverages of like alcoholic content, within the town limits of the Town of Nolensville until that person shall receive a permit to do so from the Beer Board of the Town of Nolensville, Tennessee. The applicant shall certify that he or she has read, and is familiar with, the chapter. No permit shall be issued to any person, persons, firm, corporation, joint-stock company, syndicate, limited liability company, or association if such persons or entity are in violation of the beer ordinance at the time of application for such permit.

(b) No beer permit shall be issued to any applicant who (or where the applicant's manager) has been convicted for the possession, sale, manufacture, or transportation of beer or other alcoholic beverages, or any crime involving moral turpitude within the past ten (10) years. No person, firm, corporation, joint-stock company, syndicate, limited liability company or association having at least a five percent (5%) ownership interest in the business applying for a permit shall have been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years.

(c) The judgment of the beer board on such matters is final except as same is subject to review under law *Tennessee Code Annotated*, § 57-5-108. (Ord. #21-05A, April 2021)

8-209. Referral of applications to local law enforcement agencies. The Town of Nolensville Beer Board shall submit the necessary information of each applicant (as well as the manager, if applicable) for a permit to local law enforcement agencies for the purpose of ascertaining if the applicant and/or manager has been arrested or convicted of any offense which prohibits the issuance of a permit. (Ord. #21-05A, April 2021)

8-210. Prohibited acts. The Town of Nolensville Beer Board shall have the power to revoke or suspend, and shall be charged with the duty of revoking or suspending, any permits issued by it, upon notice to the permittee and a hearing thereon, for any violation of any provision of state law regulating the sale, storage and transportation of alcoholic beverages, or for any violations of

any provisions of this chapter, or when the permittee engages in the following prohibited conduct or activities:

- (1) Operates a disorderly place;
- (2) Has been convicted by final judgment of a court of competent jurisdiction of a crime involving moral turpitude;
- (3) Permits minors to congregate about the premises;
- (4) Has made a false statement of a material fact in any application or notice to the beer board;
- (5) Sells, or allows to be sold, to, and/or consumed by, on the premises of the permittee any beer by any person under the age of twenty-one (21) years;
- (6) Make or allow sales of beer to any intoxicated person or feeble minded, insane, or otherwise mentally impaired person;
- (7) Allow intoxicated persons to loiter about the premises;
- (8) Employ any person convicted for the possession, sale, manufacture, or transportation of beer or other alcoholic beverages, or any crime involving moral turpitude within the past ten (10) years;
- (9) Employ any person under eighteen (18) years of age in the sale, service, or dispensing of beer at retail for consumption on the premises;
- (10) Allow the place of business to become a public nuisance or a nuisance to law enforcement agencies of the Town of Nolensville, or create a nuisance or materially contribute to creating or maintaining a public nuisance;
- (11) Allow any sale or delivery of beer for consumption on the premises outside of the building occupied by the holder of the permit except for public patios or decks which are food service areas. Any sales for consumption on the premises, but outside the building from which the business is operated, shall be made from within the building, it being the intention of this provision to prohibit the sale of beer by what is commonly known as "curb service" or "curb sales;"
- (12) The owner and operator shall be held strictly accountable for any actions of his employees which violate any provision of this chapter;
- (13) That the applicant will not engage in the sale of such beverages except at the place or places for which the beer board has issued a permit or permits to such applicant;
- (14) That no sale of such beverages will be made except in accordance with the permit granted; or
- (15) That if the permit is for off-premises consumption, no sale shall be made for on-premises consumption, nor shall any consumption of beer, regardless of the source of the beer, be allowed on the premises. (Ord. #21-05A, April 2021)

8-211. Permit revocation or suspension. All permits issued by the beer board under the provisions of this chapter shall be subject to suspension or revocation by the beer board for the violation of any of the provisions of this chapter.

(1) Suspension or revocation proceedings may be initiated by a complaint, which may be filed by a citizen, local law enforcement agency, or the town manager. The beer board is vested with full and complete power to investigate charges against any permit holder and to cite any permit holder to appear and show cause why his permit should not be suspended or revoked. Complaints filed against any permit holder for the purpose of suspending or revoking the permit shall be made in writing and filed with the beer board.

(2) When the beer board shall have reason to believe that any permit holder shall have violated the provisions of the state beer act or any of the provisions of this chapter, the beer board is authorized to notify the permittee of said violations and to cite said permittee, by written notice, to appear and show cause why the permit should not be suspended or revoked for such violations. Said notice to appear and show cause shall state the alleged violations charged and shall be served upon the permittee by registered mail. The notice shall be served upon the permittee at least seven (7) days before the date of the hearing. The chairperson of said beer board is authorized to compel the attendance of the hearing. Adequate public notice under the circumstances shall be given of the hearing. The chairperson of said beer board is authorized to compel the attendance of witnesses by subpoena issued by the town recorder. At the hearing, the beer board shall publicly hear the evidence both in support of the charges and on behalf of the permittee. After such hearing, if the charges are sustained by evidence, the beer board may, in its discretion, suspend or revoke said permit.

(3) The action of the beer board in all such hearings shall be final, subject to review by the court as provided in *Tennessee Code Annotated*, § 57-5-108. When a permit is revoked, no new permit shall be issued hereunder for the sale of beer at the same location, until the expiration of one (1) year from the date said revocation becomes final. However, nothing contained herein shall be construed to deny the beer board the discretion to grant a new permit at the same location within one (1) year if the new applicant has no connection to the previous permit holder as provided in *Tennessee Code Annotated*, § 57-5-108(k).

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

second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years.

(5) Permanent revocation of beer permits may only be applied when the permit holder has at least two (2) violations within a twelve (12) month period, as is required by *Tennessee Code Annotated*, § 57-5-108.

(6) Any suspension or revocation of any permit issued by the board shall begin within thirty (30) days of the approval of the minutes of the meeting at which the suspension or revocation is ordered by the board, subject to § 8-212. The board has discretion to set the date upon which the suspension or revocation is to begin within this thirty (30) day time period (including immediately), but if the board fails to exercise this discretion the suspension or revocation will begin on the thirtieth day following the approval of the minutes of the meeting at which the board ordered the suspension or revocation of any permit. (Ord. #21-05A, April 2021)

8-212. Civil penalty in lieu of revocation or suspension.

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

(2) Penalty, revocation or suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each offense of making, or permitting to be made, any sales to minors, or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense. The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars (\$1,000.00) for each offense of making, or permitting to be made, any sales to minors or for any other offense.

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

Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the town may impose. (Ord. #21-05A, April 2021)

8-213. Additional privilege tax. (1) In addition to the one (1) time application fee, beginning January 1, 1997, each beer permit holder shall pay a privilege tax of one hundred dollars (\$100.00) per year to the Town of Nolensville for business locations within municipal boundaries. The town recorder is required to mail a written notice of the annual tax due to each permit

holder at least thirty (30) days prior to January 1 of each year. This notice must be mailed to the address specified in the beer permit application. If the permit holder does not pay the tax by January 1 of each year, then the town recorder must notify the permit holder by certified mail that the tax payment is past due. If a permit holder does not pay the tax within ten (10) days after receiving notice of the delinquency by certified mail, then the beer board may suspend or revoke the permit or impose a civil penalty.

(2) At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated bases for each month, or portion thereof, remaining until the next tax payment due date. (Ord. #21-05A, April 2021)

8-214. Loss of clerk's certification for sale to minor. If the beer board determines that a clerk of an off-premises beer permit holder certified under *Tennessee Code Annotated*, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination. (Ord. #21-05A, April 2021)

8-215. Annual sales reporting. (1) The permittee shall, within thirty (30) days following the end of the calendar year, file a report on a form provided by the Town of Nolensville which shall be sworn to by the permittee, setting forth gross sales of the permittee for the quarter, sales of food and non-alcoholic beverages, and sale of beer. The annual sales report shall either be sent via e-mail to the town recorder or by United States Mail to the address listed below. Questions may also be addressed to the same e-mail or mailing address.

Town of Nolensville
Annual Sales Reporting
7218 Nolensville Road
Nolensville, TN 37135

(2) Failure of the permittee to file the required annual report in a timely manner shall be grounds for the Town of Nolensville to revoke the permittee's beer permit.

(3) The permittee shall also be subject to a fifty dollar (\$50.00) a day fine for each day the permittee's annual sales report is past due. (Ord. #21-05A, April 2021)

CHAPTER 3

PACKAGE LIQUOR STORES

SECTION

- 8-301. Alcoholic beverages subject to regulation.
- 8-302. Application for certificate and application fee.
- 8-303. Bi-annual renewal.
- 8-304. Applicant to agree to comply with laws.
- 8-305. Applicant to appear before board of commissioners; duty to give information.
- 8-306. Action on application.
- 8-307. Residency requirements.
- 8-308. Applicants for certificate who have criminal record.
- 8-309. Only one establishment to be operated by retailer.
- 8-310. Where establishments may be located.
- 8-311. Retail stores to be on ground floor; entrances.
- 8-312. Limitation on number of retailers.
- 8-313. Sales for consumption on premises.
- 8-314. Radios, amusement devices and seating facilities prohibited in retail establishments.
- 8-315. Distance from schools, churches, public parks and private residences.
- 8-316. Inspection fee.
- 8-317. Monthly sales reports.
- 8-318. Violations and penalty.

8-301. Alcoholic beverages subject to regulation. It shall be unlawful to engage in the business of selling, storing, transporting, distributing, or to purchase or possess alcoholic beverages within the corporate limits of this town except as provided by *Tennessee Code Annotated*, title 57, chapter 3. (2002 Code, § 8-301)

8-302. Application for certificate and application fee. Before any certificate, as required by *Tennessee Code Annotated*, § 57-3-208, or a renewal, as required by *Tennessee Code Annotated*, § 57-3-213, shall be signed by the mayor, an application, in writing, shall be filed with the town recorder on a form to be provided by the town, giving the following information and/or providing the following documentation:

- (1) Name, age and address of the applicant;
- (2) Time of residence in the town;
- (3) Occupation or business and length of time engaged in such occupation or business;

(4) Whether or not the applicant has been convicted of a violation of any state or federal law, or of the violation of this code or any town ordinance, and the details of any such conviction;

(5) If employed, the name and address of employer;

(6) If in business, the kind of business and location thereof;

(7) The location of the proposed store for the sale of alcoholic beverages;

(8) The name and address of the owner of the store;

(9) If the applicant is a partnership, the name, age and address of each partner, and his occupation, business or employer. If the applicant is a corporation, the name, age, and address of the stockholders and their degrees of ownership of stock in the corporation;

(10) Any financial information the board deems pertinent to the applicant, partnership, corporation, and partners or stockholders;

(11) The name and address of the owner of the real property of the proposed location and the amount to be paid for rent or purchase, together with a letter from such owner affirming either:

(a) That the parties have reached a written agreement on the terms of a lease and setting forth the amount of the rent provided for in the agreement; or

(b) That the parties have reached a written agreement on the terms of a sale of the premises to the applicant.

(12) Copy of site plan of the liquor store;

(13) Copy of business plan including amount of money involved or to be invested, source of funds to be used in the business and amount borrowed, and the name of the persons or entities from whom money is borrowed; and

(14) Copy of partnership agreement, articles of organization and any corporate charter of the applicant.

In no event will the town approve a certificate of compliance if the maximum number of liquor stores pursuant to this chapter have been issued certificates of compliance by the town, have been properly approved by the Alcohol Beverage Commission of the State of Tennessee, and remain in business within the town. A non-refundable application fee of five hundred dollars (\$500.00) shall be submitted with every application for a certificate of compliance. (2002 Code, § 8-302)

8-303. Bi-annual renewal. Each approved applicant that is licensed by the TABC must seek a new certificate of compliance every two (2) years from the date the certificate of compliance is first issued. The person holding the retail liquor license must submit a new application as required by § 8-302 of this chapter. A non-refundable five hundred dollar (\$500.00) fee must be submitted with each renewal request. (2002 Code, § 8-303)

8-304. Applicant to agree to comply with laws. The applicant for a certificate of compliance shall agree, in writing, to comply with the state and federal laws and ordinances of the town and rules and regulations of the alcoholic beverage commission of the state for sale of alcoholic beverages. (2002 Code, § 8-304)

8-305. Applicant to appear before board of commissioners; duty to give information. An applicant for a certificate of compliance may be required to appear in person before the board of commissioners for such reasonable examination as may be desired by the board. (2002 Code, § 8-305)

8-306. Action on application. Every application for a certificate of compliance shall be referred to the chief of police for investigation and town attorney for review, each of whom shall submit his or her findings to the board of commissioners within thirty (30) days of the date each application was filed with the town. (2002 Code, § 8-306)

8-307. Residency requirements. It is not a requirement that the applicant be a bona fide resident of the town. Individual applicants must be a resident of the State of Tennessee, as provided in *Tennessee Code Annotated*, § 57-3-204. (2002 Code, § 8-307)

8-308. Applicants for certificate who have criminal record. No certificate of compliance for the manufacture or sale at wholesale or retail of alcoholic beverages, or for the manufacture or vinting of wine, shall be issued to any person (or if the applicant is a partnership, any partner, or if the applicant is a corporation, any stockholder) who, within ten (10) years preceding the application for such certificate of compliance, has been convicted of any felony or of any offense under the laws of the state or of the United States prohibiting the sale, possession, transportation, storage or otherwise handling of intoxicating liquors, or who has, during such period, been engaged in business, along or with others, in violation of such laws. (2002 Code, § 8-308)

8-309. Only one establishment to be operated by retailer. No retailer shall operate, directly or indirectly, more than one (1) place of business for the sale of alcoholic beverages in the town. The word "indirectly," as used in this section, shall include and mean any kind of interest in another place of business by way of stock, ownership, loan, partner's interest or otherwise. (2002 Code, § 8-309)

8-310. Where establishments may be located. It shall be unlawful for any person to operate or maintain any retail establishment for the sale, storage or distribution of alcoholic beverages in the town, except at locations zoned for the purpose which must be one (1) of the following zoned districts: CR,

CS, or the portion of village zone south of Rocky Fork and Clovercroft Road(s). For the purpose of this chapter, the establishment shall also be referred to as liquor store or package store, or retail store.

No liquor store within the Town of Nolensville shall be closer than one (1) mile from any other liquor store within the town as measured by the most direct driving route along public roads. Only one (1) application approval will be allowed within the CS or portion of village zone south of Rocky Fork and Clovercroft Road(s). One (1) additional application approval will be allowed within the CR zone. (2002 Code, § 8-310)

8-311. Retail stores to be on ground floor; entrances. No retail store shall be located anywhere on premises in the town except on the ground floor thereof. Each such store shall have only one (1) main entrance; provided, that when a store is located on the corner of two (2) streets, such store may maintain a door operating on each such street; and provided further, that any salesroom adjoining the lobby of a hotel may maintain an additional door into such lobby as long as it is open to the public. Liquor stores must be located on a public road.

In addition, all liquor stores shall be a permanent type of construction. No liquor stores shall be located in a manufactured or other moveable or prefabricated type building. All liquor stores shall have night lights surrounding the premises and shall be equipped with a functioning burglar alarm system and security systems on the inside and outside of the premises. The minimum square footage of the interior of the liquor store shall be three thousand (3,000) square feet and maximum shall be five thousand (5,000) square feet. Full, free and unobstructed vision shall be afforded to, and from, the street and public highway or street to the interior of the liquor store by the way of large windows in the front, and, to the extent practicable, to the sides of the building containing the liquor store. All liquor stores shall be subject to the applicable zoning, land use, building and life safety regulations adopted by the town, unless specifically provided otherwise. Each liquor store must have operating surveillance security system with an alarm system that notifies the town police of break-ins. Security tapes and records must be maintained by the liquor store operator for a minimum of fourteen (14) days thereafter. (2002 Code, § 8-311)

8-312. Limitation on number of retailers. No more than two (2) retail licenses for the sale of alcoholic beverages shall be issued under this chapter. (2002 Code, § 8-312)

8-313. Sales for consumption on premises. No alcoholic beverages shall be sold for consumption, or shall be consumed, on the premises of the retail seller. (2002 Code, § 8-313)

8-314. Radios, amusement devices and seating facilities prohibited in retail establishments. No radios, television sets, pinball machines, slot machines or other devices which tend to cause persons to congregate in such place shall be permitted in any retail establishment. No seating facilities shall be provided for persons other than employees. (2002 Code, § 8-314)

8-315. Distance from schools, churches, public parks and private residences. No liquor store shall be closer than three hundred feet (300') from a church, school, public park building or private residence. Said distance shall be measured from the nearest point of such structure to the nearest public entrance of the proposed retail liquor store, following the usual and customary path of pedestrian travel along streets and/or sidewalks. (2002 Code, § 8-315)

8-316. Inspection fee. The Town of Nolensville hereby imposes an inspection fee in the amount of five percent (5%) of the wholesale price of beverages sold to each liquor store as allowed by *Tennessee Code Annotated*, § 57-3-501, on wholesalers selling alcoholic beverages to retailers of alcoholic beverages located within the corporate limits of the town. (2002 Code, § 8-316)

8-317. Monthly sales reports. Each wholesaler making sales to liquor store retailers within the Town of Nolensville shall provide to the town a monthly sales report by the twentieth day of the month following the month of sale with the applicable inspection fee, as is provided in *Tennessee Code Annotated*, § 57-3-503. Said report shall be on such form as is required by the Town of Nolensville. Failure to collect or timely file report and/or pay the inspection fee collected shall result in a penalty in the amount of ten percent (10%) of the amount payable by the wholesaler to the town. (2002 Code, § 8-317)

8-318. Violations and penalty. Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Upon conviction of any person under this chapter, it shall be mandatory for the town judge to immediately certify the convictions, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission. However, nothing herein shall be construed to prevent the town from exercising any criminal or civil remedies that it may have with respect to violations of this chapter. (2002 Code, § 8-318)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.

CHAPTER

1. SOLICITORS, PEDDLERS, ETC.
2. GARAGE SALES.
3. CABLE TELEVISION.

CHAPTER 1

SOLICITORS, PEDDLERS, ETC.¹

SECTION

- 9-101. Definitions.
- 9-102. Permit required.
- 9-103. Exemptions.
- 9-104. Permit procedure.
- 9-105. Issuance or refusal of permit.
- 9-106. Appeal.
- 9-107. Loud noises and speaking devices.
- 9-108. Use of streets.
- 9-109. Trespassing.
- 9-110. Exhibition of permit.
- 9-111. Enforcement.
- 9-112. Revocation or suspension of permit.
- 9-113. Reapplication.
- 9-114. Expiration and renewal of permit.
- 9-115. Restrictions on transient vendors.
- 9-116. Violations and penalty.

9-101. Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

(1) "Peddler" means any person, firm or corporation, either a resident or a non-resident of the town, who has no permanent regular place of business and who goes from dwelling to dwelling, business to business, place to place, or

¹Municipal code references

Junkyards: title 13, chapter 3.

Liquor and beer regulations: title 8, chapter 1.

Trespass by peddlers: § 11-101(5).

Zoning code: title 14, chapter 1.

from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

(2) "Solicitor" means any person, firm or corporation who goes from dwelling to dwelling, business to business, place to place, or from street to street, taking, or attempting to take, orders for any goods, wares, merchandise, or personal property of any nature whatever for future delivery, except that the term shall not include solicitors for charitable and religious purposes and solicitors for subscriptions as those terms are defined below.

(3) "Solicitor for charitable or religious purposes" means any person, firm, corporation or organization who or which solicits contributions from the public, either on the streets of the town or from door to door, business to business, place to place, or from street to street, for any charitable or religious organization. No organization shall qualify as a "charitable" or "religious" organization unless the organization meets one (1) of the following conditions:

(a) Has a current exemption certificate from the Internal Revenue Service issued under § 501(c)(3) of the Internal Revenue Service Code of 1954, being 26 U.S.C. § 501(c)(3), as amended;

(b) Is a member of United Way, Community Chest or similar "umbrella" organizations for charitable or religious organizations; or

(c) Has been in continued existence as a charitable or religious organization in Williamson County for a period of two (2) years prior to the date of its application for registration under this chapter.

(4) "Solicitor for subscriptions" means any person who solicits subscriptions from the public, either on the streets of the town, or from door to door, business to business, place to place, or from street to street, and who offers for sale subscriptions to magazines or other materials protected by provisions of the Constitution of the United States.

(5) "Transient vendor"¹ means any person who brings into temporary premises and exhibits stocks of merchandise to the public for the purpose of selling, or offering to sell, the merchandise to the public. "Transient vendor"

¹State law references

Tennessee Code Annotated, §§ 62-30-101, *et seq.* contains permit requirements for "transitory vendors."

The definition of "transient vendors" is taken from *Tennessee Code Annotated*, § 62-30-101(3). Note also that *Tennessee Code Annotated*, § 67-4-710 prescribes that transient vendors shall pay a tax of fifty dollars (\$50.00) for each fourteen (14) day period in each county and/or municipality in which such vendors sell or offer to sell merchandise for which they are issued a business license, but that they are not liable for the gross receipts portion of the tax provided for in *Tennessee Code Annotated*, § 67-4-710.

does not include any person selling goods by sample, brochure, or sales catalog for future delivery; or to sales resulting from the prior invitation to the seller by the owner or occupant of a residence. For purposes of this definition, "merchandise" means any consumer item that is, or is represented to be, new or not previously owned by a consumer, and "temporary premises" means any public or quasi-public place, including a hotel, rooming house, storeroom, building or part of a building, tent, vacant lot, railroad car, or motor vehicle, which is temporarily occupied for the purpose of exhibiting stocks of merchandise to the public. Premises are not temporary if the same person has conducted business at those premises for more than six (6) consecutive months or has occupied the premises as his or her permanent residence for more than six (6) consecutive months.

(6) "Street barker" means any peddler who does business during recognized festival or parade days in the town and who limits his business to selling, or offering to sell, novelty items and similar goods in the area of the festival or parade. (2002 Code, § 9-101, modified)

9-102. Permit required. It shall be unlawful for any peddler, canvasser, solicitor, transient merchant, street barker, or transient vendor to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the person or business to whom it is issued. No permit shall be used other than between the hours of 9:00 A.M. to 6:00 P.M. Monday through Saturday of each week. (2002 Code, § 9-102)

9-103. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations, nor to persons selling agricultural products, who, in fact, themselves produced the products being sold. (2002 Code, § 9-103)

9-104. Permit procedure. (1) Application form. A sworn application containing the following information shall be completed and filed with the recorder by each applicant for a permit as a peddler, transient vendor or solicitor, and by each applicant for a permit as a solicitor for charitable or religious purposes or as a solicitor for subscriptions:

- (a) The complete name and permanent address of the business or organization the applicant represents.
- (b) A brief description of the type of business and the goods to be sold.
- (c) The dates for which the applicant intends to do business or make solicitations.

(d) The names and permanent addresses of each person who will make sales or solicitations within the city/town.

(e) The make, model, complete description, and license tag number and state of issue, of each vehicle to be used to make sales or solicitations, whether or not such vehicle is owned individually by the person making sales or solicitations, by the business or organization itself, or rented or borrowed from another business or person.

(f) Tennessee state sales tax number, if applicable.

(2) Permit fee. Each applicant for a permit as a peddler, transient vendor or solicitor shall submit with his application a nonrefundable fee of twenty dollars (\$20.00). There shall be no fee for an application for a permit as a solicitor for charitable purposes or as a solicitor for subscriptions.

(3) Permit issued. Upon the completion of the application form and the payment of the permit fee, where required, the recorder shall issue a permit and provide a copy of the same to the applicant.

(4) Submission of application form to chief of police. Immediately after the applicant obtains a permit from the recorder, the recorder shall submit to the chief of police a copy of the application form and the permit.

9-105. Issuance or refusal of permit. (1) Each applicant shall be subject to a background and/or criminal history investigation. The town reserves the right to deny a permit, all or in part, to any business or person(s) based on the best interest of the public welfare, safety, and protection of the citizens' life or property. The investigator shall report his findings within seventy-two (72) hours.

(2) If, as a result of such investigation, the applicant's moral reputation and/or business responsibility is found to be unsatisfactory, the applicant will be notified that their application is disapproved and that no permit will be issued.

(3) If the report indicates that the moral reputation and business responsibility of the applicant are satisfactory, the permit will be issued upon the payment of all applicable privilege taxes, fees, or bond required by law or town code. The town shall keep a permanent record of all permits issued.

(4) Call attention to his business or merchandise or to his solicitation efforts by crying out, by blowing a horn, by ringing a bell, or creating other noise, except that:

(a) Street barkers shall be allowed to cry out to call attention to his or her business or merchandise during parade or festival days recognized by the town;

(b) Transient vendors of food may be allowed to play music not to exceed ninety (90) dB between 10:00 A.M. and 8:00 P.M., as is to be stated on the solicitor's permit application; and

(c) Nothing contained in this section shall be construed to allow a mobile food vendor to be released or excused from compliance with the

requirements of *Tennessee Code Annotated*, § 55-8-193. (2002 Code, § 9-105)

9-106. Appeal. Any person denied a permit shall have the right to appeal to the board of commissioners. Such appeal shall be made by filing with the town, within five (5) business days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall schedule a hearing on such appeal for the next regularly scheduled meeting of the board of commissioners. Notice of the date, time, and place of such hearing shall be given to the appellant. The notice shall be in writing and shall either be mailed, postage prepaid, to the applicant at his last known address at least five (5) days prior to the date set for hearing, or may be delivered by a police officer or codes official in the same manner as a summons at least three (3) days prior to the date set for hearing. (2002 Code, § 9-106)

9-107. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the municipality, or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (2002 Code, § 9-107)

9-108. Use of streets. (1) No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any permittee stand or sit in, or near, the entrance to any dwelling or place of business, nor shall any permittee be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets or sidewalks. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.

(2) No permittee shall offer to sell goods or services or solicit in vehicular traffic lanes, or operate a "road block" of any kind, except as is otherwise approved at the discretion of the board of commissioners. (2002 Code, § 9-108)

9-109. Trespassing. (1) It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, transient vendor, street barker, or other person to fail to leave promptly the private premises of any person who requests or directs them to leave.

(2) No permittee shall enter in, or upon, any premises or attempt to enter in, or upon, any premises wherein a sign or placard bearing the notice

"Peddlers or Solicitors Prohibited," "No Soliciting," or similar language carrying the same meaning, is located. (2002 Code, § 9-109)

9-110. Exhibition of permit. Permit holders or representatives of the permit holder are required to exhibit their permits at the request of any police officer, codes official, town official, citizen, or person solicited. (2002 Code, § 9-110)

9-111. Enforcement. The provisions of this chapter shall be primarily enforced by the police department and codes department, and may be enforced by the mayor and his/her designee. (2002 Code, § 9-111)

9-112. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the board of commissioners, after notice and hearing, for any of the following causes:

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

(b) Any violation of this chapter;

(c) Conviction of any crime, misdemeanor, felony, or violation of town ordinance; and/or

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

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

(3) When it is reasonably necessary in the public interest, the mayor may suspend a permit pending the revocation hearing. (2002 Code, § 9-112)

9-113. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (2002 Code, § 9-113)

9-114. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date provided in the permit, and shall be renewed without cost if the permittee applies for, and obtains, a new permit within thirty (30) days thereafter. Permits issued to permittees who

are not subject to a privilege tax shall be issued for a maximum six (6) months. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (2002 Code, § 9-114)

9-115. Restrictions on transient vendors. A transient vendor shall not advertise, represent, or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth. (2002 Code, § 9-115)

9-116. Violations and penalty. In addition to any other action the city/town may take against a permit holder in violation of this chapter, such violation shall be punishable under the general penalty provision of this code. Each day a violation occurs shall constitute a separate offense.

CHAPTER 2

GARAGE SALES

SECTION

- 9-201. Definitions.
- 9-202. Property permitted to be sold.
- 9-203. Permit required.
- 9-204. Permit procedure.
- 9-205. Permit conditions.
- 9-206. Hours of operation.
- 9-207. Exceptions.
- 9-208. Display of sale property.
- 9-209. Display of permit.
- 9-210. Advertising.
- 9-211. Persons exempted from chapter.
- 9-212. Violations and penalty.

9-201. Definitions. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein.

(1) "Garage sales" means and includes all general sales, open to the public, conducted from, or on, any premises in any residential or non-residential zone, as defined by the zoning ordinance¹, for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market," or "rummage" sale. This definition does not include the operation of such businesses carried on in a non-residential zone where the person conducting the sale does so on a regular day-to-day basis. This definition shall not include a situation where no more than five (5) specific items or articles are held out for sale and all advertisements of such sale specifically names those items to be sold.

(2) "Personal property" means property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in, or maintaining, a residence. It does not include merchandise which was purchased for resale or obtained on consignment. (2002 Code, § 9-201)

9-202. Property permitted to be sold. It shall be unlawful for any person to sell, or offer for sale, under authority granted by this chapter, property other than personal property. (2002 Code, § 9-202)

¹Municipal code reference

Zoning ordinance: title 14, chapter 1.

9-203. Permit required. No garage sale shall be conducted unless and until the individuals desiring to conduct such sale obtains a permit therefor from the town recorder. Members of more than one (1) residence may join in obtaining a permit for a garage sale to be conducted at the residence of one (1) of them. (2002 Code, § 9-203)

9-204. Permit procedure. (1) Application. The applicant or applicants for a garage sale permit shall file a written application with the town recorder at least three (3) days in advance of the proposed sale setting forth the following information:

- (a) Full name and address of applicant or applicants;
- (b) The location at which the proposed garage sale is to be held;
- (c) The date or dates upon which the sale shall be held;
- (d) The date or dates of any other garage sales by the same applicant or applicants within the current calendar year;
- (e) A statement that the property to be sold was owned by the applicant as his own personal property and was neither acquired nor consigned for the purpose of resale; and
- (f) A statement that the applicant will fully comply with this and all other applicable ordinances and laws.

(2) Issuance of permit. Upon the applicant complying with the terms of this chapter, the town recorder shall issue a permit. (2002 Code, § 9-204)

9-205. Permit conditions. The permit shall set forth and restrict the time and location of such garage sale. No more than four (4) such permits may be issued to one (1) residential location, residence and/or family household during any calendar year. If members of more than one (1) residence join in requesting a permit, then such permit shall be considered as having been issued for each and all of such residences. No more than six (6) permits may be issued for any non-residential location during any calendar year. The issue of any permits shall be subject to the provisions of the zoning ordinance of the Town of Nolensville, Tennessee and its adopted building regulations, and no permit shall be issued in violation of these ordinances and/or regulations. (2002 Code, § 9-205)

9-206. Hours of operation. Garage sales shall be limited in time to no more than 7:00 A.M. to 7:00 P.M. on three (3) consecutive days or on two (2) consecutive weekends (Saturday and Sunday). (2002 Code, § 9-206)

9-207. Exceptions. (1) If sale not held because of inclement weather. If a garage sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions, and an affidavit by the permit holder to this effect is submitted, the town recorder shall issue another permit to the applicant for a garage sale to be

conducted at the same location within thirty (30) days from the date when the first sale was to be held. No additional permit fee is required.

(2) **Fifth sale permitted.** A fifth garage sale shall be permitted in a calendar year if satisfactory proof of a bona fide change in ownership of the real property is first presented to the town recorder. (2002 Code, § 9-207)

9-208. Display of sale property. Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in a front, side or rear yard, but only in such areas. No personal property offered for sale at a garage sale shall be displayed in any public right-of-way. A vehicle offered for sale may be displayed on a permanently constructed driveway within such front or side yard. No more than three (3) vehicles and/or cars may be sold at any one (1) sale with the maximum amount of vehicles and/or cars sold at permitted sales by any permittee not exceeding six (6) vehicles per calendar year. (2002 Code, § 9-208)

9-209. Display of permit. Any permit in possession of the holder or holders of a garage sale shall be posted on the premises in a conspicuous place so as to be seen by the public, or any town officer. (2002 Code, § 9-209)

9-210. Advertising. (1) **Signs permitted.** Only the following specified signs may be displayed in relation to a pending garage sale:

(a) Two (2) signs permitted. Two (2) signs of not more than four (4) square feet shall be permitted to be displayed on the property of the residence or non-residential site where the garage sale is being conducted.

(b) Directional signs. Two (2) signs of not more than two (2) square feet each are permitted; provided that the premises on which the garage sale is conducted is not on a major thoroughfare, and written permission to erect such signs is received from the property owners on whose property such signs are to be placed.

(2) **Time limitations.** No sign or other form of advertisement shall be exhibited for more than two (2) days prior to the day such sale is to commence.

(3) **Removal of signs.** Signs must be removed each day at the close of the garage sale activities, except that signs may remain overnight when the sale continues the following day. (2002 Code, § 9-210)

9-211. Persons exempted from chapter. The provisions of this chapter shall not apply to, or affect, the following:

(1) Persons selling goods pursuant to an order of process of a court of competent jurisdiction;

(2) Persons acting in accordance with their powers and duties as public officials; and

(3) Any sale conducted by any merchant or mercantile, or other business establishment, on a regular, day-to-day basis from, or at, the place of business wherein such sale would be permitted by zoning regulations of the Town of Nolensville, or under the protection of the non-conforming use section thereof, or any other sale conducted by a manufacturer, dealer or vendor in which sale would be conducted from properly zoned premises, and not otherwise prohibited by other ordinances. (2002 Code, § 9-211)

9-212. Violations and penalty. In addition to any other action the town may take against any act in violation of this chapter, such violation shall be punished by a penalty of up to two hundred fifty dollars (\$250.00) for each offense. Each day a violation occurs shall constitute a separate offense. (2002 Code, § 9-212)

CHAPTER 3

CABLE TELEVISION

SECTION

9-301. To be furnished under franchise.

9-301. To be furnished under franchise. Cable television service shall be furnished to the Town of Nolensville and its inhabitants under franchise as the board of commissioners shall grant. The rights, powers, duties and obligations of the Town of Nolensville and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement, which shall be binding upon the parties concerned.¹

¹Complete details relating to the cable television franchise agreements are available in the office of the town recorder.

TITLE 10

ANIMAL CONTROL¹

[RESERVED FOR FUTURE USE]

¹For an interlocal agreement regarding animal control between the Town of Nolensville and Williamson County, see Res. #96-09, of record in the office of the town recorder.

TITLE 11**MUNICIPAL OFFENSES****CHAPTER**

1. TRESPASSING AND INTERFERENCE WITH TRAFFIC.
2. DEFACEMENT OR VANDALISM OF STONE WALLS, MAILBOXES AND PUBLIC PROPERTY.
3. GENERAL PROHIBITION ON NOISES.

CHAPTER 1**TRESPASSING AND INTERFERENCE WITH TRAFFIC****SECTION**

- 11-101. Trespassing.
11-102. Interference with traffic.
11-103. Violations and penalty.

11-101. Trespassing. (1) On premises open to the public. (a) It shall be unlawful for any person to defy a lawful order, personally communicated to him by the owner, or other authorized person, not to enter or remain upon the premises of another, including premises which are at the time open to the public.

(b) The owner of the premises, or his authorized agent, may lawfully order another not to enter or remain upon the premises if such person is committing, or commits, any act which interferes with, or tends to interfere with, the normal, orderly, peaceful or efficient conduct of the activities of such premises.

(2) On premises closed or partially closed to public. It shall be unlawful for any person to knowingly enter or remain upon the premises of another which is not open to the public, notwithstanding that another part of the premises is at the time open to the public.

(3) Vacant buildings. It shall be unlawful for any person to enter or remain upon the premises of a vacated building after notice against trespass is personally communicated to him by the owner, or other authorized person, or is posted in a conspicuous manner.

(4) Lots and buildings in general. It shall be unlawful for any person to enter or remain on, or in, any lot or parcel of land, or any building or other structure after notice against trespass is personally communicated to him by the owner, or other authorized person, or is posted in a conspicuous manner.

(5) Peddlers, etc. It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail

to promptly leave the private premises of any person who requests, or directs, him to leave.¹ (2002 Code, § 11-101)

11-102. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon, except for those persons employed by governmental agencies to guard or oversee the safety of school children or other pedestrians crossing public streets. (2002 Code, § 11-102)

11-103. Violations and penalty. A violation of any provision of this chapter shall subject the offender to a penalty of up to fifty dollars (\$50.00) for each offense. (2002 Code, § 11-103, modified)

¹Municipal code reference

Provisions governing peddlers: title 9, chapter 1.

CHAPTER 2**DEFACEMENT OR VANDALISM OF STONE WALLS,
MAILBOXES AND PUBLIC PROPERTY****SECTION**

11-201. Definitions.

11-202. Violations and penalty.

11-201. Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section.

(1) "Mailbox" means any receptacle made of plastic, metal, stone or brick which is used for the deposit of mail by the U.S. Postal Service, and which borders or is located, in whole or in part, in public rights-of-way.

(2) "Stone wall" means any wall, or portion of a wall, constructed entirely of stone which was initially constructed prior to the year 1900 and which border or are located, in whole or in part, with public rights-of-way. (2002 Code, § 11-201)

11-202. Violations and penalty. In addition to any other action the town may take against a person violating this section, each such violation shall be punishable as a separate civil offense, with a penalty in the amount of up to fifty dollars (\$50.00) for each offense. This application of a penalty shall not be held to prevent the enforced repair or replacement of the property or remediation of damage done to the property. (2002 Code, § 11-203, modified)

CHAPTER 3

GENERAL PROHIBITION ON NOISES

SECTION

- 11-301. General prohibition on noises.
- 11-302. Definitions.
- 11-303. Unlawful noise standards.
- 11-304. Miscellaneous prohibited noises.
- 11-305. Loudspeaker or amplifier exceptions.
- 11-306. Other general exceptions.
- 11-307. Authorized special event permits.
- 11-308. Enforcement of noise ordinance.
- 11-309. Violations and penalty.

11-301. General prohibition on noises. The overall goal of this chapter is to promote and maintain livability within the Town of Nolensville and to keep the community a peaceful and habitable place in which to live. Therefore, subject to the provisions of this chapter, the creating of any unreasonable loud, disturbing and unnecessary noise is prohibited. Noise of such character, intensity or duration as to be detrimental to the life or health of any individual or in disturbance of the public peace and welfare is prohibited. (Ord. #22-16, June 2022)

11-302. Definitions. (1) "Ambient noise" shall mean the all-encompassing noise associated with a given environment being usually a composite of sounds from many sources, near and far.

(2) "Commercial" shall mean and shall include areas of the Town of Nolensville as zoned by town ordinances.

(3) "Emergency work" means work made necessary to restore property to a safe condition following a public calamity or work requirement to protect persons or property from any imminent exposure to danger.

(4) "Entity" means any business entity recognized in this as such, including, but not limited to, sole proprietorships, partnerships, corporations, limited partnerships and limited liability companies.

(5) "Industrial" means and shall include areas of the Town of Nolensville as zoned by town ordinances.

(6) "Noise" shall mean created sound by acts of a person or entity utilizing real property, devices or equipment that exceeds the standards set out in §§ 11-303 and 11-304 herein.

(7) "Person" means any person, person's firm, association, co-partnership, joint venture, corporation or any entity public or private in nature.

(8) "Public premise(s)" means all real property, including appurtenances thereon, which is owned or controlled by any public governmental entity and shall include streets, alley, parks, and navigable waterways, but shall not include any public property leased to any non-governmental entities.

(9) "Real property boundary" means a line along the ground surface and its vertical extension which separates the real property owned by one (1) person or entity from that owned by another person or entity, but not including intrabuilding real property divisions.

(10) "Residential" means and shall include areas of the Town of Nolensville and residential properties used for residence purposes by one (1) or more persons.

(11) "Plainly audible" means any sound that clearly can be heard by human ears, provided that words or phrases need not be discernable and such sound may include base reverberation.

(12) "Sound amplification device" means any apparatus for the amplification of sounds from any sound-making or sound producing device, including any apparatus for the amplification for the human voice.

(13) "Special events permit" means a permit that outlines the requirements of this chapter and the applicant's requirements to conduct the proposed event.

(14) "Town" shall mean the Town of Nolensville. (Ord. #22-16, June 2022)

11-303. Unlawful noise standards, general provisions, tests for unlawful noise. The standards which shall be considered in determining whether a violation of this section exist shall include but shall not be limited to the following:

(1) It is prima facie evidence of a violation of this section when sounds produced by any equipment on private or business property exceeds seventy (70) decibels (dbA and dbC) at a distance of fifty feet (50') beyond the property boundary between the hours of 10:00 P.M. and 9:00 A.M. Sunday through Thursday and between the hours of 11:00 P.M. and 7:00 A.M. Friday and Saturday. The same presumption applies to sounds produced by any equipment on private or business property that is greater than eighty (80) decibels (dbA and dbC) at a distance of fifty feet (50') beyond the property boundary for all other times. When taking a decibel reading, stand approximately fifty feet (50') from the closest property line of the real property where the source of the sound originates. Using a device approved by the Nolensville Police Department, the board of commissioners and/or town manager, record decibel level readings three (3) times over a five (5) minute period to find the average decibel level. Acceptable noise levels at all other hours are seventy (70) decibels and below.

(2) In cases not covered by subsection (1), the following will be considered in determining whether unlawful noise exists:

- (a) The volume of the noise.
- (b) The intensity of the noise.
- (c) Whether the nature of the noise is usual or unusual.
- (d) Whether the origin of the noise is natural or unnatural.
- (e) The volume and intensity of the background noise, if any.
- (f) The proximity of the noise to residential sleeping facilities.
- (g) The nature and zoning of the area within which the noise emanates.
- (h) The density of inhabitation of the area within which the noise emanates.
- (i) The time of day or night the noise occurs.
- (j) The duration of the noise.
- (k) Whether the noise is recurrent, intermittent or constant.
- (l) Whether the noise is produced by a commercial or noncommercial activity. (Ord. #22-16, June 2022)

11-304. Miscellaneous prohibited noises. The following acts, among others are declared to be loud, disturbing and unnecessary noises in violation of this chapter. All standards for judging noises listed in § 11-303 apply to this section and are applied and used as a determination of violations made by the Nolensville Police Department or Town Manager.

(1) Blowing horns. The sounding of any horn or signal device on any automobile, motorcycle, bus, truck or any vehicle except as a danger signal; the creation by means of any such signal device of an unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(2) Loudspeakers or amplifiers. Unless authorized by the Town of Nolensville using a special event permit as detailed in § 11-307, the playing of any musical instrument or sound device, including but not limited to loudspeakers or another device for reproduction or amplification of sound either independently or in connection with motion pictures, radio or television, in such a manner or with such volume, as to annoy or disturb the quiet, comfort or repose of persons in any dwelling or any person(s) in the vicinity.

(3) Yelling, shouting, etc. Yelling, shouting, hooting, whistling or singing by one (1) or more persons on the public streets or in the parking lots of commercial businesses open to the public, participating during the hours as listed in § 11-303, so as to disturb the quiet, comfort or repose of persons in any dwelling or residence, or any person in the vicinity. A failure of the owner or manager to manage such activity may constitute a violation, when a customer or patron is convicted of a violation of this chapter.

(4) Pets. The keeping of pets of any animal, bird or fowl by which causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity during the hours of 9:00 P.M. and 7:00 A.M.

(5) Use of vehicle. The use of any automobile, motorcycle, truck or vehicle so out of repair, so loaded or in such a manner as to cause loud and unnecessary grating, grinding, rattling or other noises.

(6) Noise from motor vehicle audio equipment. No person shall use or operate any device in or on a motor vehicle located on the public streets of the town, property owned or leased by the town or within a public park, within a public parking lot or any other public premise with the town, which is audible to a person of normal hearing sensitivity more than fifty feet (50') from such vehicle, nor shall any person use or operate any device in or on a motor vehicle located on private property which is audible to a person of normal hearing sensitivity more than fifty feet (50') outside the real property boundary of said property. Word and phrases need not be discernible for said sound to be "audible."

(7) Building operations. The erection (including excavation), demolition, alteration or repair or any building in any area or the construction or repair of streets and highways in any area and related infrastructure, other than between the hours of 7:00 A.M. and 7:00 P.M. or dark, whichever occurs first, Monday through Saturday and 9:00 A.M. and 7:00P.M. or dark which ever may all first, Sunday, except in the case of urgent necessity in the interest of public health and safety, and then only with a permit from the town codes/building inspector for a period while the emergency continues not to exceed thirty (30) days. If the code/building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways after dark before 7:00 A.M. Monday through Saturday or 9:00 A.M. Sunday and if he or she shall further determine that unreasonable loss or inconvenience would result to any party in interest through delay, he or she may grant permission for such work to be done during those hours upon application being made at the time the permit for the work is awarded or during the process of the work. This restriction will include but not be limited to the use of pile drivers, steam or electric hose or other machinery or equipment attended by loud or unusual noise.

(8) Noises near schools, hospitals, churches, etc. The creation of any excessive noise on any street adjacent to any school, hospital, church or institution of learning while the same is in session.

(9) Loading and unloading operations. The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, crates and other containers.

(10) Noises to attract attention. The use of any drum, loudspeaker or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, sale or display of merchandise. (Ord. #22-16, June 2022)

11-305. Vibration. It is a violation of this section to operate or permit the operation of any devices that create a vibration or quivering effect that:

- (1) Endangers the health of humans and/or animals; or
- (2) Annoys or disturbs a person of normal sensitivities.

The standards which shall be considered in determining whether a violation of this section exist shall include but shall not be limited to the following:

It is prima facie evidence of a violation of this section when vibrations produced by any equipment on private or business property at a distance of fifty feet (50') beyond the property boundary between the hours of 10:00 P.M. and 9:00 A.M. Sunday through Thursday and between the hours of 11:00 P.M. and 7:00 A.M. Friday and Saturday. (Ord. #22-16, June 2022)

11-306. Other general exceptions. The following uses and activities shall be exempt from noise level regulations.

(1) Noises of safety signals, warning devices and emergency pressure relief valves.

(2) Noise resulting from any authorized emergency vehicle or work, when responding to an emergency call or acting in time of emergency.

(3) Any aircraft operated in conformity with or pursuant to federal law, federal air regulations and air traffic control instruction used pursuant to and within the duly adopted federal air regulations shall be exempt from the provisions of this chapter. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under the federal air regulations shall also be exempt from the provisions of this chapter.

(4) Any vehicle or equipment of the town or a public utility while engaged in necessary public business.

(5) Excavations or repairs of bridges, streets or highways by or on behalf of the town, the county or the state during the night when the public welfare and convenience renders it impossible to perform such work during the day.

(6) Emergency activities of the town, the county or the state and emergency activities of public utilities when they are seeking to provide electricity, water or other public utility services and the public health, safety or welfare is involved.

(7) Use of domestic power equipment (including, but not limited to power lawn mowers, leafblowers, trimmers, snowblowers, tillers, saws, sanders, drills or similar devices) between 7:00 A.M. and 7:00 P.M. or dark, whichever occurs first.

(8) Attendant on-site noise and the playing of instruments connected with the actual performance or practice of organized sporting events or school events held on school campuses and in publicly owned parks or facilities.

(9) Human sounds emanating from children including, but not limited to speech and utterances of laughter, cries and sounds associated with play.

(10) Sounds lasting no more than five (5) minutes in any one (1) hour created by bells, chimes or by electronic or mechanical devices that reproduce such sound, while used in connection with a religious institution, school or clock or bell tower. (Ord. #22-16, June 2022)

11-307. Authorized special events. Sounds associated with special events as approved by the town using a special event permit, or as approved in writing by the town manager, are subject to any conditions or restrictions regarding noise as may be prescribed by the town. In accordance with Nolensville Municipal Code, title 11, chapter 4, all reasonable steps must be taken to keep the noise at the lowest possible practicable level. Any permit granted by the town shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective. (Ord. #22-16, June 2022)

11-308. Enforcement of noise ordinance. The Nolensville Police Department or the town manager are encouraged to facilitate an agreeable solution between all parties involved in alleged violations of this chapter. The Nolensville Police Department or the town manager, using their best judgment with the standards outlined in § 11-303 may, at their discretion, take the following steps:

(1) Establish an agreeable solution when all parties are willing to compromise.

(2) Determine the noise is reasonable and within the provisions established by this chapter.

(3) Cite any of the individuals or entities responsible for clearly violating any of the provisions in this chapter. Whenever a violation of any of the provisions in this chapter occurs, any of the following individuals or entities may be held responsible, considering the circumstances involved in the violation, including:

(a) The operator of any vehicle or equipment from which the noise is generated;

(b) Any person carrying out any delivery or service which generates noise in violation of division;

(c) Any person otherwise creates a noise in violation of this division;

(d) Any person who has the authority and ability to prevent the emission or continuation of a noise which violates this chapter but fails to do so. (Ord. #22-16, June 2022)

11-309. Violations and penalty. Any person violating any of the provisions of this chapter shall be deemed guilty of a civil ordinance violation

and upon conviction thereof shall be fined in the amount of fifty dollars (\$50.00) for each day such violation is committed or permitted to continue. Each day a violation occurs shall be treated as a separate offense. As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provisions hereof and which cause discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed, and is to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction. (Ord. #22-16, June 2022)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. GAS CODE.
4. RESIDENTIAL CODE.
5. SWIMMING POOL CODE.
6. MECHANICAL CODE.
7. EXISTING BUILDINGS CODE.
8. ENERGY CONSERVATION CODE.
9. PROPERTY MAINTENANCE CODE.

CHAPTER 1

BUILDING CODE¹

SECTION

- 12-101. Building code adopted.
- 12-102. Schedule of fees.
- 12-103. Exceptions to barn permit fee.
- 12-104. Modifications.
- 12-105. Commercial fees.
- 12-106. Building valuation table adopted.

12-101. Building code adopted. The *International Building Code*,² 2018 edition, plus Appendices A, B, and C, and *International Residential Code*, 2018 edition, as published by the International Code Council, amended as follows:

- (1) Section R101.1, insert "Town of Nolensville, Tennessee" in "Name of Jurisdiction."

¹Municipal code references

Fire code: title 7, chapter 1.

Streets and other public ways and places: title 16.

Utilities and services: title 19.

Zoning code: title 14, chapter 1.

²Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

(2) Section R103.1 creating the department of building safety is amended by deleting the phrase "Department of Building Safety" and inserting "Building Codes Department."

(3) Section R105.2, insert "14. Roof covering replacement that does not involve the replacement of structural components."

Are hereby adopted by reference as though copied herein fully. Any provisions in said code which conflict with existing ordinances of the Town of Nolensville shall prevail. (Ord. #21-04, Feb. 2021, modified, as amended by Ord. #23-07, May 2023)

12-102. Schedule of fees. Building permit fees shall be based on the total valuation of the structure, as established in the table below.

Residential/commercial

<u>Value at least</u>	<u>Not more than</u>	<u>Base amount</u>	<u>Plus/per thousand</u>
.01	2,000.00	25.00	0.00
2,000.01	15,000.00	60.00	5.00
15,000.01	50,000.00	130.00	3.75
50,000.01	100,000.00	250.00	2.75
100,000.01	500,000.00	400.00	2.75
500,000.01	1,000,000.00	1,400.00	2.25
1,000,000.01	999,999,999.99	2,400.00	1.25

(2002 Code, § 12-102)

12-103. Exceptions to barn permit fee. A barn permit fee in the amount of ten dollars (\$10.00), that is acquired for, and/or constructed for, the purpose of agriculture usage, is expunged with the following stipulations:

(1) The elimination of this fee is for barn permits to be erected for agricultural purposes located in the Agricultural Zoning Classification. This classification is obtained through the Williamson County Tax Assessors office and normally appears on the property tax statement issued through the State of Tennessee.

(2) Greenbelt and/or agricultural classification is defined as fifteen (15) acres or more owned by the same individual and used for agricultural purposes.

(3) The final determination of the greenbelt and/or agricultural classification will be made by the Town of Nolensville staff. (2002 Code, § 12-103)

12-104. Modifications. Within the building code, when reference is made to the duties of a certain official named therein, that the designated official of the Town of Nolensville who has duties corresponding to those of the named official in the building code shall be deemed to be the responsible official

insofar as enforcing the provisions of the building code are concerned. (2002 Code, § 12-104)

12-105. Commercial fees. Commercial building plans review performed by the Town of Nolensville shall charge a fee equal to one-half (1/2) of the building permit fee. The maximum fee shall not exceed five thousand dollars (\$5,000.00). (2002 Code, § 12-105)

12-106. Building valuation table adopted. The *International Code Council Building Valuation Table* is hereby adopted and incorporated herein as fully as if set out at length. (Ord. #21-06, March 2021)

CHAPTER 2

PLUMBING CODE¹

SECTION

12-201. Plumbing code adopted.

12-202. Modifications.

12-201. Plumbing code adopted. The *International Plumbing Code*, 2018 edition, plus Appendix C, as published by the International Code Council,² amended as follows:

(1) Section R101.1, insert "Town of Nolensville, Tennessee" in "Name of Jurisdiction."

(2) Section R103.1 creating the department of plumbing inspection is amended by deleting the phrase "Department of Plumbing inspection" and inserting "Building Codes Department."

Is hereby adopted by reference as though it was copied herein fully. Any provisions in said code which conflict with existing ordinances of the Town of Nolensville shall prevail. (Ord. #21-04, Feb. 2021)

12-202. Modifications. Within the plumbing code, when reference is made to the duties of a certain official named therein, that the designated official of the Town of Nolensville who has duties corresponding to those of the named official in the plumbing code shall be deemed to be the responsible official insofar as enforcing the provisions of the plumbing code are concerned. (2002 Code, § 12-202)

¹Municipal code references

Street excavations: title 16, chapter 2.

²Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

CHAPTER 3**GAS CODE**¹**SECTION**

- 12-301. Gas code adopted.
12-302. Gas code schedule of fees.
12-303. Modifications.

12-301. Gas code adopted. The *International Fuel Gas Code*, 2018 edition, as published by the International Code Council,² amended as follows:

(1) Section R101.1, insert "Town of Nolensville, Tennessee" in "Name of Jurisdiction."

(2) Section R103.1 creating the department of inspection is amended by deleting the phrase "Department of Inspection" and inserting "Building Codes Department."

Is hereby adopted by reference as though it was copied herein fully. Any provisions in said code which conflict with existing ordinances of the Town of Nolensville shall prevail. (Ord. #21-04, Feb. 2021)

12-302. Gas code schedule of fees. The gas code schedule of fees, as may be amended from time to time, may be found in the recorder's office.

12-303. Modifications. Within the gas code, when reference is made to the duties of a certain official named therein, that the designated official of the Town of Nolensville who has duties corresponding to those of the named official in the gas code shall be deemed to be the responsible official insofar as enforcing the provisions of the gas code are concerned. (2002 Code, § 12-303)

¹Municipal code reference

Gas franchise agreements: title 19, chapter 1.

²Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

CHAPTER 4

RESIDENTIAL CODE

SECTION

12-401. Residential code adopted.

12-402. Modifications.

12-401. Residential code adopted. The *International Residential Code*, 2018 edition, plus Appendices F, H, I, J and T, as published by the International Code Council,¹ amended as follows:

(1) Section R101.1, insert "Town of Nolensville Tennessee" in "Name of Jurisdiction."

(2) Section R103.1 creating the department of building safety is amended by deleting the phrase "Department of Building Safety" and inserting "Building Codes Department."

(3) Section R105.2, insert "11. Roof covering replacement that does not involve the replacement of structural components."

(4) Table R301.2(l) add the following: ground snow load "10," wind design speed "115," topographic effects "No," special wind region "No," windborne debris zone "No," seismic design category "B," weathering "severe," frost line depth "12," termite "moderate to heavy," winter design temperature "14 F," ice barrier underlayment required "No," flood hazards "as shown on the latest adopted FEMA FIRM," air freezing index "366," mean annual temp "57 degrees F...," manual design criteria elevation (feet) "623," latitude (degrees north) "36," winter heating "15," summer cooling "96," altitude correction factor "Note P," indoor design temperature "70," design temperature cooling "75," heating temperature difference "Note P," cooling temperature difference "Note P," wind velocity cooling difference "Note P," coincident wet bulb "74," daily range "M," winter humidity "Note P," summer humidity "Note P," "Note P: This value shall be determined using Manuel J."

(5) Chapter 11 dealing with energy efficiency is amended by deleting the chapter in its entirety, replacing it with International Energy Conservation Code 2018 edition plus appendices as published by the International Code Council and as adopted by the town;

(6) Section R313 Automatic Fire Sprinkler systems is deleted. Fire Sprinkler systems shall be installed and maintained in accordance with Title 7 of the Municipal Code.

Is hereby adopted by reference as though it was copied herein fully. Any provisions in said code which conflict with existing ordinances of the Town of

¹Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

Nolensville shall prevail. (Ord. #21-04, Feb. 2021, modified, as amended by Ord. #23-14, Sept. 2023)

12-402. Modifications. Within the housing code, when reference is made to the duties of a certain official named therein, that the designated official of the Town of Nolensville who has duties corresponding to those of the named official in the residential code shall be deemed to be the responsible official insofar as enforcing the provisions of the residential code are concerned. (2002 Code, § 12-402)

CHAPTER 5

SWIMMING POOL CODE¹

SECTION

- 12-501. Swimming pool code adopted.
 12-502. Swimming pool code fee schedule.
 12-503. Modifications.

12-501. Swimming pool code adopted. The *International Swimming Pool and Spa Code*, 2018 edition, plus Appendices A and B, as published by the International Code Council,² amended as follows:

(1) Section R101.1, insert "Town of Nolensville, Tennessee" in "Name of Jurisdiction."

(2) Section R103.1 creating the department of building safety is amended by deleting the phrase "Department of Building Safety" and inserting "Building Codes Department."

Is hereby adopted by reference as though it was copied herein fully. Any provisions in said code which conflict with existing ordinances of the Town of Nolensville shall prevail. (Ord. #21-04, Feb. 2021)

12-502. Swimming pool code fee schedule.

Standard Swimming Pool Code schedule of fees

For each swimming pool:

Public and private pools: Building permit fees shall be based on the total valuation of the structure as established in § 12-102. (2002 Code, § 12-602)

12-503. Modifications. Within the swimming pool code, when reference is made to the duties of a certain official named therein, that the designated official of the Town of Nolensville who has duties corresponding to those of the named official in the swimming pool code shall be deemed to be the responsible official insofar as enforcing the provisions of the swimming pool code are concerned. (2002 Code, § 12-603)

¹Municipal code references

Fire code: title 7, chapter 1.

Streets and other public ways and places: title 16.

Zoning code: title 14, chapter 1.

²Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

CHAPTER 6

MECHANICAL CODE¹

SECTION

- 12-601. Mechanical code adopted.
- 12-602. Mechanical code schedule of fees.
- 12-603. Modifications.

12-601. Mechanical code adopted. The *International Mechanical Code*, 2018 edition, as published by the International Code Council,² amended as follows:

(1) Section R101.1, insert "Town of Nolensville, Tennessee" in "Name of Jurisdiction."

(2) Section R103.1 creating the department of mechanical inspection is amended by deleting the phrase "Department of Mechanical Inspection" and inserting "The Building Codes Department."

Is hereby adopted by reference as though it was copied herein fully. Any provisions in said code which conflict with existing ordinances of the Town of Nolensville shall prevail. (Ord. #21-04, Feb. 2021)

12-602. Mechanical code schedule of fees. The mechanical code schedule of fees, as amended from time to time, may be found in the recorder's office.

12-603. Modifications. Within the mechanical code, when reference is made to the duties of a certain official named therein, the designated official of the Town of Nolensville who has duties corresponding to those of the named official in the mechanical code shall be deemed to be the responsible official insofar as enforcing the provisions of the mechanical code are concerned. (2002 Code, § 12-803)

¹Municipal code references

Street excavations: title 16, chapter 2.

²Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

CHAPTER 7

EXISTING BUILDINGS CODE¹

SECTION

12-701. Existing buildings code adopted.

12-702. Modifications.

12-701. Existing buildings code adopted. The *International Existing Buildings Code*, 2018 edition, plus appendices, as published by the International Code Council,² amended as follows:

(1) Section R101.1, insert "Town of Nolensville, Tennessee" in "Name of Jurisdiction."

(2) Section R103.1 creating the department of building safety is amended by deleting the phrase "Department of Building Safety" and inserting "Building Codes Department."

Is hereby adopted by reference as though it was copied herein fully. Any provisions in said code which conflict with existing ordinances of the Town of Nolensville shall prevail. (Ord. #21-04, Feb. 2021)

12-702. Modifications. Within the existing buildings code, when reference is made to the duties of a certain official named therein, that the designated official of the Town of Nolensville who has duties corresponding to those of the named official in the existing buildings code shall be deemed to be the responsible official insofar as enforcing the provisions of the existing buildings code are concerned. (2002 Code, § 12-902)

¹Municipal code references

Fire code: title 7, chapter 1.

Streets and other public ways and places: title 16.

Zoning code: title 14, chapter 1.

²Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

CHAPTER 8

ENERGY CONSERVATION CODE¹

SECTION

- 12-801. Energy conservation code adopted.
- 12-802. Modifications.
- 12-803. Available in recorder's office.
- 12-804. Violations and penalty.

12-801. Energy conservation code. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage, and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in new building construction, the *International Energy Conservation Code*,² 2018 edition, plus appendices, as published by the International Code Council. (Ord. #23-13, Sept. 2023)

12-802. Modifications. (1) Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the Town of Nolensville. When the "building official" is named, it shall, for the purposes of the energy code, mean such person as the board of commissioners shall have appointed or designated to administer and enforce the provisions of the energy code.

(2) Section R402.4.1.2 is deleted and replaced with Section 402.4.2.1 Testing Option and Section 402.4.2.2 Visual Inspection Option from the 2009 IIEC.

(3) Table 402.1.2 Insulation and Fenestration Requirements by Component and Table R402.1.4 Equivalent U-Factors are deleted and replaced with Table 402.1.1 Insulation and Fenestration Requirements by Component and Table 402.1.3 Equivalent U-Factors 2009 IIEC.

¹State law reference

Tennessee Code Annotated, § 13-19-106.

Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

²Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

(4) Section R403.3.3 Duct Testing (Mandatory) and Section R403.3.4 Duct Leakage (Prescriptive) are optional. (2002 Code, § 12-1002, as amended by Ord. #23-13, Sept. 2023)

12-803. Available in recorder's office. Pursuant to the requirements of the *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the energy code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (2002 Code, § 12-1003)

12-804. Violations and penalty. It shall be a civil offense for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (2002 Code, § 12-1004)

CHAPTER 9**PROPERTY MAINTENANCE CODE****SECTION**

12-901. Property maintenance code adopted.

12-902. Modifications.

12-901. Property maintenance code adopted. The *International Property Maintenance Code*, 2018 edition, plus Appendix A, as published by the International Code Council,¹ amended as follows:

(1) Section R101.1, insert "Town of Nolensville, Tennessee" in "Name of Jurisdiction."

(2) Section R103.1 creating the department of property maintenance inspection is amended by deleting the phrase "Department of Property Maintenance Inspection" and inserting "Building Codes Department."

Is hereby adopted by reference as though it was copied herein fully. Any provisions in said code which conflict with existing ordinances of the Town of Nolensville shall prevail. (Ord. #21-04, Feb. 2021)

12-902. Modifications. Within the maintenance code, when reference is made to the duties of a certain official named therein, the designated official of the Town of Nolensville who has duties corresponding to those of the named official in the property maintenance code shall be deemed to be the responsible official insofar as enforcing the provisions of the property maintenance code is concerned. (2002 Code, § 12-1102)

¹Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. JUNKYARDS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Smoke, soot, cinders, etc.
- 13-102. Stagnant water.
- 13-103. Weeds.
- 13-104. Overgrown and dirty lots.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. Abandoned and/or unusable automobiles and motor vehicles and storage trailers.
- 13-108. Private and commercial semi-tractor trailer trucks.
- 13-109. Real property maintenance.
- 13-110. Violations and penalty.

13-101. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to, or to endanger the health, comfort, and safety of, the public, or so as to cause, or have a tendency to cause, injury or damage to property of business persons. This provision shall not apply to the burning of brush or leaves in areas within the Estate Residential zoned portions of the Town of Nolensville. (2002 Code, § 13-101)

13-102. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. This provision shall not apply to any wetlands subject to state and/or federal regulation. (2002 Code, § 13-102)

¹Municipal code references
Littering streets, etc.: § 16-107.

13-103. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the town recorder or town official to cut such vegetation when it has reached a height of over one foot (1'). This provision as to height shall not apply to weeds or grass in Estate Residential zoned portions of the Town of Nolensville. (2002 Code, § 13-103)

13-104. Overgrown and dirty lots. **13-104. Overgrown and dirty lots.** (1) Prohibition. Pursuant to the authority granted to municipalities under *Tennessee Code Annotated*, § 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals. There is a presumption that grass over one inch (1") in height is overgrown, with the surrounding area and zoning to be taken into account in considering whether the land is overgrown, regardless of whether it is above one inch (1").

(2) Designation of public officer or department. The board of commissioners shall designate an appropriate department or person to enforce the provisions of this section.

(3) Notice to property owner. It shall be the duty of the department or person designated by the board of commissioners to enforce this section to serve notice upon the owner of record in violation of subsection (1) above, a notice in plain language to remedy the condition within ten (10) days (or twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), excluding Saturdays, Sundays, and legal holidays. The notice shall be sent by registered or certified United States Mail, addressed to the last known address of the owner of record. If no valid last known address exists for the owner of record, the town may publish the notice in a newspaper of general circulation in the county for two (2) consecutive issues, or personally deliver notice to owner. The notice shall state that the owner of the property is entitled to a hearing, and shall, at the minimum, contain the following additional information:

(a) A brief statement that the owner is in violation of § 13-104 of the Nolensville Municipal Code, which has been enacted under the authority of *Tennessee Code Annotated*, § 6-54-113, and that the property of such owner may be cleaned up at the expense of the owner and a lien placed against the property to secure the cost of the clean-up;

(b) The person, office, address, and telephone number of the department or person giving the notice;

(c) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the town; and

(d) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

(4) Clean-up at property owner's expense. If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the department or person designated by the board of commissioners to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the costs thereof shall be assessed against the owner of the property. The town may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The town may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom such costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. Upon the filing of the notice with the office of the register of deeds in Williamson County, the costs shall be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.

(5) Clean-up of owner-occupied property. When the owner of an owner-occupied residential property fails or refuses to remedy the condition within ten (10) days after receiving the notice, the department or person designated by the board of commissioners to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in accordance with reasonable standards in the community, with these costs to be assessed against the owner of the property. The provisions of subsection (4) shall apply to the collection of costs against the owner of an owner-occupied residential property except that the municipality must wait until cumulative charges for remediation equal or exceed five hundred dollars (\$500.00) before filing the notice with the register of deeds and the charges becoming a lien on the property. After this threshold has been met and the lien attaches, charges for costs for which the lien attached are collectible as provided in subsection (4) for these charges.

(6) Appeal. The owner of record who is aggrieved by the determination and order of the public officer may appeal the determination and order to the board of commissioners. The appeal shall be filed with the recorder within ten (10) days following the receipt of the notice issued pursuant to subsection (3) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(7) Judicial review. Any person aggrieved by an order or act of the board of commissioners under subsection (4) above may seek judicial review of the order or act. The time period established in subsection (3) above shall be stayed during the pendency of judicial review.

(8) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the town to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law. (modified)

13-105. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury or otherwise dispose of such animal pursuant to the applicable town, county and state laws regarding the disposal of dead animals. (2002 Code, § 13-105)

13-106. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells or odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (2002 Code, § 13-106)

13-107. Abandoned and/or unusable automobiles and motor vehicles and storage trailers. (1) It shall be unlawful for any person to place or allow any abandoned or unusable automobiles, motor vehicles, or storage trailers to be stored or lodged on real property within the Town of Nolensville. For the purposes of this section, "unusable" shall mean that said automobile, motor vehicle or storage trailer is not suited for the purpose for which it was manufactured, in its present condition.

(2) "Abandoned or abandonment" means a use which has ceased for twelve (12) months regardless of the intent to resume the use and which shall be assumed to be abandoned.

(3) "Storage trailer" means a mobile cargo unit solely designed for the distribution of goods. This unit can be attached to a heavy truck with total combined gross vehicle weight of both the truck and unit exceeding twenty thousand (20,000) pounds. (2002 Code, § 13-107)

13-108. Private and commercial semi-tractor trailer trucks. It shall be unlawful for any persons to place or allow any type of private or commercial semi-trailer trucks to be stored or lodged on residential real property within the Town of Nolensville. For the purposes of this section, "semi-tractor trucks/trailers" means two (2) separate units consisting of a fuel-powered commercial type truck and a large distribution trailer that under normal conditions requires more than ten (10) wheels to operate. "Residential real property" shall mean any real property zoned in any residential zoning area within the Town of Nolensville. The terms "stored" or "lodged" shall mean the parking of either semi-tractor truck or trailer on residentially zoned real property for more than twenty-four (24) consecutive hours in any seven (7) day period. (2002 Code, § 13-108)

13-109. Real property maintenance. (1) Prohibition. Pursuant to the authority granted to municipalities under *Tennessee Code Annotated*, § 6-54-113, it is unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens, or to encourage the infestation of rats and other harmful animals.

(2) Designation of public officer or department. The board of commissioners shall designate and appropriate a department or person to enforce the provisions of this section.

(3) Notice to property owner. It is the duty of the department or person designated by the board of commissioners to enforce this section to serve notice upon the owner of record in violation of subsection (1) above, a notice in plain language to remedy the condition within twenty (20) days, excluding Saturdays, Sundays, and legal holidays. The notice shall be sent by registered or certified United States Mail, addressed to the last known address of the owner of record. The notice shall state that the owner of the property is entitled to a hearing, and shall, at the minimum, contain the following additional information:

(a) A brief statement that the owner is in violation of § 13-104 of the Nolensville Municipal Code, which has been enacted under the authority of *Tennessee Code Annotated*, § 6-54-113, and that the property

of such owner may be cleaned up at the expense of the owner and a lien placed against the property to secure the cost of the clean-up;

(b) The person, office, address, and telephone number of the department or person giving the notice;

(c) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the town; and

(d) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

(4) Clean-up at property owner's expense. If the property owner of record fails or refuses to remedy the condition within twenty (20) days, the department or person designated by the board of commissioners to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the costs thereof shall be assessed against the owner of the property. The town may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The town may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom such costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. Upon the filing of the notice with the office of the register of deeds in Williamson County, the costs shall be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected, and shall be subject to the same penalty and interest as delinquent property taxes.

(5) Clean-up of owner-occupied property. When the owner of an owner-occupied residential property fails or refuses to remedy the condition within twenty (20) days after receiving the notice, the department or person designated by the board of commissioners to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in accordance with reasonable standards in the community, with these costs to be assessed against the owner of the property. The provisions of subsection (4) above shall apply to the collection of costs against the owner of an owner-occupied residential property, except that the municipality must wait until cumulative charges for remediation equal or exceed five hundred dollars (\$500.00) before filing the notice with the register of deeds and the charges becoming a lien on the property. After this threshold has been met and the lien attaches, charges for costs for which the lien attached are collectible, as provided in subsection (4) above, for these charges.

(6) Appeal. The owner of record who is aggrieved by the determination and order of the public officer may appeal the determination and order to the board of commissioners. The appeal shall be filed with the town recorder within ten (10) days following the receipt of the issued pursuant to subsection (3) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(7) Judicial review. Any person aggrieved by an order or act of the board of commissioners under subsection (4) above may seek judicial review of the order or act. The time period established in subsection (3) above shall be stayed during the pendency of judicial review.

(8) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the town to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained, on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage, or any combination of the preceding elements, under its charge, any other provisions of this municipal code of ordinances or any other applicable law. (2002 Code, § 13-110, modified)

13-110. Violations and penalty. Violations of this chapter shall subject the offender to a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (2002 Code, § 13-109, modified)

CHAPTER 2

SLUM CLEARANCE¹

SECTION

- 13-201. Findings of board.
- 13-202. Definitions.
- 13-203. "Public officer" designated; powers.
- 13-204. Initiation of proceedings; hearings.
- 13-205. Orders to owners of unfit structures.
- 13-206. When public officer may repair, etc.
- 13-207. When public officer may remove or demolish.
- 13-208. Lien for expenses; sale of salvaged materials; other powers not limited.
- 13-209. Basis for a finding of unfitness.
- 13-210. Service of complaints or orders.
- 13-211. Enjoining enforcement of order.
- 13-212. Additional powers of public officer.
- 13-213. Powers conferred are supplemental.
- 13-214. Structures unfit for human habitation deemed unlawful.

13-201. Findings of board. Pursuant to *Tennessee Code Annotated*, §§ 13-21-101, *et seq.*, the board of commissioners finds that there exists in the town structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or insanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the town. (2002 Code, § 13-201)

13-202. Definitions. (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use, or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(2) "Governing body" means the board of commissioners charged with governing the town.

(3) "Municipality" means the Town of Nolensville, Tennessee, and the areas encompassed within existing town limits or as hereafter annexed.

(4) "Owner" means the holder of title in fee simple and every mortgagee of record.

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

(5) "Parties in interest" means all individuals, associations, corporations and others who have interests of record in a dwelling and any who are in possession thereof.

(6) "Place of public accommodation" means any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited.

(7) "Public authority" means any housing authority or any officer who is in charge of any department or branch of the government of the town or state relating to health, fire, building regulations, or other activities concerning structures in the town.

(8) "Public officer" means the officer or officers who are authorized by this chapter to exercise the power prescribed herein and pursuant to *Tennessee Code Annotated*, §§ 13-21-101, *et seq.*

(9) "Structure" means any dwelling or place of public accommodation, or vacant building or structure suitable as a dwelling or place of public accommodation. (2002 Code, § 13-202)

13-203. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building inspector of the town, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector. (2002 Code, § 13-203)

13-204. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the town charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in court of law or equity shall not be controlling in hearings before the public officer. (2002 Code, § 13-204)

13-205. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation or use, he shall state, in writing, his finding of fact in support of such determination and shall issue, and cause to be served, upon the owner thereof an order:

(1) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent (50%) of the reasonable value), requiring the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupation or use, or to vacate and close the structure for human occupation or use;

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent (50%) of the value of the premises), requiring the owner within the time specified in the order to remove or demolish such structure; or

(3) In the event the provisions of this section are construed to conflict with any provision of the historic district overlay portion of the Zoning Ordinance of the Town of Nolensville, structures within the historic district overlay and any decisions regarding the repair, alteration or improvement of such structure shall be governed by the applicable provisions of the Zoning Ordinance of the Town of Nolensville. (2002 Code, § 13-205)

13-206. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve, or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (2002 Code, § 13-206)

13-207. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (2002 Code, § 13-207)

13-208. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be assessed against the owner of the property, and shall, upon the filing of the notice with the Office of the Register of Deeds of Williamson County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected, and shall be subject to the same penalty

and interest as delinquent property taxes. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom said costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the Chancery Court of Williamson County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the Town of Nolensville to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (2002 Code, § 13-208)

13-209. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the Town of Nolensville. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanliness. (2002 Code, § 13-209)

13-210. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the town. In addition, a copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Williamson County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (2002 Code, § 13-210)

13-211. Enjoining enforcement of order. Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill

in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such bill in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (2002 Code, § 13-211)

13-212. Additional powers of public officer. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

(1) To investigate conditions of the structures in the town in order to determine which structures therein are unfit for human occupation or use;

(2) To administer oaths, affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examination; provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (2002 Code, § 13-212)

13-213. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the town with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (2002 Code, § 13-213)

13-214. Structures unfit for human habitation deemed unlawful. It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the town structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the town.

Violations of this section shall subject the offender to a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (2002 Code, § 13-214, modified)

CHAPTER 3

JUNKYARDS

SECTION

- 13-301. Definitions.
- 13-302. Junkyard screening.
- 13-303. Screening methods.
- 13-304. Requirements for effective screening.
- 13-305. Maintenance of screens.
- 13-306. Utilization of highway right-of-way.
- 13-307. Non-conforming junkyards.
- 13-308. Permits and fees.
- 13-309. Violations and penalty.

13-301. Definitions. (1) "Junk" means old or scrap copper, brass, rope, scrap wood, plastic, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked automobiles, trucks, vehicles of all kinds, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(2) "Junkyard" means an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This definition includes scrap metal processors, used auto parts yards, garages and/or service stations possessing automobile bodies or parts waiting on disposal as a part of its normal business operation, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation when the business will continually have like materials located on the premises, garbage dumps, sanitary landfills, and recycling centers.

(3) "Person" means any individual, firm, agency, company, association, partnership, business trust, joint stock company, body politic, or corporation.

(4) "Recycling center" means an establishment, place of business, facility or building which is maintained, operated, or used for the storing, keeping, buying, or selling of newspaper or used food or beverage containers or plastic containers for the purpose of converting such items into a usable product.

(5) "Screening" means the use of plantings, fencing, natural objects, and other appropriate means approved by the Town of Nolensville which screen any deposit of junk so that the junk is not visible from the highways and streets of the town. (2002 Code, § 13-301)

13-302. Junkyard screening. Every junkyard shall be screened or otherwise removed from view by its owner or operator in such a manner as to bring the junkyard into compliance with this chapter. All screening must be approved, prior to installment, by the town. (2002 Code, § 13-302)

13-303. Screening methods. The following methods and materials for screening are given for consideration only:

(1) Landscape planting. The planting of trees, shrubs, etc., of sufficient size and density to provide a year-round effective screen. Plants of the evergreen variety are recommended.

(2) Earth grading. The construction of earth mounds which are graded, shaped, and planted to a natural appearance.

(3) Architectural barriers. The utilization of:

(a) Panel fences made of metal, plastic, fiberglass, or plywood;

(b) Wood fences of vertical or horizontal boards using durable woods such as western cedar or redwood, or others treated with a preservative; and

(c) Walls of masonry, including plain or ornamented concrete block, brick, stone, or other suitable materials.

(4) Natural objects. Naturally occurring rock outcrops, woods, earth mounds, etc., may be utilized for screening or used in conjunction with fences, plantings, or other appropriate objects to form an effective screen.

(5) Non-approved screening. Any screening as defined in this chapter which has not been approved by the town is expressly prohibited, and the owner or operator of the property where such screening exists is subject to the penalties for violation stated in § 13-309 herein. (2002 Code, § 13-303)

13-304. Requirements for effective screening. Screening may be accomplished using natural objects, earth mounds, landscape plantings, fences, or other appropriate materials used singly or in combination as approved by the town. The effect of the completed screening must be the concealment of the junkyard from view on a year-round basis.

(1) Screens which provide a "see-through" effect when viewed from a moving vehicle shall not be acceptable.

(2) Open entrances through which junk materials are visible from the main traveled way shall not be permitted except where entrance gates, capable of concealing the junk materials when closed, have been installed. Entrance gates must remain closed from sundown to sunrise.

(3) Screening shall be located on private property and not on any part of the highway right-of-way.

(4) At no time after the screen is established shall junk be stacked or placed high enough to be visible above the screen, nor shall junk be placed outside of the screened area. (2002 Code, § 13-304)

13-305. Maintenance of screens. The owner or operator of the junkyard shall be responsible for maintaining the screen in good repair to ensure the continuous concealment of the junkyard. Damaged or dilapidated screens, including dead or diseased plantings, which permit a view of the junk

within shall render the junkyard visible and shall be in violation of this chapter, and shall be replaced as required by the town.

If not replaced within sixty (60) days the town shall replace said screening and shall require payment upon demand. Failure to pay in full shall result in the fee plus interest to be assessed to the property, and shall be combined with the subsequent taxation of the property by the town. (2002 Code, § 13-305)

13-306. Utilization of highway right-of-way. The utilization of highway right-of-way for operating or maintaining any portion of a junkyard is prohibited; this shall include temporary use for the storage of junk pending disposition. (2002 Code, § 13-306)

13-307. Non-conforming junkyards. Those junkyards within the town and lawfully in existence prior to the enactment of this code and the zoning ordinance which do not conform with the provisions of the code shall be considered as "non-conforming." Such junkyards may be subject to the following conditions, any violation of which shall terminate the non-conforming status:

- (1) The junkyard must continue to be lawfully maintained;
- (2) There must be existing property rights in the junk or junkyard;
- (3) Abandoned junkyards shall no longer be lawful;
- (4) The location of the junkyard may not be changed for any reason.

If the location is changed, the junkyard shall be treated as a new establishment at a new location and shall conform to the laws of the town; and

- (5) The junkyard may not be extended or enlarged. (2002 Code, § 13-307)

13-308. Permits and fees. It shall be unlawful for any junkyard located within the town to operate without a junkyard control permit issued by the town.

- (1) Permits shall be valid for the fiscal year for which issued and shall be subject to renewal each year. The town's fiscal year begins on July 1 and ends on June 30 the year next following.

(2) Each application for an original permit shall be accompanied by a fee of five hundred dollars (\$500.00) which is not subject to either proration or refund.

(3) Each application for a renewal permit shall be accompanied by a fee of one hundred dollars (\$100.00) which is not subject to proration or refund.

(4) All applications for an original or renewal permit shall be made on a form prescribed by the town.

(5) A permit shall be issued only to those junkyards that are in compliance with this chapter and the zoning ordinance of the Town of Nolensville.

(6) A permit is valid only while held by the permittee and for the location for which it is issued. (2002 Code, § 13-308)

13-309. Violations and penalty. Violations of this chapter shall subject the offender to a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (2002 Code, § 13-309, modified)

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. ZONING ORDINANCE.
2. FLOOD DAMAGE PREVENTION.

CHAPTER 1

ZONING ORDINANCE

SECTION

14-101. Land use to be governed by zoning ordinance.

14-101. Land use to be governed by zoning ordinance. Land use within the Town of Nolensville shall be governed by Ord. #20-05, titled "Zoning Ordinance, Nolensville, Tennessee," and any amendments thereto.¹

¹Ord. #20-05, and any amendments thereto, are published as separate documents and are of record in the office of the town recorder.

Amendments to the zoning map are of record in the office of the town recorder.

CHAPTER 2

FLOOD DAMAGE PREVENTION

SECTION

- 14-201. Statutory authorization, finding of fact, purpose and objectives.
- 14-202. Definitions.
- 14-203. General provisions.
- 14-204. Administration.
- 14-205. Provisions for flood hazard reduction.
- 14-206. Variance procedures.
- 14-207. Legal status provisions.

14-201. Statutory authorization, finding of fact, purpose and objectives. (1) Statutory authorization. The Legislature of the State of Tennessee has, in *Tennessee Code Annotated*, §§ 13-7-201 to 13-7-210, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Nolensville, Tennessee, Mayor and the Nolensville Board of Commissioners, do ordain as follows.

(2) Findings of fact. (a) The Town of Nolensville, Tennessee, Mayor and its Board of Commissioners wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in 44 CFR, ch. 1, § 60.3.

(b) Areas of the Town of Nolensville, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(c) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

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

(a) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

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

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

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

(a) To protect human life, health, safety and property;

(b) To minimize expenditure of public funds for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;

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

(g) To ensure that potential homebuyers are notified that property is in a floodprone area; and

(h) To maintain eligibility for participation in the NFIP. (Ord. #20-41, Jan. 2021)

14-202. Definitions. Unless specifically defined below, words or phrases used in this chapter shall be interpreted as to give them the meaning they have in common usage and to give this chapter its most reasonable application given its stated purpose and objectives.

(1) "Accessory structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this chapter, shall conform to the following:

(a) Accessory structures shall only be used for parking of vehicles and storage;

(b) Accessory structures shall be designed to have low flood damage potential;

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(d) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures; and

(e) Utilities and service facilities, such as electrical and heating equipment, shall be elevated or otherwise protected from intrusion of floodwaters.

(2) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

(3) "Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this chapter or a request for a variance.

(4) "Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one foot (1') to three feet (3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(5) "Area of special flood hazard." See "special flood hazard area."

(6) "Area of special flood-related erosion hazard" means the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

(7) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one percent (1%) annual chance flood.

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

(9) "Building." See "structure."

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

(11) "Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

(12) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with 42 U.S.C. 4001, *et. seq.* It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

(13) "Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the program.

(14) "Exception" means a waiver from the provisions of this chapter which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this chapter.

(15) "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(16) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(17) "Existing structures." See "Existing construction."

(18) "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).

(19) "Flood" or "flooding" means:

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(i) The overflow of inland or tidal waters;

(ii) The unusual and rapid accumulation or runoff of surface waters from any source; or

(iii) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in subsection (19)(a)(ii) above and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection (19)(a)(i) above.

(20) "Flood elevation determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

(21) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

(22) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

(23) "Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

(24) "Flood insurance study" means the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

(25) "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(26) "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

(27) "Flood-related erosion area" or "flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

(28) "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including, but not limited to, emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

(29) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

(30) "Floodplain" or "floodprone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

(31) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

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

(33) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

(34) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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

(36) "Historic structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on the Town of Nolensville, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(i) By the approved Tennessee program as determined by the Secretary of the Interior; or

(ii) Directly by the Secretary of the Interior.

(37) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering

practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

(38) "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(39) "Lowest floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood-resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

(40) "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

(41) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

(42) "Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

(43) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this chapter, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

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

(45) "New construction" means any structure for which the "start of construction" commenced on, or after, the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(46) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on, or after, the effective date of this chapter or the effective date of the initial floodplain management ordinance, and includes any subsequent improvements to such structure.

(47) "North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

(48) "100-year flood." See "base flood."

(49) "Person" means any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

(50) "Reasonably safe from flooding" means base floodwaters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

(51) "Recreational vehicle" means a vehicle which is:

(a) Built on a single chassis;

(b) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(52) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(53) "Regulatory flood protection elevation" means the "Base flood elevation" plus the "freeboard." In "special flood hazard areas" where base flood elevations (BFEs) have been determined, this elevation shall be the BFE plus one foot (1'). In "special flood hazard areas" where no BFE has been established, this elevation shall be at least three feet (3') above the highest adjacent grade.

(54) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(55) "Special flood hazard area" means the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

(56) "Special hazard area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on a FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

(57) "Start of construction" means and includes substantial improvement, and means the date the building permit was issued; provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent

construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(58) "State coordinating agency" means the Tennessee Emergency Management Agency, State NFIP Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the state.

(59) "Structure" for purposes of this chapter, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(60) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(61) "Substantial improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure should be:

(a) The appraised value of the structure prior to the start of the initial improvement; or

(b) In the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either:

(c) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project; or

(d) Any alteration of a "historic structure;" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(62) "Substantially improved existing manufactured home parks or subdivisions" means where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(63) "Variance" means a grant of relief from the requirements of this chapter.

(64) "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

(65) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas. (Ord. #20-41, Jan. 2021, modified)

14-203. General provisions. (1) Application. This chapter shall apply to all areas within the incorporated area of the Town of Nolensville, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the Town of Nolensville, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) dated February 26, 2021 and Flood Insurance Rate Map (FIRM), community panel numbers 47187C0240F, dated September 29, 2006, and 47187C0230G, 47187C0235G, and 47187C0245G, dated February 26, 2021, along with all supporting technical data, are adopted by reference and declared to be a part of this chapter.

(3) Requirement for development permit. A development permit shall be required in conformity with this chapter prior to the commencement of any development activities.

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

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

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

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

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

(8) Penalties for violation. Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this chapter or fails to comply with any of its requirements shall, upon adjudication therefor, be fined as prescribed by Tennessee Statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Nolensville, Tennessee from taking such other lawful actions to prevent or remedy any violation. (Ord. #20-41, Jan. 2021)

14-204. Administration. (1) Designation of ordinance administrator. The town engineer is hereby appointed as the administrator to implement the provisions of this chapter.

(2) Permit procedures. Application for a development permit shall be made to the administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to, the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(a) Application stage.

(i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this chapter.

(ii) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this chapter.

(iii) A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed

non-residential floodproofed building will meet the floodproofing criteria in § 14-205(1) and (2).

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

(v) A final finished construction elevation certificate (FEMA Form 086-0-33) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities.

(vi) In order to determine if improvements or damage meet the substantial improvement or substantial damage criteria, the applicant shall provide to the floodplain administrator a detailed cost to repair all damages and/or cost of improvements which includes the complete costs associated with all types of work necessary to completely repair or improve a building. These include the costs of all materials, labor, and other items necessary to perform the proposed work. These must be in the form of:

(A) An itemized costs of materials and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators;

(B) Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost-estimating services;

(C) A qualified estimate of costs that is prepared by the local official using professional judgement and knowledge of local and regional construction costs; and

(D) A detailed cost estimate provided and prepared by the building owner. This must include as much supporting documentation as possible (such as pricing information from lumber companies, plumbing and electrical suppliers, etc.). In addition, the estimate must include the value of labor, including the value of the owner's labor.

(b) Construction stage. Within AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by, or under, the direct supervision of a Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct

supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification, or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(c) Finished construction stage. For all new construction and substantial improvements, the permit holder shall provide to the administrator a final finished construction elevation certificate (FEMA Form 086-0-33). A final finished construction elevation certificate is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The administrator will keep the certificate on file in perpetuity.

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

(a) Review all development permits to assure that the permit requirements of this chapter have been satisfied, and that proposed building sites will be reasonably safe from flooding;

(b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1344;

(c) Notify adjacent communities and the Tennessee Emergency Management Agency, State NFIP Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA;

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the letter of map revision process;

(e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained;

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with subsection (2) above;

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade where applicable, to which the new and substantially improved buildings have been floodproofed, in accordance with subsection (2) above;

(h) When floodproofing is utilized for a non-residential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with subsection (2) above;

(i) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter;

(j) When base flood elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Town of Nolensville, Tennessee FIRM meet the requirements of this chapter;

(k) Maintain all records pertaining to the provisions of this chapter in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this chapter shall be maintained in a separate file or marked for expedited retrieval within combined files; and

(l) A final finished construction elevation certificate (FEMA Form 086-0-33) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification

may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy. The finished construction elevation certificate certifier shall provide at least two (2) photographs showing the front and rear of the building taken within ninety (90) days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in subsection (1) above. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least two (2) additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least three inches by three inches (3" x 3"). Digital photographs are acceptable. (Ord. #20-41, Jan. 2021, modified)

14-205. Provisions for flood hazard reduction. (1) General standards. In all areas of special flood hazard, the following provisions are required:

- (a) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
- (b) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces;
- (c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

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

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

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

(j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this chapter shall be undertaken only if said non-conformity is not further extended or replaced;

(k) All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. § 1344;

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of subsection (2) below;

(m) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction; and

(n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in subsection (1) above, are required:

(a) Residential structures. In AE Zones where base flood elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "enclosures."

Within approximate A Zones where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-202). Should solid foundation perimeter walls be used to

elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "enclosures."

(b) Non-residential structures. In AE Zones, where base flood elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one foot (1') above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "enclosures."

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 14-202). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "enclosures."

Non-residential buildings located in all A Zones may be floodproofed, in lieu of being elevated; provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-204(2).

(c) Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

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

(A) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(B) The bottom of all openings shall be no higher than one foot (1') above the finished grade; and

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

(ii) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of this subsection (2).

(d) Standards for manufactured homes and recreational vehicles.

(i) All manufactured homes placed, or substantially improved, on:

(A) Individual lots or parcels;

(B) In expansions to existing manufactured home parks or subdivisions; or

(C) In new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

(ii) All manufactured homes placed, or substantially improved, in an existing manufactured home park or subdivision must be elevated so that either:

(A) In AE Zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one foot (1') above the level of the base flood elevation; or

(B) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 14-202).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of subsection (1) above and this subsection (2).

(iv) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(v) All recreational vehicles placed in an identified special flood hazard area must either:

(A) Be on the site for fewer than one hundred eighty (180) consecutive days;

(B) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

(C) The recreational vehicle must meet all the requirements for new construction.

(e) Standards for subdivisions and other proposed new development proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

(i) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

(ii) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(iii) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(iv) In all approximate A Zones, require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data. (See subsection (5) below.)

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 14-203(2) are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including fill, new construction, substantial improvements or other development within the adopted regulatory floodway. Development may be permitted; however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof;

(b) A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations; provided that the applicant first applies for a Conditional Letter of Map Revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, of CFR, title 44, and receives the approval of FEMA; and

(c) Only if subsections (3)(a) and (3)(b) above are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of subsection (1) and (2) above.

(4) Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 14-203(2), where streams exist with base flood data provided, but where no floodways have been designated (Zones AE), the following provisions apply:

(a) Require until a regulatory floodway is designated, that no new construction, substantial, or other development, including fill, shall be permitted within Zone AE on the community's FIRM, unless it is demonstrated through hydrologic and hydraulic analyses performed that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community;

(b) A community may permit encroachments within Zones AE on the community's FIRM that would result in an increase in the water surface elevation of the base flood; provided that the applicant first applies for a Conditional Letter of Map Revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, of CFR, title 44, and receives the approval of FEMA; and

(c) Only if subsections (4)(a) and (4)(b) above are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of subsections (1) and (2) above.

(5) Standards for streams without established base flood elevations and floodways (A Zones). Located within the special flood hazard areas established in § 14-203(2), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see subsection (5)(b) below), as criteria for requiring that new construction, substantial improvements, or other development

in approximate A Zones meet the requirements of subsections (1) and (2) above;

(b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data;

(c) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-202). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-204(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of subsection (2) above;

(d) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the Town of Nolensville, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles; and

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of subsections (1) and (2) above. Within approximate A Zones, require that those subsections (1) and (2) above dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (Zone AO). Located within the special flood hazard areas established in § 14-203(2) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one foot (1') to three feet (3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to subsections (1) and (2) above, all new construction and substantial improvements shall meet the following requirements:

(a) The lowest floor (including basement) shall be elevated at least as high as the depth number specified on the Flood Insurance Rate

Map (FIRM), in feet, plus a freeboard of one foot (1') above the highest adjacent grade; or at least three feet (3') above the highest adjacent grade, if no depth number is specified;

(b) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in subsection (6)(a) above so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with § 14-204(2)(a)(iii) and subsection (2)(b) above; and

(c) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

(7) Standards for areas of shallow flooding (Zone AH). Located within the special flood hazard areas established in § 14-203(2), are areas designated as shallow flooding areas. These areas are subject to inundation by one percent (1%) annual chance shallow flooding (usually areas of ponding) where average depths are one foot (1') to three feet (3'). Base flood elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to meeting the requirements of subsections (1) and (2) above, all new construction and substantial improvements shall meet the following requirements: adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

(8) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in § 14-203(2), are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 Zones) all provisions of § 14-204 and this section shall apply.

(9) Standards for unmapped streams. Located within the Town of Nolensville, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

(a) No encroachments including fill material or other development, including structures, shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the locality.

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial

improvements shall meet the standards established in accordance with § 14-204 and this section. (Ord. #20-41, Jan. 2021, modified)

14-206. Variance procedures. (1) Municipal stormwater appeals board. (a) Authority. The Town of Nolensville, Tennessee Municipal Stormwater Appeals Board shall hear and decide appeals and requests for variances from the requirements of this chapter.

(b) Procedure. Meetings of the municipal stormwater appeals board shall be held at such times as the board shall determine. All meetings of the municipal stormwater appeals board shall be open to the public. The municipal stormwater appeals board shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the municipal stormwater appeals board shall be set by the board of commissioners.

(c) Appeals: how taken. An appeal to the municipal stormwater appeals board may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this chapter. Such appeal shall be taken by filing with the municipal stormwater appeals board a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of fifty dollars (\$50.00) for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the municipal stormwater appeals board all papers constituting the record upon which the appeal action was taken. The municipal stormwater appeals board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than sixty (60) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person, or by agent or by attorney.

(d) Powers. The municipal stormwater appeals board shall have the following powers:

(i) Administrative review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the administrator or other administrative official in carrying out or enforcement of any provisions of this chapter.

(ii) Variance procedures. In the case of a request for a variance the following shall apply:

(A) The Town of Nolensville, Tennessee Municipal Stormwater Appeals Board shall hear and decide appeals

and requests for variances from the requirements of this chapter;

(B) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this chapter to preserve the historic character and design of the structure;

(C) In passing upon such applications, the municipal stormwater appeals board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

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

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

(3) The susceptibility of the proposed facility and its contents to flood damage;

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

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

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

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

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

(9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(10) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

(D) Upon consideration of the factors listed above, and the purposes of this chapter, the municipal stormwater

appeals board may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this chapter; and

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

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in subsection (1) above.

(b) Variances shall only be issued upon: a showing of good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on, or victimization of, the public, or conflict with existing local laws or chapter.

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance (as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00)) coverage, and that such construction below the base flood elevation increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (Ord. #20-41, Jan. 2021)

14-207. Legal status provisions. (1) Conflict with other ordinances. In case of conflict between this chapter or any part thereof, and the whole or part of any existing or future ordinance of the Town of Nolensville, Tennessee, the most restrictive shall, in all cases, apply.

(2) Severability. If any section, clause, provision, or portion of this chapter shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this chapter which is not of itself invalid or unconstitutional.

(3) Effective date. This chapter shall become effective immediately after its passage, in accordance with the charter of the Town of Nolensville, the public welfare demanding it. (Ord. #20-41, Jan. 2021)

TITLE 15**MOTOR VEHICLES, TRAFFIC AND PARKING¹****CHAPTER**

1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ENFORCEMENT.
8. OPERATION OF HEAVY OR LARGE VEHICLES ON TOWN STREETS WITHIN RESIDENTIAL NEIGHBORHOODS PROHIBITED.

CHAPTER 1**MISCELLANEOUS²****SECTION**

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. One-way streets.
- 15-104. Unlaned streets.
- 15-105. Laned streets.
- 15-106. Yellow lines.
- 15-107. Miscellaneous traffic-control signs, etc.
- 15-108. General requirements for traffic-control signs, etc.
- 15-109. Unauthorized traffic-control signs, etc.

¹Municipal code reference

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

²State law references

Under *Tennessee Code Annotated*, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by *Tennessee Code Annotated*, § 55-10-401; failing to stop after a traffic accident, as prohibited by *Tennessee Code Annotated*, §§ 55-10-101, *et seq.*; driving while license is suspended or revoked, as prohibited by *Tennessee Code Annotated*, § 55-50-504; and drag racing, as prohibited by *Tennessee Code Annotated*, § 55-10-501.

- 15-110. Presumption with respect to traffic-control signs, etc.
- 15-111. School safety patrols.
- 15-112. Driving through funerals or other processions.
- 15-113. Clinging to vehicles in motion.
- 15-114. Riding on outside of vehicles.
- 15-115. Backing vehicles.
- 15-116. Projections from the rear of vehicles.
- 15-117. Causing unnecessary noise.
- 15-118. Vehicles and operators to be licensed.
- 15-119. Passing.
- 15-120. Motorcycles, motor-driven cycles, motorized bicycles, bicycles, etc.
- 15-121. Delivery of vehicle to unlicensed driver, etc.
- 15-122. Careless driving.
- 15-123. Compliance with financial responsibility law required.
- 15-124. Adoption of state traffic statutes.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by *Tennessee Code Annotated*, title 55, chapter 9. (2002 Code, § 15-101)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (2002 Code, § 15-102)

15-103. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (2002 Code, § 15-104)

15-104. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

- (a) When lawfully overtaking and passing another vehicle proceeding in the same direction;
- (b) When the right half of a roadway is closed to traffic while under construction or repair; and
- (c) Upon a roadway designated and signposted by the town for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right-hand curb or edge of the roadway, except when

overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (2002 Code, § 15-105)

15-105. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right-hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right-hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right-hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (2002 Code, § 15-106)

15-106. Yellow lines. On streets with a yellow line placed to the right of any lane line or centerline, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle, or any part thereof, across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (2002 Code, § 15-107)

15-107. Miscellaneous traffic control signs, etc.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic control sign, signal, marking, or device placed or erected by the state or the town unless otherwise directed by a police officer.

No person shall willfully fail or refuse to comply with any lawful order of any police officer invested by law with the authority to direct, control or regulate traffic.

15-108. General requirements for traffic control signs, etc. Pursuant to *Tennessee Code Annotated*, § 54-5-108, all traffic control signs, signals, markings, and devices shall conform to the latest revision of the *Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways*,² and shall be uniform as to type and location throughout the town.

¹Municipal code references

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

²For the latest revision of the *Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways*, see the Official Compilation of the Rules and Regulations of the State of Tennessee, § 1680-3-1, *et seq.*

15-109. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon, or in view of, any street, any unauthorized sign, signal, marking, or device which purports to be, or is an imitation of, or resembles, an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view, or interferes with, the effectiveness of any official traffic-control sign, signal, marking, or device, or any railroad sign or signal. (2002 Code, § 15-110)

15-110. Presumption with respect to traffic-control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper town authority. (2002 Code, § 15-111)

15-111. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the Town of Nolensville and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (2002 Code, § 15-112)

15-112. Driving through funerals or other processions. Except when otherwise directed by a law enforcement officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (2002 Code, § 15-113)

15-113. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to, any other moving vehicle upon any street, alley, or other public way or place. (2002 Code, § 15-114)

15-114. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (2002 Code, § 15-115)

15-115. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (2002 Code, § 15-116)

15-116. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred feet (200') from the rear of such vehicle. (2002 Code, § 15-117)

15-117. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (2002 Code, § 15-118)

15-118. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Classified and Commercial Driver License Act of 1988, *Tennessee Code Annotated*, §§ 55-1-101, *et seq.* (modified)

15-119. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When the street is wide enough, the driver of a vehicle may overtake and pass upon the right of another vehicle which is making, or about to make, a left turn.

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (2002 Code, § 15-120)

15-120. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc. (1) Definitions For the purpose of the application of this section, the following words shall have the definitions indicated:

(a) "Motorcycle." Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, including a vehicle that is fully enclosed, has three (3) wheels in contact with the ground, weighs less than one thousand five hundred pounds (1,500 lbs.), and has the capacity to maintain posted highway speed limits, but excluding a tractor or motorized bicycle.

(b) "Motor-driven cycle." Every motorcycle, including every motor scooter, with a motor which produces not to exceed five (5) brake horsepower, or with a motor with a cylinder capacity not exceeding one hundred and twenty-five cubic centimeters (125cc);

(c) "Motorized bicycle." A vehicle with two (2) or three (3) wheels, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty (50) cubic centimeters which produces no more than two (2) brake horsepower and is capable of propelling the vehicle at a maximum design speed of no more than thirty (30) miles per hour on level ground.

(2) Every person riding or operating a bicycle, motorcycle, motor driven cycle or motorized bicycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city/town applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, motor driven cycles, or motorized bicycles.

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

(4) No bicycle, motorcycle, motor driven cycle or motorized bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(5) No person operating a bicycle, motorcycle, motor driven cycle or motorized bicycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebars.

(6) No person under the age of sixteen (16) years shall operate any motorcycle, motor driven cycle or motorized bicycle while any other person is a passenger upon said motor vehicle.

(7) (a) Each driver of a motorcycle, motor driven cycle, or motorized bicycle and any passenger thereon shall be required to wear on his head, either a crash helmet meeting federal standards contained in 49 CFR 571.218, or, if such driver or passenger is twenty-one (21) years of age or older, a helmet meeting the following requirements:

(i) Except as provided in subdivisions (a)(ii)-(iv), the helmet shall meet federal motor vehicle safety standards specified in 49 CFR 571.218;

(ii) Notwithstanding any provision in 49 CFR 571.218 relative to helmet penetration standards, ventilation airways may penetrate through the entire shell of the helmet; provided, that no ventilation airway shall exceed one and one-half inches (1 1/2") in diameter;

(iii) Notwithstanding any provision in 49 CFR 571.218, the protective surface shall not be required to be a continuous contour; and

(iv) Notwithstanding any provision in 49 CFR 571.218 to the contrary, a label on the helmet shall be affixed signifying that such helmet complies with the requirements of the American Society for Testing Materials (ASTM), the Consumer Product Safety Commission (CSPM), or the Snell Memorial Foundation, Inc..

(b) This section does not apply to persons riding:

(i) Within an enclosed cab;

(ii) Motorcycles that are fully enclosed, have three (3) wheels in contact with the ground, weigh less than one thousand five hundred pounds (1,500 lbs.) and have the capacity to maintain posted highway speed limits;

(iii) Golf carts; or

(iv) In a parade, at a speed not to exceed thirty (30) miles per hour, if the person is eighteen (18) years or older.

(8) Every motorcycle, motor driven cycle, or motorized bicycle operated upon any public way within the corporate limits shall be equipped with a windshield or, in the alternative, the operator and any passenger on any such motorcycle, motor driven cycle or motorized bicycle shall be required to wear safety goggles, faceshield or glasses containing impact resistant lens for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

(9) It shall be unlawful for any person to operate or ride on any vehicle in violation of this section, and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle, motor driven cycle or motorized bicycle in violation of this section.

15-121. Delivery of vehicle to unlicensed driver, etc.

(1) Definitions. (a) "Adult" means any person eighteen (18) years of age or older.

(b) "Automobile" means any motor-driven automobile, car, truck, tractor, motorcycle, motor-driven cycle, motorized bicycle, or vehicle driven by mechanical power.

(c) "Custody" means the control of the actual, physical care of the juvenile, and includes the right and responsibility to provide for the physical, mental, moral, and emotional well being of the juvenile. "Custody," as herein defined, relates to those rights and responsibilities as exercised either by the juvenile's parent or parents, or a person granted custody by a court of competent jurisdiction.

(d) "Driver's license" means a motor vehicle operator's license or chauffeur's license issued by the State of Tennessee.

(e) "Juvenile" as used in this chapter, means a person less than eighteen (18) years of age, and no exception shall be made for a juvenile who has been emancipated by marriage or otherwise.

(2) It shall be unlawful for any adult to deliver the possession of, or the control of, any automobile or other motor vehicle to any person, whether an adult or a juvenile, who does not have in his possession a valid motor vehicle operator's or chauffeur's license issued by the Department of Safety of the State of Tennessee, or for any adult to permit any person, whether an adult or a juvenile, to drive any motor vehicle upon the streets, highways, roads, avenues, parkways, alleys or public thoroughfares in the Town of Nolensville, unless such person has a valid motor vehicle operator's or chauffeur's license as issued by the Department of Safety of the State of Tennessee.

(3) It shall be unlawful for any parent or person having custody of a juvenile to permit any such juvenile to drive a motor vehicle upon the streets, highways, roads, parkways, avenues or public ways in the town in a reckless, careless, or unlawful manner, or in such a manner as to violate the ordinances of the town. (2002 Code, § 15-122)

15-122. Careless driving. Every person operating a vehicle upon any roadway, street, alley, private or public parking lot or parking area, or any area open to the use of the public for purposes of vehicular traffic within the Town of Nolensville shall drive the same in an attentive, careful, and prudent manner, having regard for the width, grade, curves, corners, traffic and use of these streets and private areas, and all other attendant circumstances, so as not to endanger the life, limb or property of any person. Failure to drive in such manner shall constitute careless driving and a violation of this chapter. (2002 Code, § 15-124)

15-123. Compliance with financial responsibility law required.

(1) This section shall apply to every vehicle subject to the state registration and certificate of title provisions.

(2) At the time the driver of a motor vehicle is charged with any moving violation under *Tennessee Code Annotated*, title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision in this title of this municipal code; or at the time of an accident for which notice is required under *Tennessee Code Annotated*, § 55-10-106, the officer shall request evidence of financial

responsibility as required by this section. In case of an accident for which notice is required under *Tennessee Code Annotated*, § 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault. For the purposes of this section, "financial responsibility" shall be defined by *Tennessee Code Annotated*, § 55-12-139:

(3) It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation is punishable by a civil penalty of up to fifty dollars (\$50.00).

(4) The penalty imposed by this section shall be in addition to any other penalty imposed by the laws of this state or this municipal code.

(5) On or before the court date, the person so charged may submit evidence of financial responsibility at the time of the violation. If it is the person's first violation of this section and the court is satisfied that the financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility shall be dismissed. Upon the person's second or subsequent violation of this section, if the court is satisfied that the financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. Any charge that is dismissed pursuant to this subsection shall be dismissed without costs to the defendant and no litigation tax shall be due or collected, notwithstanding any law to the contrary.

15-124. Adoption of state traffic statutes. By the authority granted under *Tennessee Code Annotated*, § 16-18-302, the town adopts by reference as if fully set forth in this section, the "Rules of the Road," as codified in *Tennessee Code Annotated*, §§ 55-8-101 to 55-8-131, and §§ 55-8-133 to 55-8-180. Additionally, the town adopts *Tennessee Code Annotated*, § 55-4-101 through 55-4-135, §§ 55-8-181 to 55-8-193, §§ 55-8-199, 55-8-204, §§ 55-9-601 to 55-9-606, § 55-12-139, § 55-21-108, and § 55-50-351 by reference as if fully set forth in this section.

CHAPTER 2

EMERGENCY VEHICLES

SECTION

- 15-201. Authorized emergency vehicles defined.
- 15-202. Operation of authorized emergency vehicles.
- 15-203. Following emergency vehicles.
- 15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, law enforcement vehicles, and such ambulances and other emergency vehicles as are designated by the Town of Nolensville. (2002 Code, § 15-201)

15-202. Operation of authorized emergency vehicles.¹ (1) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle, while in motion, sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet (500') to the front of such vehicle, except that an authorized emergency vehicle operated as a law enforcement vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(2) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to, but not upon returning from, a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

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

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the

¹Municipal code reference

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

consequences of his reckless disregard for the safety of others. (2002 Code, § 15-202)

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently traveling in response to an emergency call closer than five hundred feet (500') or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (2002 Code, § 15-203)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a firefighter or law enforcement officer. (2002 Code, § 15-204)

CHAPTER 3

SPEED LIMITS

SECTION

- 15-301. In general.
- 15-302. At intersections.
- 15-303. In school zones.
- 15-304. Speed limit on Sunset Road.
- 15-305. Speed limit on Nolensville Road.
- 15-306. Speed limit on Nolensville Park Road leading to the park.
- 15-307. Speed limit on Nolensville Road from the town limit, approximately 215 feet South of York Road, north to existing forty miles per hour speed zone located at 7380 Nolensville Road.
- 15-308. Speed limit on Nolensville Road from existing forty miles per hour speed zone located at People's State Bank at 7122 Nolensville Road to Burkitt Road.
- 15-309. Speed limit on Nolensville Road from Brittain Plaza, north to the northern-most property line of map: 33, parcel: 108.05, Shoppes at Haley.
- 15-310. Speed limit on Rocky Fork Road.
- 15-311. Neighborhood speed limits.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (2002 Code, § 15-301)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic-control signals or signs which require traffic to stop or yield on the intersecting streets. (2002 Code, § 15-302)

15-303. In school zones. Pursuant to *Tennessee Code Annotated*, § 55-8-152, the town shall have the authority to enact special speed limits in school zones. Such special speed limits shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when property signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

In school zones where the board of commissioners has not established special speed limits as provided for above, any person who shall drive at a speed

exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during ninety (90) minutes before the opening hour of a school, or a period of ninety (90) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (2002 Code, § 15-303)

15-304. Speed limit on Sunset Road. It shall be unlawful for any person to operate or drive a motor vehicle upon Sunset Road within the town limits (from Nolensville Road to Waller Road, Brentwood city limits) at a rate of speed in excess of forty (40) miles per hour. (2002 Code, § 15-304)

15-305. Speed limit on Nolensville Road. It shall be unlawful for any person to operate or drive a motor vehicle upon Nolensville Road within the town limits, (from Oldham Drive north to Brittain Plaza) at a rate of speed in excess of thirty (30) miles per hour.

It shall be unlawful for any person to operate or drive a motor vehicle upon Nolensville Road within the town limits (from just north of Brittain Plaza to just north of Peoples State Bank) at a rate of speed in excess of forty (40) miles per hour.

It shall be unlawful for any person to operate or drive a motor vehicle upon Nolensville Road southbound which is the only section within the town limits (from the Davidson County line south to 7001 Nolensville Road) at a rate of speed in excess of forty-five (45) miles per hour to match the existing speed control placed by Metro Nashville Davidson County Government. (2002 Code, § 15-305)

15-306. Speed limit on Nolensville Park Road leading to the park. It shall be unlawful for any person to operate or drive a motor vehicle upon Nolensville Park Road within the town limits (from Nolensville Road east to Newsom Lane) at a rate of speed in excess of twenty-five (25) miles per hour. (2002 Code, § 15-306)

15-307. Speed limit on Nolensville Road from the town limit, approximately 215 feet South of York Road, north to existing forty miles per hour speed zone located at 7380 Nolensville Road. It shall be unlawful for any person to operate or drive a motor vehicle upon Nolensville Road from the town limit South of York Road to the existing forty (40) miles per hour speed zone established at 7380 Nolensville Road at a rate of speed in excess of forty (40) miles per hour. (2002 Code, § 15-307)

15-308. Speed limit on Nolensville Road from existing forty miles per hour speed zone located at People's State Bank at 7122 Nolensville Road to Burkitt Road. It shall be unlawful for any person to operate or drive a motor vehicle upon Nolensville Road from the existing forty (40) miles per

hour speed zone located at 7122 Nolensville Road to Burkitt Road at a rate of speed in excess of forty (40) miles per hour. (2002 Code, § 15-308)

15-309. Speed limit on Nolensville Road from Brittain Plaza, north to the northern-most property line of map: 33, parcel: 108.05, Shoppes at Haley. It shall be unlawful for any person to operate or drive a motor vehicle upon Nolensville Road from Brittain Plaza north to a point three hundred feet (300') north of the central line of Kidd Road, at a speed in excess of thirty (30) miles per hour. (Ord. #19-13, Jan. 2020)

15-310. Speed limit on Rocky Fork Road. The speed limit on Rocky Fork Road is lowered to thirty (30) miles per hour. (Ord. #23-18, Sept. 2023)

15-311. Neighborhood speed limits. It shall be unlawful for any person to operate or drive a motor vehicle on any local neighborhood road at a speed in excess of twenty-five (25) miles per hour. The following local neighborhood roads where a speed limit lower than twenty-five (25) miles per hour is established shall remain the same lower speed:

- (1) Ballenger Dr.;
- (2) Cowan Dr.;
- (3) Creekside Dr.;
- (4) Cranberry Ln.;
- (5) Coriander Ct.;
- (6) Peppermint Ln.;
- (7) Inglenook Ct.;
- (8) Daphne Ct.;
- (9) Dandelion Ct.;
- (10) Looking Glass Ln.;
- (11) Pomegranate Pl.;
- (12) Benington Pl.;
- (13) Wolf Creek Dr.;
- (14) Baston Ct.;
- (15) Bering Ct.;
- (16) Pumpkin Ridge Ct.;
- (17) Eaves Ct.;
- (18) Watertown Dr.;
- (19) Oldenburg Rd.;
- (20) Peruvian Ct.;
- (21) Belgian Rd.;
- (22) Delaware Dr.;
- (23) Conoga Dr.;
- (24) Briarcliff Dr.;
- (25) Ashburn Ct.;
- (26) Bristow Dr.;

- (27) Universe Ct.;
- (28) Sister Ct.;
- (29) Steel Ct.;
- (30) Bastante Ct.;
- (31) Tryon Ct.;
- (32) Bucolic Ct.;
- (33) Erlinger Dr.;
- (34) Trammel Dr.;
- (35) Carouth Ct.;
- (36) Fort Lee Ct.;
- (37) Asher Downs Cr.;
- (38) Burke Trail;
- (39) Locust Hollow;
- (40) Redmon Hill;
- (41) Pulley Place;
- (42) Bitticks Creek;
- (43) Maxwell Landing Dr.;
- (44) Jobe Trail;
- (45) Falling Water Rd.;
- (46) Maybelle Pass;
- (47) Christmas Dr.;
- (48) Warren Dr.;
- (49) Jersey Farm Rd.;
- (50) Carrick Ct.;
- (51) Aunt Nannies Pl.;
- (52) Yukon Trail;
- (53) Yellowstone Ct.;
- (54) Fishing Creek;
- (55) Powder Springs Rd.;
- (56) Van Leer Ct.;
- (57) Hebron Trace Dr.;
- (58) Yates Ct.;
- (59) Everett Ct.;
- (60) Dante Ranch Ln.;
- (61) Nevins Pl.;
- (62) Ellis Pl.;
- (63) Dobson Branch Tr.; and
- (64) Dobson Branch Ct. (Ord. #21-21, Aug. 2021)

CHAPTER 4

TURNING MOVEMENTS

SECTION

15-401. Generally.

15-402. Right turns.

15-403. Left turns on two-way roadways.

15-404. Left turns on other than two-way roadways.

15-405. U-turns.

15-406. Left turn prohibition.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹ (2002 Code, § 15-401)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway. (2002 Code, § 15-402)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of the intersection of the centerline of the two (2) roadways. (2002 Code, § 15-403)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (2002 Code, § 15-404)

15-405. U-turns. U-turns are prohibited. (2002 Code, § 15-405)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

15-406. Left turn prohibition. A left-turn prohibition is placed into effect as shown on signs to be posted by the town and will be enforced on the following street: Nolensville Road at the Twice Daily entrance which is approximately two hundred feet (200') south of Oldham Drive. Henceforth, left turns both into and out of the driveway shall be prohibited. (2002 Code, § 15-406)

CHAPTER 5

STOPPING AND YIELDING

SECTION

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

15-501. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (2002 Code, § 15-502)

15-502. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in, or on, the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (2002 Code, § 15-503)

15-503. At railroad crossings.¹ Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen feet (15') from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

- (1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.
- (2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.

¹Municipal code reference

Parking prohibited at railroad crossings: § 15-604(8).

(3) A railroad train is approaching within approximately one thousand five hundred feet (1,500') of the highway crossing and is emitting an audible signal indicating its approach.

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (2002 Code, § 15-504)

15-504. At "stop" signs. (1) The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety.

(2) At the intersection of Cowan and Creekside Drives, in Ballenger Farms Subdivision, a multi-way stop control device shall be installed.

(3) At the intersection of Falling Water Road and Christmas Drive, in the Bent Creek Subdivision, an all-way stop control device shall be installed. (2002 Code, § 15-505, as amended by Ord. #20-03, Feb. 2020)

15-505. At "yield" signs. The drivers of all vehicles shall yield the right-of-way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (2002 Code, § 15-506)

15-506. At traffic-control signals generally. Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one (1) at a time, or with arrows, shall show the following colors only, and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow alone, or "Caution":

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(3) Steady red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before

entering the intersection and shall remain standing until green or "Go" is shown alone; provided, however, that generally a right turn on a red signal shall be permitted at all intersections within the town; provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right-of-way to pedestrians and cross traffic traveling in accordance with their traffic signs. However, said turn shall not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the town at intersections which the town decides require no right turns on red in the interest of traffic safety.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which, by their nature, can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (2002 Code, § 15-507)

15-507. At flashing traffic-control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the town it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (2002 Code, § 15-508)

15-508. At pedestrian control signals. Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the town, such signals shall apply as follows:

(1) "Walk". Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) "Wait" or "Don't Walk". No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (2002 Code, § 15-509)

15-509. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency. (2002 Code, § 15-510)

15-510. Obedience to traffic control devices. (1) The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle.

(2) It shall be unlawful for the operator of any vehicle to leave the roadway and travel across private property, or public property devoted to other than highway use, to avoid compliance with an official traffic signal or an official traffic sign or for the purpose of avoiding obedience to directions given by a police officer or any traffic regulation or ordinance, or for the sole purpose of passing from one (1) street, alley, or highway to another. (2002 Code, § 15-511)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Presumption with respect to illegal parking.

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

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

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

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (2002 Code, § 15-601)

15-602. Angle parking. On those streets which have been signed or marked by the town for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four feet (24'). (2002 Code, § 15-602)

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one (1) such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (2002 Code, § 15-603)

15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state, county, or town, nor:

- (1) On a sidewalk, public way, or trail;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within fifteen feet (15') of a fire hydrant;
- (5) Within a pedestrian crosswalk;
- (6) Within twenty feet (20') of a crosswalk at an intersection;
- (7) Within thirty feet (30') upon the approach of any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
- (8) Within fifty feet (50') of the nearest rail of a railroad crossing;¹
- (9) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of such entrance when properly signposted;
- (10) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (13) In a parking space clearly identified by an official sign as being reserved for the physically handicapped, unless, however, the person driving the vehicle is:
 - (a) Physically handicapped; or
 - (b) Parking such vehicle for the benefit of a physically handicapped person. A vehicle parking in such a space shall display a certificate of identification or a disabled veteran's license plate issued under *Tennessee Code Annotated*, title 55, chapter 21.
- (14) Parking shall be prohibited on one (1) side of the public streets, with prohibited side being designated by the mayor or his designee, for public streets with pavement widths twenty-four feet (24') or less excluding the Nolensville standard local street with twenty-four feet (24') of pavement and thirty inches (30") curb and gutter;
- (15) On public property, on private properties used for business or industrial purposes, or on mobile home park property that is not stored inside a fully enclosed structure or similarly enclosed area designed and approved for such purposes, or that is not parked or stored in a safe manner on a paved or graveled improved driveway area, excluding a sidewalk;

¹Municipal code reference

Stopping and yielding at railroad crossings: § 15-504.

(16) At the public trailhead parking lot located at 7284 Nolensville Road for a time period exceeding two (2) hours and between the hours of 10:00 P.M. and 6:00 A.M.;

(17) Parking is prohibited on both sides of Old Clovercroft Road from Nolensville Road to King Street and on the west side of King Street from Old Clovercroft Road to Sam Donald Court.

(18) On the sidewalk side of Looking Glass Lane, Dandelion Court, and Creekside Drive in the Ballenger Farms subdivision;

(19) On the East side of Bradfield Drive Monday - Friday 7:00 A.M. to 9:00 A.M. and 2:00 P.M. to 4:00 P.M.; and

(20) No parking or standing on both sides of Nolen Meade Place from Rocky Fork Road to Crossfield Drive and on both sides of Nolenmeade Court, Monday - Friday from 7:00 to 9:00 A.M. and from 2:00 to 4:00 P.M. (2002 Code, § 15-604, as amended by Ord. #20-06, May 2020, Ord. #23-10, June 2023, Ord. 23-15, Aug. 2023, and Ord. #23-16, Aug. 2023)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the town as a loading and unloading zone. (2002 Code, § 15-605)

15-606. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (2002 Code, § 15-606)

CHAPTER 7

ENFORCEMENT

SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Illegal parking.
- 15-704. Impoundment of vehicles.
- 15-705. Disposal of abandoned motor vehicles.
- 15-706. Violations and penalty.

15-701. Issuance of traffic citations.¹ When a law enforcement officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the town court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (2002 Code, § 15-701)

15-702. Failure to obey citation. (1) It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued.

(2) A fine of twenty-five dollars (\$25.00) shall be assessed; provided the defendant waives his/her right to a judicial hearing. No court cost, with the exception of the five dollar (\$5.00) electronic citation fee under § 3-202, will be assessed for parking violations. (2002 Code, § 15-702, as amended by Ord. #21-19, June 2021)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner

¹State law reference

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

to answer for the violation within thirty (30) days during the hours and at a place specified in the citation. (2002 Code, § 15-703)

15-704. Impoundment of vehicles. Members of the law enforcement department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested, or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic, or which has been parked for more than one (1) hour in excess of the time allowed for parking in any place, or which has been involved in two (2) or more violations of this title for which citation tags have been affixed to the vehicle and the vehicle not removed. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs of impoundment and storage, or until it is otherwise lawfully disposed of. (2002 Code, § 15-704)

15-705. Disposal of abandoned motor vehicles. "Abandoned motor vehicles," as defined in *Tennessee Code Annotated*, § 55-16-103, shall be impounded and disposed of by the Town of Nolensville in accordance with the provisions of *Tennessee Code Annotated*, §§ 55-16-103 to 55-16-109. (2002 Code, § 15-705)

15-706. Violations and penalty. Any violation of this title shall be a civil offense punishable as follows:

- (1) Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.
- (2) Other parking violations excluding handicapped parking. For other parking violations excluding handicapped parking, the offender may, within thirty (30) days, have the charge against him disposed of by paying to the town recorder a fine of ten dollars (\$10.00); provided he waives his right to a judicial hearing. No court cost will be assessed for parking violations. (2002 Code, § 15-707)

CHAPTER 8

**OPERATION OF HEAVY OR LARGE VEHICLES ON TOWN STREETS
WITHIN RESIDENTIAL NEIGHBORHOODS PROHIBITED****SECTION**

15-801. Definition of vehicle.

15-802. Heavy truck traffic prohibited on certain streets.

15-803. Signs posted.

15-804. Violations and penalty.

15-801. Definition of vehicle. "Vehicle" means every device in, upon, or by which any person or property is, or may be, transported or drawn upon street, road, highway or public thoroughfares, excepting devices moved by human power or used exclusively upon stationary rails or tracks. (2002 Code, § 15-801)

15-802. Heavy truck traffic prohibited on certain streets. (1) For the purpose of this section, a "heavy truck" is defined to be any vehicle whose gross vehicle weight exceeds twenty thousand (20,000) pounds.

(2) All heavy trucks will be prohibited from the following streets: All streets entering or intersecting streets within the Greystone/Stonebrook, McFarlin Woods Subdivision and on future developments within the Nolensville area as designated by resolution by the board of commissioners from this point forward.

(3) The following categories are exempt from the prohibition of this section:

(a) The operation of heavy trucks upon any street where necessary to the conduct of business at a destination point within the town; provided streets designated as truck routes are used until reaching the intersection nearest the destination point;

(b) The operation of heavy trucks owned or operated by the town, any contractor or materialman, while under contract to the town while engaged in the repair, maintenance, or construction of streets, street improvements, or street utilities within the town;

(c) The operation of school buses and buses used to transport persons to and from a place of worship, which run a designated route; and

(d) The operation of emergency vehicles upon any street in the town.

(4) A truck prohibition as shown on signs to be posted by the town will be enforced on the following streets: Old Clovercroft Road from Nolensville Road to Sam Donald Road. (2002 Code, § 15-802)

15-803. Signs posted. Signs shall be posted on the entrances to each of the streets listed in § 15-802(2) indicating, either by words or by appropriate symbols, that heavy trucks are prohibited from traveling upon said streets. (2002 Code, § 15-803)

15-804. Violations and penalty. Any violation of this chapter shall be punishable by a fine not to exceed fifty dollars (\$50.00) for the first offense and fifty dollars (\$50.00) for the second offense. (2002 Code, § 15-804)

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Obstruction of drainage ditches.
- 16-108. Abutting occupants to keep sidewalks clean, etc.
- 16-109. Parades, etc., regulated.
- 16-110. Animals and vehicles on sidewalks.
- 16-111. Fires in streets, etc.
- 16-112. Violations and penalty.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right-of-way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (2002 Code, § 16-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley at a height of less than fourteen feet (14') or over any sidewalk at a height of less than eight feet (8'). (2002 Code, § 16-102)

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (2002 Code, § 16-103)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the zoning and/or building code.¹ (2002 Code, § 16-104)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place, or have placed, any banner or sign across any public street or alley except when expressly authorized by the board of commissioners after a finding that no hazard will be created by such banner or sign. (2002 Code, § 16-105)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley or sidewalk except when required by law. (2002 Code, § 16-106)

16-107. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right-of-way. (2002 Code, § 16-108)

16-108. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (2002 Code, § 16-109)

16-109. Parades, etc., regulated. It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the town recorder. (2002 Code, § 16-110)

16-110. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (2002 Code, § 16-111)

¹Municipal code reference

Building code: title 12, chapter 1.

16-111. Fires in streets, etc.¹ It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (2002 Code, § 16-112)

16-112. Violations and penalty. Violations of this chapter shall subject the offender to a penalty under the general penalty provisions of this code. (2002 Code, § 16-113)

¹Municipal code reference
Fire code: title 7, chapter 1.

CHAPTER 2

EXCAVATIONS AND CUTS

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fees.
- 16-204. Driveway cuts.
- 16-205. Barricades required.
- 16-206. Safety precautions.
- 16-207. Testing for flammable gases and/or liquids in utility manholes.
- 16-208. Safety standards.
- 16-209. Excavation and/or removal of materials.
- 16-210. Unguarded excavations or openings adjacent to sidewalks or right-of-way.
- 16-211. Refilling excavated areas.
- 16-212. Replacement of curbs, gutters, sidewalks, pavements, etc.
- 16-213. Bond and insurance required.
- 16-214. Limitation.
- 16-215. Violations and penalty.

16-201. Permit required. (1) No person, firm, association, corporation, limited liability company, partnership, public or private utility, or others shall dig, or cause to be dug, any ditch, drain, trench, or other excavation, nor cause any embankment or other obstruction to be constructed in, on, or under any street, road, alley, sidewalk, or other public way within the jurisdiction of the Town of Nolensville without first having applied for and obtained from the Town of Nolensville permission to do so.

Any person, firm, association, corporation, limited liability company, partnership, public or private utility, or others maintaining pipes, lines, or other underground facilities in, or under, the surface of any street, road, alley, sidewalk or other public way may proceed with an opening without a permit, but only when emergency circumstances demand the work be done immediately and a permit cannot be reasonably and practicably obtained beforehand. The person or entity involved shall thereafter apply for a permit on the first regular business day on which the office of the Town of Nolensville is open for business and such a permit shall be retroactive to the date when the work was begun.

(2) Every permittee holding a valid permit to perform excavation or to otherwise cause any obstruction in, on or under any street, road, alley, sidewalk, or other public way within the jurisdiction of the Town of Nolensville shall perform the work only within the hours stipulated on the permit. Work not completed during any stipulated period of hours shall be bridged, backfilled, or otherwise render unable for pedestrian and/or vehicular traffic until the next

period of hours during which work is permitted. Each violation of the permitted hours of work shall constitute a separate violation.

(3) It is the responsibility of the permittee to obtain necessary provisions for the location of existing utilities in the area. Before digging, proof of provisions required will be examined by the town building inspector before commencing. (2002 Code, § 16-201)

16-202. Applications. Application for such permits shall be made to the Town of Nolensville and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person or entity doing the actual excavating, and the name of the person or entity for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the Town of Nolensville in a timely fashion. (2002 Code, § 16-202)

16-203. Fees. For the privilege of excavating in, on or across streets, roads, alleys, sidewalks or other public ways within the jurisdiction of the Town of Nolensville, certain fees will be charged. A schedule of fees, as may be changed from time to time, may be found in the recorder's office. (2002 Code, § 16-203, modified)

16-204. Driveway cuts. No one shall cut, build or maintain a driveway which joins a public right-of-way without first obtaining a permit from the Town of Nolensville. Such permit will not be issued when the contemplated driveway is to be so located or constructed as to create a drainage problem or an unreasonable hazard to pedestrian and/or vehicular traffic. Driveway aprons shall not extend out into the street and no asphalt curbs may be installed or constructed by the permittee or any person or entity without the written consent of the Town of Nolensville. The Town of Nolensville may waive the issuance of a permit for driveway cuts if it is determined not to be necessary. (2002 Code, § 16-204)

16-205. Barricades required. Any person or entity doing the excavating, who shall dig, or cause to be dug, any ditch, drain, or other excavation or cause any embankment or other construction to be constructed on, or under, across, or adjoining, any street, alley, road, sidewalk, or other public way, or shall perform work in and around any utility manhole in or adjoining any public way within the jurisdiction of the Town of Nolensville, shall have the same guarded at all times with a substantial barricade, sufficient and suitable to warn persons traveling on or using such street, road, alley, sidewalk, or other public way of the presence of such excavation or utility manhole and the danger therefrom. (2002 Code, § 16-205)

16-206. Safety precautions. (1) Every person, firm, corporation, public or private utility, association, or others who shall dig, or cause to be dug, any ditch, drain, trench, or other excavation, or cause any embankment or other obstruction to be constructed in, or under, across, or adjoining any street, road, alley, sidewalk, or other public way, or shall perform work in and around any utility manhole or adjoining any public way, within the jurisdiction of the Town of Nolensville, shall, in addition to the barricades heretofore specified, post or otherwise place warning lights at the ends and sides of each excavation, utility manhole, or other obstruction during the entire night, and if such excavation or other obstruction shall extend more than fifty feet (50') along such street, road, alleys, sidewalk, or other public way, thence additional warning lights shall be placed each twenty-five feet (25'), or fraction thereof. Where excavations or other obstructions shall extend across any street, road, alley, sidewalk, or other public way, warning lights shall be placed at six-foot (6') intervals along such excavation or other obstruction. All lights shall be secured in such manner as not to be displaced by winds or storms.

(2) If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. It shall be the responsibility of the permittee to adhere to the *Manual of Uniform Traffic-Control Devices*.

(3) The permittee shall carry on the work authorized by the permit in such manner as to cause minimum of interference with traffic. The permittee shall provide adequate warning signs and devices to warn and guide traffic, and shall place the signs and warning devices in a position of maximum effectiveness. Where the Town of Nolensville determines that difficult or potentially hazardous conditions exist, competent flagmen shall be provided by the permittee to effect a safe and orderly movement of traffic. Where insufficient traffic lanes exist because of street openings, adequate bridging shall be supplied by the permittee. When traffic congestion occurs in spite of all precautions, the permittee shall be responsible for providing police assistance. On main thoroughfares and in congested districts, sufficient traffic lanes shall be kept open at all times to permit substantial normal traffic flow, except when emergency conditions require otherwise. Unless this can be accomplished, work shall be done only during the period as the public works director may designate. In the case of emergency occurring in any important thoroughfares, the permittee shall notify the local law enforcement and fire department immediately. (2002 Code, § 16-206)

16-207. Testing for flammable gases and/or liquids in utility manholes. No person engaged in working in, and around, any utility manhole shall enter said utility manhole until testing by instrument or other acceptable method has been performed to determine whether or not said manhole is free from toxic or flammable gases, and/or liquids. When tests indicate the presence of toxic and/or flammable gases, and/or liquids, the manhole shall be properly

ventilated prior to entering of manhole by any person. Tests are to be repeated at such intervals as are necessary to make certain that toxic flammable gases and/or liquids do not recur in hazardous quantities. (2002 Code, § 16-207)

16-208. Safety standards. All work shall be performed in and about any utility manhole in or adjoining any highway, street, alley, sidewalk, or any public way in accordance with OSHA standards. (2002 Code, § 16-208)

16-209. Excavation and/or removal of materials. Any person who shall dig, quarry, or cause to be dug or quarried any dirt, earth, sand, stone, or paving and/or shall remove said materials from in, on, or under any street, road, alley, sidewalk, or other public way within the jurisdiction of the Town of Nolensville, without the specific direction and/or permission of the public works director or his designee, shall be subject to such a violation, with each location of such diggings, quarrying, and/or removal to constitute a separate offense. (2002 Code, § 16-209)

16-210. Unguarded excavations or openings adjacent to sidewalks or right-of-way. It is hereby declared to a nuisance for any person, firm, corporation, public or private utility, association, or others, to make any excavation, or to establish any opening adjacent to any sidewalk or public right-of-way within the jurisdiction of the Town of Nolensville without the erection of barricades or other proper precautions to prevent danger to persons or vehicles passing along said sidewalk or public right-of-way. (2002 Code, § 16-210)

16-211. Refilling excavated areas. Every person, firm, corporation, public or private utility, association or others, who shall dig, or cause to be dug, any ditch, drain, trench, or other excavation in, on, under, or across any street, road, alley, sidewalk, or other public way within the jurisdiction of the Town of Nolensville shall refill carefully all such ditches, drains, trenches, or other excavations by replacing with crushed stone in paved areas and roadway shoulders pending replacement of payment and/or other improvements, and shall fill said ditch, drain, trench, or other excavation with selected earth materials in unpaved or otherwise unimproved areas. In the event any person or entity refills and/or patches any ditch, drain, trench, or other excavation and settlement occurs in the refilled area within three (3) months after the date of the completion of such refilling and/or patching, such person or entity shall be required to refill and/or patch, without notice, the excavated area to grade and to meet other specifications regarding such refilling that may be promulgated by the Town of Nolensville. In the event any such person or entity fails to refill or patch the excavated area as required by the Town of Nolensville, they shall be subject to any remedies and/or fines available to the Town of Nolensville as provided in §§ 16-213 and 16-215. Specifications for backfilling cuts and

excavations are provided in Exhibit A to this chapter¹ and are incorporated herein by this reference. (2002 Code, § 16-211)

16-212. Replacement of curbs, gutters, sidewalks, pavements, etc. Every person, firm, corporation, public or private utility, association or others, excavating in, on, under, or across any street, road, alley, sidewalk, or other public way within the jurisdiction of the Town of Nolensville shall replace all curbs, gutters, sidewalks, pavements or other special structures disturbed, displaced, or removed, at the expense of said persons making the excavations, and in accordance with the standard requirements and specifications of the public works director. Specifications for the replacement of sidewalks, curbs, gutters, and pavement are provided in Exhibit A to this chapter¹, which is incorporated herein by this reference. (2002 Code, § 16-212)

16-213. Bond and insurance required. No permit shall be issued by the public works director or his designee to any person, firm, corporation, private utility, association, or others, for the privilege of excavating in, on or across any street, road, alley, sidewalk, or other public way within the jurisdiction of the Town of Nolensville, until a bond is posed to ensure faithful performance of all work and payment of fees, and shall have further furnished certificates of liability insurance. Such liability insurance policies shall contain a rider annexed to such policies containing the following provision:

"This policy shall not be canceled, terminated, nullified, or changed by the company unless thirty (30) days prior written notice is sent to the insured by register mail addressed to the Mayor of the Town of Nolensville, Tennessee."

Bond and certificate of liability insurance amounts, as may be amended from time to time, may be found the recorder's office. (2002 Code, § 16-213, modified)

16-214. Limitation. This chapter shall not apply to any excavation in connection with a public improvement or public work where the work is performed by the town. (2002 Code, § 16-214)

16-215. Violations and penalty. The violation of any provisions of this chapter shall be subject to a penalty of up to five hundred dollars (\$500.00) for each violation. (2002 Code, § 16-215)

¹Exhibits (and any amendments) are of record and available in the office of the recorder.

TITLE 17

REFUSE AND TRASH DISPOSAL

[RESERVED FOR FUTURE USE]

TITLE 18

WATER AND SEWERS

CHAPTER

1. STORMWATER MANAGEMENT REGULATIONS.
2. BEST MANAGEMENT PRACTICES MANUAL.
3. SEWER CONNECTION REQUIREMENTS.

CHAPTER 1

STORMWATER MANAGEMENT REGULATIONS¹

SECTION

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18-101. General. (1) Title. These regulations shall be known, cited and referred to as the "Stormwater Regulations of the Town of Nolensville, Tennessee."

(2) Preamble. The Town of Nolensville (town) Board of Commissioners finds and declares that it is in the best interest of the citizens of the town to regulate the discharge of stormwater, alleviate the effects of flooding and facilitate compliance with the Water Quality Act of 1977, the Water Quality Act of 1987 and the Clean Water Act of 1977, being U.S.C. § 1251, *et seq.* In furtherance of same, the town board of commissioners hereby adopts these regulations governing stormwater discharges, stormwater management, flood control, erosion prevention, and water quality protection.

(3) Purpose and authority. (a) Protect, maintain, and enhance the environment of the town and the public health, safety and general

¹Appendixes A-C referred to throughout this chapter (and amendments thereto) are available in the office of the town recorder.

welfare of the citizens of the town, by controlling discharge of pollutants to the stormwater system and maintain and improve the quality of receiving waters into which the stormwater outfalls discharge, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the town.

(b) Enable the town to comply with the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations, 40 CFR § 122.26 for stormwater discharges.

(c) Allow the town to exercise the powers granted in *Tennessee Code Annotated*, § 68-221-1105, or as amended by the State of Tennessee.

(d) The town shall have authority to implement and supplement these regulations by reference to appropriate guidance or other related materials. Guidance or other related materials may be modified to meet the objectives and policies of this regulation, so long as such modifications to guidance or other related materials are not contrary or beyond the intent of these regulations. The guidance or other related materials shall not in any way endorse specific commercially available products. However, they may refer to performance specifications, class of devices, construction, or management practice.

(e) The town shall have right-of-entry upon the property subject to this regulation and any permit/document issued hereunder. The town shall be provided ready access to all parts of the premises for the purposes of inspection, monitoring, sampling, inventory, records examination and copying, and the performance of any other duties necessary to determine compliance with this regulation.

(f) Where a property, site or facility has security measures in place that require proper identification and clearance before entry into its premises, the owner/operator shall make necessary arrangements with its security personnel so that, upon presentation of suitable identification, the town will be permitted to enter without delay for the purposes of performing specific responsibilities.

(g) The town shall have the right to utilize on the owner/operator property such devices as are necessary to conduct sampling and/or metering of the person's stormwater operations or discharges.

(h) Any temporary or permanent obstruction to safe and easy access to the areas to be inspected and/or monitored shall be removed promptly by the owner/operator at the written or verbal request of the town. The costs of clearing such access shall be borne by the owner/operator. The town reserves the right to determine and impose inspection schedules necessary to enforce the provisions of these regulations.

(4) Applicability and jurisdiction. The stormwater regulations shall govern all properties within the corporate limits of Nolensville, Tennessee.

(5) Exemptions. The following activities are exempt from the requirements of these regulations:

(a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources;

(b) Agricultural land management activities; and

(c) Any silviculture activity that is consistent with an approved timber management plan prepared or approved by the State of Tennessee.

(6) Duty to mitigate. The owner/operator shall take all reasonable steps to minimize or prevent any discharge in violation of these regulations.

(7) Duty to provide information. The owner/operator shall furnish to the town any information that is requested to determine compliance with these regulations or other information.

(8) Other information. When the owner/operator becomes aware that the owner/operator failed to submit any relevant facts or submitted incorrect information in the notice of intent, or in any other report to the town, the owner/operator shall promptly submit such facts or information.

(9) Savings provision. These regulations shall not be construed as altering, modifying, vacating or nullifying any action now impending or any rights of obligations obtained by any person, firm or corporation through approval of a preliminary plat by the town planning commission or through the approval of any grading/land disturbance permit, or any other lawful action of the town prior to the adoption of these regulations. (2002 Code, § 18-101, modified)

18-102. Standards. (1) Stormwater quality control measures.

(a) There shall be no distinctly visible floating scum, oil or other matter contained in the stormwater discharge to the town stormwater system.

(b) The stormwater discharge to the town stormwater system must not cause an objectionable color contrast in the receiving stream.

(c) The stormwater discharge must result in no materials in concentrations sufficient to be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life, or fish and aquatic life in the receiving stream.

(d) Development and significant redevelopment will be required to minimize the impact to stormwater quality by applying structural and/or non-structural management practices selected to address site-specific conditions.

(e) Increased pollutant concentrations and loads impact the ability of the waters of the state to meet designated use goals. To minimize these stormwater quality impacts, onsite stormwater quality control measures are mandatory for all developments subject to review by the town engineer. The extent and type of stormwater management

practices must be proportionate to the land use, potential pollutant discharges, TMDL allocations, and proximity to regional stormwater quality management practices. The town encourages implementation of a series of stormwater control measures that optimize the use of required green and open spaces, such as Low Impact Development (LID) practices and Green Infrastructure (GI) designs, especially along buildings and within or along parking lots. Stormwater control measures shall, at a minimum, infiltrate, evapo-transpire, harvest and/or use, at a minimum, the first inch of every rainfall event preceded by seventy-two (72) hours of no measurable precipitation. The first inch of rainfall must be managed on site without any stormwater runoff being discharged to surface waters, if appropriate for the site and there is not a potential for introducing pollutants into the groundwater (unless pretreatment is provided); pre-existing soil contamination in areas subject to contact with infiltrated runoff; and sinkholes or other karst features are not present. Permanent stormwater control measure design must take into account infiltrative capacity of soils at the site.

(f) For projects and sites that cannot meet one hundred percent (100%) of the first inch infiltration requirements, the remaining portion of the first one inch (1") of rainfall must be treated with structural or non-structural stormwater control measures reasonably expected to remove eighty percent (80%) of the Total Suspended Solids (TSS). The structural control measures must be designed, installed, and maintained to continue to meet this performance standard.

(g) Stormwater discharges from hot spots (priority areas) may require the application of specific structural stormwater quality management practices and pollution prevention practices.

(h) No land disturbance activities, whether by private or public action, shall be performed in a manner that will negatively impact stormwater quality whether by flow restrictions, increased runoff, or by diminishing channel or floodplain storage capacity. Erosion and sedimentation, or transport of other pollutants or forms of pollution, due to various land development activities, must be controlled.

(i) Supportive data must be submitted to justify the type of stormwater quality control measures selected. If the facility is designed to infiltrate the first inch of rainfall, then appropriate calculations and/or soil analyses shall be submitted to the town engineer. This submittal shall also discuss the impacts that stormwater quality control measures will have on local karst topography as found through a geological investigation of the site.

(2) Stormwater quantity control measures. (a) New development shall meet a stormwater quantity level of service defined by:

(i) Designing road catch basins and connecting culverts to convey the ten (10) year, twenty-four (24) hour design storm runoff.

(ii) Designing bridges, channels and cross-drains to pass the twenty-five (25) year, twenty-four (24) hour design storm runoff. Calculations shall also be provided for the one hundred (100) year, twenty-four (24) hour design storm.

(b) Stormwater infrastructure shall be designed in a way that:

(i) Critical service roads are not inundated by more than three inches (3") of water over one-half (1/2) the roadway width under a one hundred (100) year, twenty-four (24) hour design storm event; and

(ii) Other new roads shall be designed to have no more than six inches (6") of road overtopping at the twenty-five (25) year, twenty-four (24) hour design storm event.

(c) Re-development activities will be required to follow stormwater quantity requirements.

(d) No land disturbance activities, whether by private or public action, shall be performed in a manner that will negatively impact stormwater quantity whether by flow restrictions, increased runoff, or by diminishing channel or floodplain storage capacity. Erosion or sedimentation, or transport of other pollutants or forms of pollution, due to various land development activities must be controlled.

(3) Allowable discharges. (a) Pursuant to the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) program administered by the Tennessee Department of Environment and Conservation (TDEC), illicit discharges to the MS4 are defined as illegal. Non-stormwater discharge is any discharge to the MS4 except as permitted by subsection (3)(b) below. Except as hereinafter provided, all non-stormwater discharges into the MS4 are prohibited and declared to be unlawful.

(b) Unless the town has identified them as a source of pollutants to the "waters of the State of Tennessee," the following non-stormwater discharges into the municipal separate storm sewer system are lawful:

- (i) Discharges from emergency firefighting activities;
- (ii) Rising groundwaters;
- (iii) Uncontaminated groundwater infiltration to separate storm sewer systems (as defined by 40 CFR § 35.2005 (20));
- (iv) Uncontaminated pumped groundwater;
- (v) Discharges from potable water sources as required for system maintenance;
- (vi) Water line flushing;

- (vii) Foundation, footing, and crawl space drains and pumps;
 - (viii) Air conditioning condensate;
 - (ix) Landscape and lawn irrigation;
 - (x) Uncontaminated springs;
 - (xi) Individual residential vehicle washing;
 - (xii) Flows from riparian habitats and wetlands;
 - (xiii) Dechlorinated swimming pool discharges;
 - (xiv) Street wash waters resulting from normal street cleaning operations;
 - (xv) Controlled flushing stormwater conveyances (controlled by appropriate BMPs);
 - (xvi) Discharges within the constraints of a National Pollutant Discharge Elimination System (NPDES) permit from the Tennessee Department of Environment and Conservation (TDEC);
 - (xvii) Other special discharges as approved by the town;
- and
- (xviii) Dye testing is an allowable discharge if approved by the town engineer.

(4) Stormwater management report. Appendix C of the town zoning ordinance requires a drainage plan and calculations to be submitted to the town. Due to the complexity of the town's MS4 permit and water quantity/quality concerns, a stormwater management report shall be prepared for all developments unless waived by the town engineer. The stormwater management report shall contain:

- (a) Map showing existing and proposed drainage areas;
- (b) Map showing all outfalls from the site for existing and proposed conditions, with tables of drainage areas;
- (c) Map showing locations where existing and proposed hydrographs were generated (computation points/nodes);
- (d) Narrative, including methodology, technical approach, and results demonstrating the town stormwater quantity and quality requirements are being met (refer to § 18-102(1), (2), and (3));
- (e) Other applicable calculations and narrative demonstrating the applicable stormwater requirements contained in the subdivision regulations and zoning ordinance are being met; and
- (f) Drainage plan and drainage calculations review checklist (see Appendix B).

A sufficiency review will be conducted of the stormwater management report. A detailed review will not be performed unless the requirements of § 18-102(3) are met. (2002 Code, § 18-102)

18-103. Stormwater runoff controls. (1) Land disturbance activities may not aggravate upstream or downstream flooding.

(2) Detention and retention facilities, or other flow attenuation methods, shall be sized such that the post-development peak discharge rate is less than, or equal to, the pre-development peak discharge rate for the two (2) year, five (5) year, ten (10) year, twenty-five (25) year, fifty (50) year, and one hundred (100) year, twenty-four (24) hour design storms. Rainfall data shall be taken from *NOAA Atlas 14*. The facilities shall be designed such that the cumulative post-development discharge volume is less than, or equal to, the cumulative pre-development discharge volume during the critical time for the two (2) year, five (5) year, ten (10) year, twenty-five (25) year, fifty (50) year, and one hundred (100) year, twenty-four (24) hour design storms. The critical time shall be between the hours of eleven (11) and eighteen (18) of the twenty-four (24) hour design storm unless otherwise specified by a town accepted watershed plan. Tabular (time-series) hydrograph and volume data shall be submitted, in addition to a summary table of discharge and volume comparisons, in the stormwater management report.

(3) Water quality measures, such as forebays or other BMPs, shall be incorporated into detention facilities for added quality benefit and ease of maintenance. Water quality calculations shall be provided for the entire proposed development, which shall demonstrate that requirements of § 18-102(1) have been met. Calculations may follow the procedures listed in Metro Nashville's *Low Impact Development Manual* (current edition) for the runoff reduction method, and the Metro Nashville spreadsheet LID tool may be used to demonstrate that water quality requirements have been met.

(4) Consideration shall be given to the use of regional facilities for stormwater quantity control if practical.

(5) Fee in lieu of detention shall be evaluated on a site-by-site basis. The fee shall include cost of construction and fair market value of the land required for detention facility construction. The use of the fee in lieu of detention does not exempt the requirement of water quality BMPs.

(6) Detention and retention facilities shall not be located in the right-of-way nor in a waterway natural area.

(7) Detention and retention facilities shall only be located on commonly owned areas or parcels, and shall not be located on parcels or lots intended for single-family residential uses. (2002 Code, § 18-103)

18-104. Waterway natural areas. (1) General waterway natural area requirements. (a) Waterway Natural Areas (WNA) shall be implemented in major subdivisions as open space. In any development other than a major subdivision where open space is not provided, the WNA shall be on private lots.

(b) WNA width shall be at least one hundred feet (100') perpendicular from the top of bank on each side of the waterway where tributary area is greater than, or equal to, five (5) square miles at the location of the subdivision or development.

(c) WNA width shall be at least seventy-five feet (75') perpendicular from the top of bank on each side of the waterway where the tributary area is greater than, or equal to, one (1) square mile and less than five (5) square miles at the location of the subdivision or development.

(d) WNA width shall be at least fifty feet (50') perpendicular from the top of bank on each side of the waterway where the tributary area is less than one (1) square mile at the location of the subdivision or development.

(e) WNAs shall be applied along all intermittent and perennial stream waterways as determined by the town, TDEC, Tennessee qualified hydrologic professional or USGS topographic information. This determination shall be presented at the pre-application conference phase, however the town reserves the right to identify a waterbody until preliminary plat approval.

(f) WNAs shall be recorded on the plat for parcels subject to plat revision.

(g) On parcels not subject to plat revisions, the WNAs shall be applied as a setback from the top of bank.

(h) WNA designations shall not reduce base site area and may be included as part of the required open space.

(i) All site development plans and plats prepared for recording shall:

(i) Define the boundaries of any WNA on the subject property and label as "waterway natural area."

(ii) Provide a note to reference any WNA stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the town engineering department."

(iii) Provide a note to reference any protective covenants governing all WNAs stating: "Any Waterway natural area shown hereon is subject to protective covenants which may be found in the land records and which restrict disturbance and use of these areas."

(j) All WNAs must be protected during development activities. Construction layout survey must include staking and labeling the WNAs. Use a combination of stakes and flagging to ensure adequate visibility.

(k) Minor landscaping is allowed within the WNA to repair erosion, damaged vegetation, or other problems identified. Landscaping or stabilization activities must have prior approval by the engineering department.

(2) Permitted waterway natural area uses:

(a) If the adjacent land use involves subsurface discharges or surface application from a wastewater treatment system that serves more

than one (1) household or a non-residential use, effluent will not be allowed to discharge in the WNA except as provided herein. Where TDEC has granted an NPDES wastewater permit, the permittee is allowed to convey the effluent through the WNA to the waterway designated in the NPDES permit.

(b) Septic tanks must be outside of waterway natural area. Septic field lines may be allowed within the WNA to within twenty-five feet (25') from stream top of bank or as determined by the Williamson County Department of Sewage Disposal Management, whichever provides the greatest distance from top of stream bank.

(c) No buildings shall be allowed in the WNA with the exception of passive recreation areas. (2002 Code, § 18-104)

18-105. Stormwater system long-term operation and maintenance. (1) The maintenance requirements for permanent stormwater runoff control facilities shall be the responsibility of the owner/operator.

(2) Residential developments that form a homeowners association, trust indenture, or other management entity, that entity shall be responsible for long term operation and maintenance of stormwater infrastructure located in drainage easements or open space.

(3) An engineer shall provide a stormwater infrastructure long-term operation and maintenance plan with an opinion of probable costs and schedule, subject to approval by the town. The long term operation and maintenance plan shall be in writing, shall be in recordable form, and shall, in addition to any other terms deemed necessary by the town, contain a provision permitting inspection at any reasonable time by the town of the facilities deemed critical to the public welfare.

(4) The town will have the authority to maintain facilities not properly maintained and to recover costs associated with the maintenance from the owner/operator.

(5) Operation and maintenance plans for residential development shall be submitted and recorded with the final plat.

(6) Operation and maintenance plans for non-residential development shall be submitted and recorded prior to the issuance of a land disturbance permit.

(7) Upon approval of the stormwater management facilities by the town, the facility owner/operator(s) shall demonstrate the ability to garner and apply the financial resources necessary for long-term maintenance requirements. The funding mechanism shall be in a form approved by the town. The town will only approve funding mechanism(s) for long-term maintenance responsibilities that can be demonstrated to be permanent or transferable to another entity with equivalent longevity.

(8) Long-term operation and maintenance provisions, or the stormwater infrastructure, shall be documented in the restrictive covenants.

(9) Inspections of stormwater management facilities shall be conducted semi-annually by the owner/operator for serviceability and shall be documented. The owner/operator shall submit to Nolensville a report no later than the first day of July upon completion of construction, and then bi-annually during the life of the facility. The report shall include the facility's condition relative to the intent of the design and shall demonstrate that the owner/operator has fulfilled the funding mechanism requirement. Stormwater management facilities shall be inspected every five (5) years from the time of construction by an engineer. The inspection includes a certification by the engineer that the facility is functioning as intended, or shall provide a schedule of repairs and maintenance activities necessary to meet the intended use of the facility. (2002 Code, § 18-105)

18-106. Land disturbance permits. (1) Applicability. (a) Every owner/operator will be required to obtain a land disturbance permit from the town in the following cases:

(i) Activities resulting in greater than five thousand (5,000) square feet of land disturbance;

(ii) Whenever excavation, fill, or any combination thereof will exceed five hundred (500) cubic yards of material; and

(iii) Where land disturbance activities pose a threat to water, public health or safety.

(b) No building permit shall be issued until the applicant has obtained a land disturbance permit where the same is required by these regulations.

(2) Land disturbance permit application. (a) Application for a land disturbance permit for subdivisions and non-residential sites that require a "Tennessee general permit for stormwater discharges from construction activities" shall require the following be submitted to the town for review and approval:

(i) The Notice of Coverage (NOC) received from TDEC for coverage under the "Tennessee general permit for stormwater discharges from construction activities;"

(ii) The Stormwater Pollution Prevention Plan (SWPPP) prepared for coverage under the "Tennessee general permit for stormwater discharges from construction activities" and consistent with the requirements and recommendations contained in the current edition of the *Tennessee Erosion and Sediment Control Handbook*;

(iii) Separate sheets, stamped by an engineer at a scale not to exceed one inch equal to fifty feet (1" = 50'), for pre-construction, construction, and post construction stormwater BMPs; and

(iv) Erosion prevention and sediment control plan checklist (see Appendix C).

(b) Application for a land disturbance permit for single lot residential sites that require a "Tennessee general permit for stormwater discharges from construction activities" shall require the following be submitted to the town for review and approval:

(i) The Notice of Coverage (NOC) received from TDEC for coverage under the "Tennessee general permit for stormwater discharges from construction activities;"

(ii) The stormwater pollution prevention plan prepared for coverage under the "Tennessee general permit for stormwater discharges from construction activities;"

(iii) Separate sheets, at a scale not to exceed one inch equal to fifty feet (1" = 50'), for pre-construction, construction, and post construction stormwater BMPs; and

(iv) Erosion prevention and sediment control plan checklist (see Appendix C).

(c) Application for a land disturbance permit on sites with land disturbance activities greater than five thousand (5,000) square feet but less than one (1) acre and does not require a "Tennessee general permit for stormwater discharges from construction activities" shall require the submittal to the town an erosion prevention and sediment control checklist (see Appendix C).

(d) Land disturbance activities shall meet the requirements and standards of the latest Tennessee construction general permit and shall include:

(i) For common drainage locations that serve an area with ten (10) or more acres (or five (5) or more acres if draining to waters with unavailable parameters or exceptional Tennessee waters) disturbed at one (1) time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of stormwater runoff from a two (2) year, twenty-four (24) hour storm from each acre drained, until final stabilization of the site; and

(ii) Stormwater management practices and controls to prevent waste, including discarded building material materials, concrete truck wash out, chemicals, litter and sanitary waste from entering the stormwater drainage system and waters of the state. (2002 Code, § 18-106)

18-107. Inspections. Inspections shall be performed to ensure that vegetation, erosion and sediment control measures and other protective measures identified in the Stormwater Pollution Prevention Plan (SWPPP) are kept in good and effective operating condition in accordance with the SWPPP.

(1) Owner/operator inspections. Inspections are required for all development requiring a land disturbance permit and:

(a) When inspections are already required under the conditions of the Tennessee construction general permit;

(b) The town may request submission of inspection documentation;

(c) Final Stormwater Management Control Measures (SCMs) must be inspected and certified that the SCMs are in accordance with the approved plans prior to certificate of occupancy.

Additional inspections for major and minor subdivisions, site plans or other major developments;

(d) Pre-construction SCMs must be inspected and certified that the SCMs are in accordance with the approved plans by an engineer, licensed in the State of Tennessee, on sites greater than one (1) acre or part of a larger development;

(e) Construction stormwater management SCMs must be inspected and certified that the SCMs are in accordance with the approved plans by an engineer, licensed in the State of Tennessee, prior to granting building permit on sites with land disturbance activities greater than one (1) acre;

(f) Post construction SCMs must be inspected and certified that the SCMs are in accordance with the approved plans by an engineer, licensed in the State of Tennessee, prior to release of surety; and

(g) Hard copy and digital as-built plans will be required in the State of Tennessee State Plane Coordinate system with the North American Datum 1983 (NAD83) and North American Vertical Datum (NAVD) of 1988.

(2) Town inspections. Town inspections may include, but are not limited to, the following:

(a) An initial inspection prior to stormwater pollution prevention plan approval;

(b) A bury inspection prior to burial of any underground drainage structure;

(c) Erosion prevention and sediment control inspections as necessary to ensure effective control of erosion and sedimentation;

(d) A final inspection when all work, including installation of storm management facilities, has been completed; and

(e) Periodic inspections to ensure stormwater facilities are being maintained. (2002 Code, § 18-107)

18-108. Enforcement. (1) Enforcement authority. The town shall have the authority to issue notices of violation, stop work orders, and citations, to impose the civil penalties provided in this section, and to institute appropriate actions or proceedings at law or equity for the enforcement of these regulations.

(2) Notification of violation. (a) Written notice. Whenever the town engineer, the director of codes compliance or his designee finds that any owner/operator, or any other person discharging stormwater, has violated, or is violating, these regulations or a permit or order issued hereunder, he may serve upon such person written Notice of the Violation (NOV). In addition to the NOV, whenever the town engineer, the director of codes compliance or his designee finds that any permittee, person, company or facility owning, occupying or operating on any premises has violated, or is violating, these regulations or a permit or order issued hereunder, he may revoke any permit issued by the town. Any permit mistakenly issued in violation of any applicable federal, state or local law or regulation may be revoked. Notice of such revocation shall be in accordance with the same notification requirements for NOVs.

Within a time limit established by this notice, an explanation of the violation, and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the town. 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 town engineer or director of codes compliance or his designee 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 person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant subsections (2)(c) and (2)(e) below.

(c) Compliance order. When the town engineer or director of codes compliance or his designee finds that any person has violated or continues to violate these regulations, or a permit or order issued thereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures, 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 construction of appropriate structures, installation of devices, self-monitoring and management practices.

(d) Cease and desist orders. When the town engineer or director of codes compliance or his designee finds that any person has violated, or continues to violate, these regulations or any permit or order issued hereunder, he may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(i) Comply forthwith;

(ii) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge; or

(iii) Conflicting standards. Whenever there is a conflict between any standard contained in these regulations and in the BMP manual adopted by the town pursuant to these regulations, the strictest standard shall prevail.

(e) Show cause hearing. The town engineer or director of codes compliance or his designee may order any person who violates these regulations or permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the show cause hearing, 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 (return receipt requested) at least ten (10) days prior to the hearing.

(3) Chronic violators. For chronic violators of the town's stormwater regulations and applicable stormwater requirements, the town shall pursue progressive enforcement in accordance with the Enforcement Response Plan (ERP) contained in Appendix A. Each violation will be tracked, incentives and/or disincentives will be applied, and the inspection frequency will increase. If corrected actions are not taken by the violator, the town will perform the necessary corrective action and assess the owner costs incurred for the corrective action. If the stormwater facility is located on public property or within public rights-of-way, the town will document with photographs, maintenance logs, contractor invoices, and in the tracking system, that appropriate maintenance and/or repairs have been completed. (2002 Code, § 18-108)

18-109. Authority of stormwater appeals board. (1) Pursuant to *Tennessee Code Annotated*, § 68-221-1106, the town hereby creates a board to hear and decide appeals of these stormwater regulations.

(a) Said board shall be called the "stormwater appeals board."

(b) The stormwater appeals board shall consist of five (5) members, appointed by the town mayor, subject to confirmation by the board of commissioners. Each member must be a resident of the town. There shall be one (1) member that is representative of the following groups if available:

- (i) Member of the board of commissioners;
- (ii) Current home owner;
- (iii) Member of the profession of engineering;
- (iv) Member of the profession of agriculture; and

(v) Member of the residential/commercial development community.

(c) Each member shall be appointed to a term of three (3) years, with the first term of members from subsections (1)(a) through (1)(c) lasting two (2) years, and the first term of members from subsections (1)(d) through (1)(e) lasting three (3) years. Thereafter the term of each member shall be three (3) years, except the member of the board of commissioners, whose term shall run concomitant with his/her elected term of office.

(d) The stormwater appeals board shall meet as needed.

(e) Each meeting of the stormwater appeals board shall be memorialized in a set of minutes that will be kept in a well-bound book by the town engineer.

(f) The stormwater appeals board is hereby authorized to hear and decide appeals of any order, decision or ruling of the town engineer or codes official or his designee issued pursuant to these regulations. Following the hearing on an application for appeal, the stormwater appeals board may affirm, reverse, modify or remand for more information, the order, decision or ruling of the town engineer or codes official or his designee. In no event shall the stormwater appeals board issue a decision that in any way conflicts or contradicts these regulations or any other federal, state or local laws or regulations relating to stormwater, wastewater, codes, or zoning or planning.

(2) Any person aggrieved by the imposition of a civil penalty, damage assessment, or decision by the town engineer, town code official or his/her designee, as provided by these regulations, may appeal said penalty, damage assessment, or decision to the stormwater appeals board, created pursuant to these regulations.

(3) The appeal shall be in writing and filed along with a non-refundable application fee of one hundred dollars (\$100.00) with the town engineer within fifteen (15) days after the civil penalty and/or damage assessment is served in any manner authorized by law.

(4) Upon receipt of an appeal, the stormwater appeals board shall hold a public hearing within thirty (30) days. Ten (10) days prior notice of the time, date, and location of said hearing shall be published in a newspaper of general circulation. Ten (10) days' notice by registered mail shall also be provided to the appellant, such notice to be sent to the address provided by the appellant on the notice of appeal. The decision of the stormwater appeals board shall be final.

(5) Appealing decisions of the stormwater appeals board. Any alleged violator may appeal a decision of the stormwater appeals board pursuant to the provisions of *Tennessee Code Annotated*, title 27, chapter 8. (2002 Code, § 18-110)

18-110. Administration and miscellaneous. (1) In order that stormwater quality and quantity may be managed in accordance with these purposes and policies, these regulations are hereby adopted.

(2) Should any article, section, subsection, clause or provision of this stormwater management regulation be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the regulation as a whole, or any part thereof, other than the part declared to be unconstitutional or invalid, each article, section, clause and provision being declared severable.

(3) In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for promotion of the public health, safety and general welfare.

(4) It is established that these regulations are not intended to interfere with, abrogate or annul any regulations, statutes, or laws. In any case where these regulations impose restrictions different from those imposed by any other provision of these regulations, or any other regulation, law or statutes, whichever provisions are more restrictive or impose higher standards shall control.

(5) For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in § 18-111.

Where words within these regulations have not been defined, the standard dictionary definition shall prevail.

(6) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words in the plural include the singular; words used in the masculine include the feminine. (2002 Code, § 18-111)

18-111. Definitions. (1) "Agricultural land management activities." The practice of cultivating the soil, producing crops, and raising livestock for the preparation and marketing of the resulting products.

(2) "As-built plans." Drawings depicting conditions as they were actually constructed.

(3) "Base flood." The flood having a one percent (1%) chance of being equaled or exceeded in any given year. While this statistical event may occur more frequently, it is also known as the "100-year or regulatory flood event."

(4) "Base site area." The area of a site, as determined by an actual on-site survey, within a single zoning district (if more than one (1) district is present they should be treated as separate parcels) unless:

- (a) Any land within the ultimate right-of-way of existing roads;
- (b) Existing utility rights-of-way for pipelines or high tension

lines;

(c) Any land which has been cut-off from the main parcel by a highway, rail-line, or stream so that common access and use is impossible, and where separate use is not feasible;

(d) Any land which is subject to any covenants, easements, or restrictions against building except for areas included solely in either stream, drainageway, floodplain, or wetland preservation and/or restoration easements that are held in perpetuity by a non-profit organization or agency with IRS § 501(c)(3), being 26 U.S.C. § 501(c)(3), status devoted to such matters; and

(e) Any required bufferyards.

(5) "Best Management Practice (BMP)." This may refer collectively or specifically to a structural or non-structural practice intended to address water quantity or quality to meet the requirements of the stormwater management regulations.

(6) "BMP treatment train." A technique for progressively selecting various stormwater management practices to address water quality, by which groups of practices may be used to achieve a treatment goal while optimizing effectiveness, maintenance needs and space.

(7) "Bridge." A man-made conveyance to allow passage of stormwater flows.

(8) "Building." A structure built, maintained, or intended for use for the shelter or enclosure of persons, animals, or property of any kind. The term is inclusive of any part thereof. Where independent units with separate entrances are divided by party walls, each unit is a building.

(9) "Channel." A natural or artificial watercourse of perceptible extent, with definite bed and banks to convey continuously or periodically flowing water. "Channel flow" is that water flowing within the limits of the defined channel.

(10) "Clearing." To remove vegetation, trees, debris, or structures.

(11) "Critical area." A site subject to erosion or sedimentation as a result of cutting, filling, grading, or other disturbance of the soil; a site difficult to stabilize due to exposed subsoil, steep slope, extent of exposure, and other conditions.

(12) "Critical service roads." Designated county evacuation routes, or other access to police, fire, emergency medical services, hospitals, or shelters.

(13) "Cross-drain." A culvert used to convey flow under a road or other obstruction between channels or surface flow.

(14) "Culvert." A man-made conveyance for stormwater flows. This may include a pipe or other constructed conveyance.

(15) "Cut." Portion of land surface or area from which earth has been removed, or will be removed, by excavation; the depth below original ground surface to the excavated surface.

(16) "Design storm event." A hypothetical storm event of a given frequency interval and duration, used in the analysis and design of stormwater management facilities.

(17) "Detention." The temporary delay of storm runoff prior to discharge into receiving waters with the use of a pond and outlet control structure.

(18) "Developer." Any individual, firm, corporation, association, partnership, or trust involved in commencing proceedings to effect development of land for himself or others. This includes any legal or engineering representative of the "developer."

(19) "Development." Any man-made change to improved or unimproved real property, including, but not limited to, buildings, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials (as defined as materials of like nature stored in whole, or in part, for more than six (6) months).

(20) "Discharge." To dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.

(21) "Drainage basin." A part of the surface of the earth that is occupied by, and provides surface water runoff into, a stormwater management system (MS4 or waters of the state), which consists of a surface stream or a body of impounded surface water together with all tributary surface streams and bodies of impounded surface water.

(22) "Engineer." An engineer duly registered, licensed or otherwise authorized by the State of Tennessee to practice in the field of civil engineering.

(23) "Erosion." The removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with, or promoted by, anthropogenic (changes in nature caused by people) activities or effects.

(24) "Erosion prevention." Practices implemented to prevent, through shielding, binding or other mechanism(s), the suspension of soil particles, often associated with erosion prevention and sedimentation control.

(25) "Erosion Prevention and Sediment Control (EP&SC)." See "erosion prevention" and "sediment control."

(26) "Excavation." See "Cut."

(27) "Exceptional Tennessee waters." Surface waters designated by the division as having the characteristics set forth at Tennessee Rules, chapter 0400-40-03-.06(4). Characteristics include waters within parks or refuges; scenic rivers; waters with threatened or endangered species; waters that provide specialized recreational opportunities; waters within areas designated as lands unsuitable for mining; waters with naturally reproducing trout; waters with

exceptional biological diversity and other waters with outstanding ecological or recreational value.

(28) "Existing construction." Any structure for which the "start of construction" commenced before the effective date of these regulations.

(29) "Existing grade." The slope or elevation of existing ground surface prior to cutting or filling.

(30) "Fill." Portion of land surface or area to which soil, rock, or other materials have been, or will be, added; height above original ground surface after the material has been, or will be, added.

(31) "Finished grade." The final slope or elevation of the ground surface, after cutting or filling.

(32) "Flood or flooding." Water from a river, stream, watercourse, lake, or other body of standing water that temporarily overflows and inundates adjacent lands and which may affect other lands and activities through increased surface water levels, and/or increased groundwater levels, and high water velocities.

(33) "Flood Insurance Rate Map (FIRM)." An official map of the town, on which the federal emergency management agency has delineated both the areas of special flood hazard and the risk premium zones applicable to Nolensville.

(34) "Flood insurance study." The official report provided by the federal emergency management agency. The report contains elevations of the base flood, floodway widths, flood velocities, and flood profiles.

(35) "Floodplain." The relatively flat or lowland area adjoining a river, stream, watercourse, lake, or other body of standing water which has been, or may be, covered temporarily by floodwater. For purposes of these regulations, the "floodplain" is defined as the 100-year floodplain having a one percent (1%) chance of being equaled or exceeded in any given year.

(36) "Floodproofing." A combination of structural or non-structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

(37) "Floodway." That portion of the stream channel and adjacent floodplain required for the passage or conveyance of a 100-year flood discharge. The floodway boundaries are placed to limit encroachment in the floodplain so that a 100-year flood discharge can be conveyed through the floodplain without materially increasing (less than one foot (1')) the water surface elevation at any point, and without producing hazardous velocities or conditions. This is the area of significant depths and velocities, and due consideration should be given to effects of fill, loss of cross sectional flow area and storage, and resulting increased water surface elevations.

(38) "Floodway fringe." That portion of the floodplain lying outside the floodway.

(39) "Floor." The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

(40) "Flow attenuation." To lessen the volume, stage, discharge rate, or velocity of the stormwater runoff.

(41) "Grading." Any operation or occurrence by which the existing site elevations are changed; or where any ground cover, natural or man-made, is removed; or any watercourse or body of water, either natural or man-made, is relocated on any site, thereby creating an unprotected area. This includes stripping, cutting, filling, stockpiling, or any combination thereof, and shall apply to the land in its cut or filled condition. Grading activities may only be performed with a land disturbance permit from the town and TDEC for disturbed areas greater than one (1) acre.

(42) "Green Infrastructure (GI)." Green infrastructure utilizes vegetation, soils, and natural processes to manage stormwater runoff and create healthier urban environments.

(43) "Historic structure designation." Any structure that is: listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historical district or a district preliminarily determined by the secretary to qualify as a registered historic district; or listed individually on a state or local inventory of historic places which have been approved by the Secretary of the Interior.

(44) "Hot spot." An area where land use or activities generate highly contaminated stormwater runoff, with concentrations of pollutants in excess of those typically found in stormwater.

(45) "Illicit connection." Any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

(46) "Illicit discharge." Defined at 40 CFR § 122.26(b)(2) and refers to any discharge to a municipal separate storm sewer that is not entirely composed of stormwater, except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the MS4) and discharges resulting from firefighting activities.

(47) "Impervious cover." A term applied to any ground or surface that water cannot infiltrate, or through which water infiltrates with great difficulty.

(48) "Intermittent stream." Natural or man-made watercourses which cease to flow for sustained periods during a normal rainfall year (typically during the later summer through the fall months). The groundwater table elevation is typically less than the invert of the stream.

(49) "Land disturbing activity." Any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or

the existing soil topography. "Land-disturbing activities" include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

(50) "Low Impact Development (LID)." An approach to land development (or re-development) that works with nature to manage stormwater runoff as close to its source as possible. LID employs principals such as preserving natural landscape features, minimizing impervious area, and creating functional and appealing site drainage that treats stormwater runoff as a resource.

(51) "Maintenance." Any activity necessary to keep a stormwater management facility in good working order so it will function as designed. "Maintenance" shall include complete reconstruction of a stormwater management facility if reconstruction is required in order to restore the facility to its original operational design parameters. "Maintenance" shall also include the correction of any problem on the site, including the location of the stormwater management facility, that directly impairs the functions of the stormwater management facility.

(52) "Municipal Separate Storm Sewer System (MS4)." Defined in 40 CFR § 122.26(b)(8) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

(a) Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by, or pursuant to, state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the Clean Water Act (CWA) that discharges to waters of the state;

(b) Designed or used for collecting or conveying stormwater;

(c) Which is not a combined sewer; and

(d) Which is not part of a Publicly Owned Treatment Works (POTW) as defined in 40 CFR § 122.2.

(53) "New construction." Structures for which the "start of construction" commenced on, or after, the effective date of these regulations or revisions to these regulations. The term also includes any subsequent improvements to such structures.

(54) "Nonpoint source." Any source of pollutant(s) that is not a point (concentrated) source. Examples are sheet flow from pastures and runoff from paved areas or any area with the potential to contribute pollutants to the receiving streams or water bodies.

(55) "NPDES permit." National pollution discharge elimination system permit issued pursuant to 33 U.S.C. § 1342.

(56) "NRCS National Resources Conservation Service." Formally Soil Conservation Service.

(57) "100-year flood." A flood that has an average frequency of occurrence of once in one hundred (100) years, determined from an analysis of floods on a particular watercourse and other watercourses in the same general region. Statistically, it has a one percent (1%) chance of occurring in any given year. See "base flood."

(58) "Owner/operator." Any and all persons, natural or artificial, including any individual, firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country that holds property, or performs land disturbance activities.

(59) "Passive recreational activities." Including, but not limited to, parks, areas for hiking, arboretums, nature areas, wildlife sanctuaries, picnic areas, garden plots, cemeteries and beaches.

(60) "Perennial streams watercourses." Watercourses that generally flow year-round but may go dry in drought years.

(61) "Permittee." Any person, firm, or any other legal entity to whom a site disturbance, grading, building or other related permit is issued in accordance with the town regulations.

(62) "Point source." Any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are, or may be, discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

(63) "Redevelopment." Development improvements that have a value less than fifty percent (50%) of the current assessed value and/or increases the floor area by less than twenty-five percent (25%). Demolition and reconstruction is considered development and not redevelopment. Note: this is different from significant redevelopment.

(64) "Regional stormwater management facility." A device or management practice typically, but not always, a detention or retention pond, with a tributary area with more than one (1) development site. This may be multiple homogenous land use areas or an area of various land uses.

(65) "Retention." The prevention of storm runoff from direct discharge into receiving waters. Examples include systems which discharge through percolation, infiltration, filtered bleed-down and evaporation processes.

(66) "SCS." Soil conservation service.

(67) "Sediment." Solid material, both mineral and organic, that is in suspension, being transported, or has been moved from its site of origin by air, water, or gravity as a product of erosion.

(68) "Sediment control." Practices implemented to manage through filtering, settling or other mechanism(s) to remove suspended particles (soil,

organic or mineral) from water, often associated with erosion prevention and sedimentation control.

(69) "Significant redevelopment." Development improvements that have a value greater than fifty percent (50%) of the current assessed value, increases the floor area twenty-five percent (25%) or more, any change in the impervious surface area, redirects the flow of stormwater in any way, modifies the storm sewer system, or changes stormwater characteristics. Demolition and reconstruction is considered development and not redevelopment. Note: this is different from redevelopment.

(70) "Site." All contiguous land and bodies of water in one (1) ownership graded, or proposed for grading or development, as a unit, although not necessarily at one (1) time.

(71) "Slope." Degree of deviation of a surface from the horizontal, usually expressed in percent or ratio.

(72) "Small municipal separate storm sewer system." Defined in 40 CFR § 122.26(b)(16) and refers to all separate storm sewers that are owned or operated by the United States, a state, city, town, borough, county, parish, district, association, or other public body (created by, or pursuant to, state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the Clean Water Act (CWA) that discharges to waters of the state, but is not defined as "large" or "medium" municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

(73) "Stormwater." Defined in 40 CFR § 122.26(b)(13) and means stormwater runoff, snow melt runoff, and surface runoff and drainage.

(74) "Stripping." Any activity that removes or significantly disturbs the vegetative surface cover, including clearing and grubbing operations.

(75) "Structure." See "Building."

(76) "Tributary area." The drainage area upstream of a specified point including all overland flow that directly or indirectly connects down-slope to the specified point.

(77) "Waters of the state." All water, public or private, on or beneath the surface of the ground, except those bodies of water retained within single ownership which do not join with natural surface or underground waters.

(78) "Waterway natural area." A strip of undisturbed native vegetation, either original or re-established, that borders streams and rivers, ponds and lakes, wetlands, and springs.

(79) "Wet weather conveyance." Man-made or natural watercourses that flow only in direct response to precipitation runoff in their immediate

locality, and whose channels are above the groundwater table, and which do not support fish and aquatic life.

(80) "Wetland." Those areas that are inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typical to life in saturated soil conditions. "Wetlands" generally include, but are not limited to, swamps, marshes, bogs and similar areas. (2002 Code, § 18-112, modified)

18-112. Violations and penalty. Any person who shall commit any act declared unlawful under these regulations, who violates any provision of these regulations, who violates the provisions of any permit issued pursuant to these regulations, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the town engineer or director of codes compliance or his designee, shall be guilty of a civil offense.

(1) Applicability. Under the authority provided in *Tennessee Code Annotated*, § 68-221-1106, the town declares that any person violating the provisions of these regulations may be assessed a civil penalty by the town engineer or director of codes compliance or his designee of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation. The penalties may be assessed beyond schedules applied in a NOV or other schedules issued to the property owner, or other person responsible for unauthorized activity defined in these regulations.

(2) Measuring civil penalties. In assessing a civil penalty, the town engineer or director of codes compliance or his designee may consider:

- (a) Harm done to the public health or the environment;
- (b) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
- (c) Economic benefit gained by the violator;
- (d) Amount of effort put forth by the violator to remedy this violation;
- (e) Unusual or extraordinary enforcement costs incurred by the municipality;
- (f) Amount of penalty established by ordinance or resolution for specific categories of violations; and
- (g) Equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(3) Recovery of damages and costs. The town may recover damages and costs in addition to civil penalties.

- (a) The town may recover all damages proximately caused by the violator, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, these regulations, or any other actual damages caused by the violation.

(b) The town may recover the costs for maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by these regulations.

(c) In the event that there are penalties assessed by the state against the town caused by, or as a result of, the act or omission of any person, company or facility, said person, company or facility shall be assessed the equivalent amount of such penalty. This shall include, but is not limited to, penalties for improper disposal or illegal dumping, or illicit connection into the municipal separate storm sewer system.

(d) If corrective action, including maintenance delinquency, is not taken in the time specified, or within a reasonable time if no time is specified, the town may undertake corrective action, and the cost of such corrective action shall be the responsibility of the person, company, facility, owner and/or developer. The cost of abatement and restoration shall be borne by the owner of the property, with such costs invoiced to the owner of the property. If said invoice is not paid within ninety (90) days of receipt of such invoice, the town shall have the authority to place a lien upon, and against, the property. If the lien is not removed within ninety (90) days, the town is authorized to take all legal action necessary to enforce the lien as a judgment, including, without limitation, enforcing the lien in an action brought in a court of competent jurisdiction.

(4) Other remedies. The town may bring legal action to enjoin the continuing violation of these regulations, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

(5) Remedies cumulative. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted.

(6) Emergency orders and abatement. The town engineer or director of codes compliance or his designee may order the abatement of any discharge from any source to the stormwater conveyance system when, in the opinion of the town engineer or director of codes compliance or his designee, the discharge causes, or threatens to cause, a condition which presents an imminent danger to the public health, safety or welfare, or the environment, or a violation of the NPDES permit. In emergency situations where the property owner, or other responsible party, is unavailable and time constraints are such that service of a notice and order to abate cannot be effected without presenting an immediate danger to the public health, safety or welfare, or the environment or a violation of the NPDES permit, the town may perform, or cause to be performed, such work as shall be necessary to abate said threat or danger. The costs of any such abatement shall be borne by the property owner and shall be collected in accordance with the provisions herein. (2002 Code, § 18-109)

CHAPTER 2

BEST MANAGEMENT PRACTICES MANUAL

SECTION

18-201. Best Management Practices Manual.

18-201. Best Management Practices Manual. The *Best Management Practices Manual* for the Town of Nolensville is hereby adopted by reference (Ord. #06-26, Dec. 2006) as if fully set out herein. It can be viewed in its entirety in the office of the town recorder.

CHAPTER 3

SEWER CONNECTION REQUIREMENTS

SECTION

18-301. Sewer requirements.

18-302. Sewer service charge.

18-301. Sewer requirements. In accordance with *Tennessee Code Annotated*, § 68-221-209, upon completion of the sewer system as provided in Res. #09-21, any person or persons, or entities, owning improved parcels contiguous to public rights-of-way and/or public utility easements containing public sanitary sewers shall make connection to the public infrastructure in accordance with metro water and sewer department's current specifications and sewer acceptability policy. This must be accomplished within sixty (60) days of being notified by the Town of Nolensville to do so unless otherwise notified by the director of metro water and sewer department. Any required fees and service charges will be billed on the next billing cycle. This schedule may be shortened if an existing condition is a threat to public health and safety. (2002 Code, § 18-401)

18-302. Sewer service charge. Properties having direct access to either a gravity sewer line or to a collector force main will be billed for sewerage service, in accordance with the Metropolitan Code of Laws § 15.44, whether or not a connection is made. Therefore, properties having previously been granted an exemption from this charge solely on the basis of not having gravity access will become subject to the charge once access is provided. Exemptions from sewer service charges previously granted for any other reason will not be affected by this provision. (2002 Code, § 18-402, modified)

TITLE 19

ELECTRICITY AND GAS

CHAPTER

1. GAS.
2. NATURAL GAS FRANCHISE.

CHAPTER 1

GAS¹

SECTION

19-101. To be furnished under franchise.

19-101. To be furnished under franchise. Gas service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant. The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.² (2002 Code, § 19-101)

¹Municipal code reference
Gas code: title 12, chapter 3.

²The agreements contained in the gas franchise, and amendments thereto, are of record in the office of the town recorder.

CHAPTER 2**NATURAL GAS FRANCHISE****SECTION**

- 19-201. Definitions.
- 19-202. Authority granted.
- 19-203. Cuts/excavation.
- 19-204. Term length.
- 19-205. Permit fee.
- 19-206. Transfer rights.
- 19-207. Franchise fees.
- 19-208. Acceptance of franchise.

19-201. Definitions. As used in this chapter, the following terms, words and phrases shall have the meanings respectively ascribed to them in this section:

(1) "Board of commissioners" means the governing body of the Town of Nolensville.

(2) "Company" means Piedmont Natural Gas Company, Inc., a corporation organized under the laws of the State of North Carolina and authorized to do business in the State of Tennessee, and any successor in interest to Piedmont Natural Gas Company, Inc. under this franchise chapter.

(3) "Gas" when used as an unqualified term means either natural or artificial gas, by whatever process or processes derived or manufactured, or both such gases either separately or a mixture of them.

(4) "Town" or "Town of Nolensville" means:

(a) The Town of Nolensville, a municipal corporation located in Williamson County, Tennessee;

(b) The area within the territorial town limits of the Town of Nolensville and within the extraterritorial area surrounding the town to the extent it may be lawfully included as presently, or hereafter fixed by law or ordinance; or

(c) The Board of Commissioners of the Town of Nolensville, or any officer or agent duly authorized in acting on behalf of the town as a municipal corporation, as indicated by the context by which the term is used. (2002 Code, § 19-201)

19-202. Authority granted. The company is hereby granted the right to construct, operate, and maintain a gas utilities system within the town for production, transmission, distribution, and sale of gas to consumers and users within the town and to the town, and any and all agencies and departments thereof.

The company is hereby granted the right, authority and privilege to construct and install, operate, maintain, lay or relay, renew, replace and repair gas pipes, mains, pipelines, conduits, regulators, connections and services thereto, in, through, across, along and under streets, avenues, roads, public alleys, lanes, parks and squares, and other public places and ways in the town for the production, pumping, handling, transmission, distribution and sale of gas for any and all purposes, subject to the terms and conditions hereinafter set forth in this chapter. (2002 Code, § 19-202)

19-203. Cuts/excavation. Whenever the company shall cause any opening, excavation or alteration to be made in any street, lane or public place within the town in the construction, operation or maintenance of any of its pipelines or other appliances owned or used by it, the company shall repair and restore such portions of such streets, lanes or public places to the same condition in which it found them as nearly as practicable. Additionally, if the company shall fail to restore the area to its approximate former condition within a reasonable period of time no less than thirty (30) working days after notification by the town, the town shall proceed to restore such streets, lanes and public places as nearly as practicable to their original condition and the town shall submit a statement of the costs for this restoration to the company. The company agrees to pay the town for these costs within thirty (30) days. (2002 Code, § 19-203)

19-204. Term length. This franchise is granted for a term of twenty-five (25) years beginning from the date of approval by the Tennessee Regulatory Board, May 1, 2009 and ending at midnight May 1, 2034. This franchise supersedes any and all former rights or franchises of the company to operate a gas utilities system in the town with respect to all acts and things done, or admitted to be done, on or after May 1, 2009. (2002 Code, § 19-204)

19-205. Permit fee. The company shall not be obligated to the town or any of its departments or agencies for any tax, license fee, other fee, or any other payment whatsoever, relating to the rights granted herein, other than that which is levied by state law. (2002 Code, § 19-205)

19-206. Transfer rights. The company is hereby granted the right during the existence of this franchise to mortgage or hypothecate this franchise, together with all rights and privileges thereunder and any right or interest therein, as security for indebtedness, subject to acceptance by any legal successor in interest of the obligations, duties, liabilities, limitations and prohibitions set out herein and subject to the approval by the Tennessee Regulatory Authority or other governmental agency whose approval is required by law. The company shall not assign or transfer its rights under this agreement; provided, however, that this provision shall not prohibit the

company from assigning its rights hereunder to the surviving corporation in any corporate reorganization in which the company is a party. (2002 Code, § 19-206)

19-207. Franchise fees. The company shall pay to the town an amount equal to three percent (3%) of the annual gross revenues collected from all customers who are located and provided service by the company within the geographical areas within the Town of Nolensville. The payment of the fee shall be on a quarterly basis, and the first payment shall be made by the company within sixty (60) days after the approval by the TRA of the ordinance. Thereafter, payment of such fee and the recovery thereof by the company shall be pursuant to *Tennessee Code Annotated*, § 65-4-105(e). (2002 Code, § 19-207)

19-208. Acceptance of franchise. This chapter shall be submitted to the Tennessee Regulatory Authority pursuant to *Tennessee Code Annotated*, § 65-4-107, for approval and shall take effect from the day and date of its passage, but only after it has been accepted in all its terms and revisions by the company, in writing, within sixty (60) days after its passage; otherwise, the same shall be null and void and of no effect. (2002 Code, § 19-208)

CHAPTER 3

CABLE TELEVISION FRANCHISE

SECTION

19-301. Franchise agreement.

19-301. Franchise agreement. The cable television franchise agreement for the Town of Nolensville is governed by Ord. #16-07 dated June 2, 2016.¹ (2002 Code, § 19-301)

¹The cable television franchise agreement is available for inspection in the office of the town recorder.

TITLE 20**MISCELLANEOUS****CHAPTER****1. PUBLIC RECORDS POLICY.****CHAPTER 1****PUBLIC RECORDS POLICY****SECTION**

20-101. Public records policy for the Town of Nolensville.

20-101. Public records policy for the Town of Nolensville.

Pursuant to *Tennessee Code Annotated*, § 10-7-503(g), the following public records policy for the Town of Nolensville is hereby adopted by the board of commissioners to provide economical and efficient access to public records, as provided under the Tennessee Public Records Act ("TPRA") in *Tennessee Code Annotated*, §§ 10-7-501, *et seq.*

The TPRA provides that all state, county and municipal records shall, at all times during business hours, be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law (see *Tennessee Code Annotated*, § 10-7-503(a)(2)(A)). Accordingly, the public records of the Town of Nolensville are presumed to be open for inspection unless otherwise provided by law.

Personnel of the Town of Nolensville shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records. No provisions of this policy shall be used to hinder access to public records. However, the integrity and organization of public records, as well as the efficient and safe operation of the Town of Nolensville, shall be protected as provided by current law. Concerns about this policy should be addressed to the Public Records Request Coordinator for the Town of Nolensville or to the Tennessee Office of Open Records Counsel ("OORC").

This policy is available for inspection and duplication in the office of the town recorder. Additionally, this policy is posted online at www.nolensvilletn.gov. This policy shall be reviewed periodically as needed.

This policy shall be applied consistently throughout the various offices, departments, and/or divisions of the Town of Nolensville.

(1) **Definitions.** (a) "Public records." All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law

or ordinance, or in connection with the transaction of official business by any governmental agency (see *Tennessee Code Annotated*, § 10-7-503(a)(1)(A)).

(b) "Public records request coordinator." The individual, or individuals, designated in subsection (3)(a)(iii) below, who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA (see *Tennessee Code Annotated*, § 10-7-503(a)(1)(B)). The public records request coordinator may also be a records custodian.

(c) "Records custodian." The office, official or employee lawfully responsible for the direct custody and care of a public record (see *Tennessee Code Annotated*, § 10-7-503(a)(1)(C)). The records custodian is not necessarily the original preparer or receiver of the record.

(d) "Requestor." A person seeking access to a public record, whether it is for inspection or duplication.

(2) Requesting access to public records. (a) Public record requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.

(b) Requests for inspection only cannot be required to be made in writing. The PRRC will request a mailing or e-mail address from the requestor for providing any written communication required under the TPRA.

(c) Requests for inspection may be made orally or in writing on Form A¹ at the Town of Nolensville Town Hall, 7218 Nolensville Road, Nolensville, Tennessee 37135, or by phone at 615-776-3633.

(d) Requests for copies, or requests for inspection and copies, shall be made in writing on Form A in person or by mail at the Town of Nolensville Town Hall, 7218 Nolensville Road, Nolensville, Tennessee 37135, or by phone at 615-776-3633.

(e) Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license or alternative acceptable form of ID is required as a condition to inspect or receive copies of public records.

(3) Responding to public records requests. (a) Public record request coordinator. (i) The PRRC shall review public record requests and make an initial determination of the following:

(A) If the requestor provided evidence of Tennessee citizenship;

(B) If the records requested are described with sufficient specificity to identify them; and

¹Form A (public records request, Form A) is available in the recorder's office.

(C) If the Town of Nolensville is the custodian of the records.

(ii) The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):

(A) Advise the requestor of this policy and the elections made regarding:

- (1) Proof of Tennessee citizenship;
- (2) Form(s) required for copies;
- (3) Fees (and labor threshold and waivers, if applicable); and
- (4) Aggregation of multiple or frequent requests.

(B) If appropriate, deny the request, in writing, providing the appropriate ground such as one (1) of the following:

- (1) The requestor is not, or has not presented evidence of being, a Tennessee citizen;
- (2) The request lacks specificity;
- (3) An exemption makes the record not subject to disclosure under the TPRA;
- (4) The Town of Nolensville is not the custodian of the requested records; or
- (5) The records do not exist.

(C) If appropriate, contact the requestor to see if the request can be narrowed.

(D) Forward the records request to the appropriate records custodian in the Town of Nolensville.

(iii) The designated PRRC is:

(A) Name or title: Town recorder.

(B) Contact information: the Town of Nolensville Town Hall, 7218 Nolensville Road, Nolensville, Tennessee 37135, or by phone at 615-776-3633.

(b) Records custodian. (i) Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with *Tennessee Code Annotated*, § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the OORC.

(ii) If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then a records custodian shall, within seven (7) business days from the records

custodian's receipt of the request, send the requestor a completed public records request response form, which is attached as Form B,¹ based on the form developed by the OORC.

(iii) If a records custodian denies a public record request, he or she shall deny the request, in writing, as provided in subsection (3)(a)(ii)(B) above, and may use the public records request response, Form B.

(iv) If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the records custodian shall use the public records request response, Form B, to notify the requestor that production of the records will be in segments, and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requestor to see if the request can be narrowed.

(v) If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission and produce the records as quickly as practicable.

(c) Redaction. (i) If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel, or other appropriate parties, regarding review and redaction of records. The records custodian and the PRRC may also consult with the OORC.

(ii) Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information.

(4) Inspection of records. (a) There shall be no charge for inspection of public records.

(b) The location for inspection of records within the offices of the Town of Nolensville shall be determined by either the PRRC or the records custodian.

(c) When a reasonable basis exists, the PRRC or a records custodian may require an appointment for inspection.

¹Form B (public records response, Form B) is available in the recorder's office.

(5) Copies of records. (a) A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.

(b) Copies will be available for pickup at the Town of Nolensville Town Hall.

(c) Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.

(d) A requestor will not be allowed to make copies of records with personal equipment. Requestors may purchase storage devices from the Town of Nolensville, upon which the records will be downloaded.

(6) Fees and charges and procedures for billing and payment. Fees and charges for copies of public records should not be used to hinder access to public records.

(a) Records custodians shall provide requestors with an itemized estimate of the charges prior to producing copies of records, and may require pre-payment of such charges before producing requested records.

(b) When fees for copies and labor do not exceed two dollars and fifty cents (\$2.50), the fees may be waived. Requests for waivers for fees above two dollars and fifty cents (\$2.50) must be presented to who is authorized to determine if such waiver is in the best interest of the Town of Nolensville and for the public good. Fees associated with aggregated records requests will not be waived.

(c) Fees and charges for copies are as follows:

(i) Fifteen cents (\$0.15) per page for letter- and legal-size black and white copies;

(ii) Fifty cents (\$0.50) per page for letter- and legal-size color copies;

(iii) The actual cost of any other medium upon which a record/information is being produced;

(iv) Labor when time exceeds one (1) hour; and

(v) If an outside vendor is used, the actual costs assessed by the vendor.

(d) Payment is to be made in cash, by personal check made payable to the Town of Nolensville, or credit card to include processing fees normally charged by the town and presented to the town recorder or municipal clerk.

(e) Payment in advance will be required when costs are estimated to exceed ten dollars (\$10.00).

(f) Aggregation of frequent and multiple requests.

(i) The Town of Nolensville will aggregate record requests in accordance with the frequent and multiple request policy promulgated by the OORC when more than four (4) requests

are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).

(ii) If more than four (4) requests are received within a calendar month:

(A) Records requests will be aggregated;

(B) The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the records custodian will inform the individuals that they have been deemed to be working in concert and that they have the right to appeal the decision to the OORC; and

(C) Requests for items that are routinely released and readily accessible are exempt from this policy. These records include, but are not limited to: documents, plans and/or records found on the town's website at www.nolensvilletn.gov. (2002 Code, § 1-105)

APPENDIX A
ENFORCEMENT RESPONSE PLAN

Appendix A

Town of Nolensville Phase II MS4 Permit TNS077801

Enforcement Response Plan

Section 8.C of the Town of Nolensville's (Town) Storm Water Management Regulations (Regulations) refers to an enforcement response plan (ERP) that will be applied to chronic violators of the Town's Regulations. An ERP is required by the Town's Phase II MS4 Permit. The plan must set out the Town's potential responses to violations and address repeat violations through progressive enforcement as needed to achieve compliance.

The Town shall have the authority to issue notices of violation and citations, and to impose civil penalties as provided in the Enforcement Response Plan. Measures authorized include:

- (a) Verbal Warnings – As minimum, verbal warnings must specify the nature of the violation and required corrective action.
- (b) Written Notices – Written notices must stipulate the nature of the violation and required corrective action, with deadlines for taking such action.
- (c) Citations with Administrative Penalties – The Town has the authority to assess monetary penalties, which may include civil and administrative penalties.
- (d) Stop Work Orders – Stop work orders that require construction activities to be halted, except for those activities directed at cleaning up, abating discharge, and installing appropriate control measures.
- (e) Withholding of Plan Approvals or Other Authorizations – Where a facility is in noncompliance, the Town's own approval process affecting the facility's ability to discharge to the MS4 can be used to abate the violation.
- (f) Additional Measures – The Town may also use other escalated measures provided under the Town's legal authorities. The Town may perform work necessary to improve erosion control measures and collect funds from the responsible party in an appropriate manner, such as collecting against the project's bond or directly billing the responsible party to pay for work and materials.

For violations of the Town's MS4 permit requirements and other applicable ordinances and regulations, the Town will assess the situation and make a determination of the appropriate action to remedy the violation. Depending on the nature of the violation the Town may require that qualified environmental personnel clean up a spill or perform the necessary work to remedy the violation. If so required, the Town will require work necessary to improve erosion or water quality control measures and collect the cost of such work from the responsible party. If the responsible party does not perform work in a timely manner, the Town will specify a timeline for

when the work shall be accomplished based on the existing circumstances and whether there is an immediate impact to waters of the state.

As stated in Section 9.3.D. of the Storm Water Ordinance; if the storm water management facility or storm water control measure is not in compliance with the permitting procedures and corrective action is not taken in time, the Town may take corrective measures to ensure compliance with the effective MS4 permit.

For chronic violators, the Town will pursue progressive enforcement, and, if necessary perform the necessary work to correct the violation and assess the owner the cost incurred for repairs.

The Town's ERP for enforcement of its storm water ordinance and other applicable regulations will be rational, fair and consistent in determining penalty amounts for storm water violations. The following information will be used as a basis for implementing the Town's Enforcement Response Plan.

Multi-day assessments are appropriate if the violation(s) continue after Town notification or issuance of a notice of violation (NOV) or the violation(s) result in ongoing environmental impacts.

Factors that will be considered to increase or decrease the penalty amount include:

- History of noncompliance
- Economic benefit of noncompliance (did it financially benefit the violator)
- Ability to pay
- Merits of case
- Resource consideration (waters of state/303d/high quality stream, etc.)

There may be instances when the Town may include but not limit enforcement discretion to conclude the violation is not worthy of a penalty. Some factors that may be considered include minor nature of the violation or a positive change in ownership (contractor).

The extent of the violation will be classified as major, moderate or minor. Major violations may include but not limited to appropriate permit(s) not obtained; numerous permit conditions are not being met; substantial damage to environmental resource (or potential for damage); illicit discharges; or potential for discharges to waters of the state.

Moderate violations may include but not limited to appropriate permit(s) not obtained but most permit requirements and permit conditions are being met; environmental resource is impacted moderately (or has the potential to be moderately impacted); SWPPP is less than 50% complete and/or not up to date; required visual monitoring or annual comprehensive site evaluation are not conducted properly; and construction activity disturbs an area greater than five acres for total plan of development.

Minor violations would include permit requirements and conditions are mostly in compliance (no discharge of sediment from site); appropriate permit(s) not obtained but permit requirements and conditions are being met; environmental resource is minimally impacted (or potential to be minimally impacted); SWPPP is less than 50% complete and/or not up to date; and construction activity that disturbs an area greater than an acre for total plan of development. An example penalty matrix is shown below.

Example Penalty Assessment Matrix

Potential for Harm To Environmental Resource	Extent of Violations		
	Major	Moderate	Minor
Major	\$3,000 to \$5,000	\$1,000 to \$3,000	\$50 to \$1,000
Moderate	\$2,000 to \$3,000	\$1,000 to \$2,000	\$50 to \$1,000
Minor	\$1,000 to \$2,000	\$500 to \$2,000	\$50 to \$100

An alternative or supplement to the above matrix would be a protocol that prescribes penalties based on whether a violation is the first, second, third, etc. The following are examples of this protocol.

Land Disturbing Activity Without Obtaining Necessary Permit(s)

- **First Offense:** stop work order; NOV; civil penalty equal to cost of permit (in addition to any other fees).
- **Second Offense:** stop work order; NOV; civil penalty of \$500 plus damages consisting of cost of the time spent enforcing and remediating the violation at an employee's hourly weighted rate.
- **Third or Subsequent Offense:** stop work order; NOV; civil penalty of \$1000 plus damages consisting of cost of the time spent enforcing and remediating the violation at an employee's hourly weighted rate.

Failure to Install, Maintain or Use Proper Construction Entrance (Tracking Mud on Street)

- **First Offense:** written warning with copies to general contractor and owner
- **Second Offense:** NOV to permit holder
- **Third or Subsequent Offense:** civil penalty of \$500 plus damages consisting of cost of the time spent enforcing and remediating the violation at an employee's hourly weighted rate.

Failure of the permit holder to aggressively remove any mud, debris or construction material that is deposited on a public road after receiving a written warning or a NOV will result in an additional civil penalty of \$250 per incident plus Town expenses if the Town uses their personnel to remove the mud, debris or construction material to protect the safety of the public.

Failure to Install, Maintain or Use Proper Structural Erosion or Sediment Controls (Resulting in Sediment Discharge)

- **First Offense:** written warning with copies to general contractor and owner; civil penalty for cost of damages if the Town is required to clean up the sediment discharged onto Town streets, ROW or storm water structures
- **Second Offense:** NOV; stop work order until necessary erosion and sediment controls are installed or maintenance completed; compliance order to submit self-inspection forms to Town on monthly basis; civil penalty for cost of damages if the Town is required to clean up the sediment discharged onto Town streets, ROW or storm water structures
- **Third Offense:** NOV; stop work order until necessary erosion and sediment controls are installed or maintenance completed; civil penalty of \$500 per discharge point; civil penalty for cost of damages if the Town is required to clean up the sediment discharged onto Town streets, ROW or storm water structures
- **Fourth or Subsequent Offense:** NOV; stop work order until necessary erosion and sediment controls are installed or maintenance completed; civil penalty of \$1000 per discharge point; civil penalty for cost of damages if the Town is required to clean up the sediment discharged onto Town streets, ROW or storm water

Failure to Properly Maintain Erosion Control Self Inspection Sheets and On-Site Erosion Control Plan

NOV and civil penalty of \$100 per inspection during which self-inspection sheets or up to date erosion control plans cannot be provided when requested by inspector.

Failure to Provide Final Stabilization

NOV and civil penalty of \$250 per day issued to owner for each day past issuance date of final certificate of occupancy.

Illicit Discharges (Significant Spills and Accidental Discharges of Materials)

The Town's MS4 permit requires that the Town develop a program for responding to; containing; and preventing spills and accidental discharges of materials that will adversely affect the MS4 system and receiving streams. *(Note: Section 4.2.3 of the permit states: "The MS4 shall foster interagency coordination of hazardous waste or material spills response and cleanup. The MS4 shall inform local spill-response agencies and/or TEMA of the potential negative impacts to surface water (and ground water) of spill clean-up activities, that is, the potential for response to cause pollutants to enter waters of the state.")*

Any incident involving a "significant" spill of materials posing a risk to the Town's MS4, waters of the state, or a threat to human health and the environment in which Town staff responds for site assessment, containment, remediation supervision and/or monitoring, will be regarded as an illicit discharge under Section 2.3 of the storm water ordinance. Town staff will have full control of the spill site and will direct clean up of the site and remediation of the spill and materials. Depending on the nature of the violation, the Town will require that qualified environmental personnel clean up a spill or perform the necessary work to remedy the violation.

For violations that impact waters of the state, the violator will be subject to a fine of up to \$5,000 and additional fines by TDEC depending on the nature of the violation such as whether the violation is minor, moderate, or major.

The Town will notify owners of adjacent properties or other impacted properties within 48 hours of first awareness of the spill or event excluding weekends.

The Town will issue a NOV for the spill or discharge of materials that adversely impacts the MS4 and receiving streams which will require the responsible party to submit a written report within thirty (30) days of the date the NOV is received by the responsible party. The written report from the responsible party must contain the following information:

1. Exact date(s) of the incident, spill, or discharge;
2. Description of the incident, spill, or discharge; and
3. Steps that were taken to correct the incident, spill, or discharge and steps that will be taken to prevent reoccurrence of the incident, spill, or discharge in the future.

First Offense: NOV issued to responsible party for non-storm water discharge; civil penalty for damages consisting of employee hourly weighted rates and other related costs of Town crew or contracted services to clean up illicit discharge by responsible party at Town's direction.

The Town may issue a fine up to \$2,500 for a first time occurrence depending on the nature of the offense.

Second Offense: NOV and civil penalty up to \$2,500 issued to responsible party; civil penalty for damages consisting of employee hourly weighted rates and other related costs of Town crew or contracted services to clean up illicit discharge by responsible party at Town's direction.

Third or Subsequent Offense: NOV and civil penalty up to \$5,000 issued to responsible party; civil penalty for damages consisting of employee hourly weighted rates and other related costs or contracted services to clean up illicit discharge by responsible party at Town's direction.

Illicit Discharges (Residential Wastewater Discharges)

NOV and compliance order to stop illicit discharge within 10 days issued to responsible party.

An illicit discharge properly reported as an accidental discharge will be reclassified as an accidental release and not subject to a civil penalty, unless discharge is to waters of the state, as an illicit discharge. Additional damages consisting of salaries and cost of all Town crews or contracted services to clean up accidental releases will be assessed to the responsible party at Town's direction.

Illicit Discharges (Residential Other than Wastewater Discharges)

Enforcement action is based on type of violation. More serious violations such as deliberate dumping of a pesticide, used motor oil or other hazardous or dangerous chemical into a storm water conveyance system would result in a civil penalty of \$1,000 plus actual cost of enforcement and/or damages to environmental resource. A less serious violation, such as raking leaves into the storm water conveyance system, may result in a written or verbal warning.

An illicit discharge properly reported as an accidental discharge will be reclassified as an accidental release and not subject to a civil penalty as an illicit discharge unless discharge is to waters of the state. Additional damages consisting of salaries and cost of all Town crews or contracted services to clean up accidental releases will be assessed to the responsible party

Right of Entry

As stated in Section 1.3.E. of the storm water ordinance: "The Town of Nolensville shall have right-of-entry upon the property subject to this regulation and any permit/document issued hereunder. The Town of Nolensville shall be provided ready access to all parts of the premises for the purposes of inspection, monitoring, sampling, inventory, records of examination and copying, and the performance of any other duties necessary to determine compliance with this regulation."

Citations With Administrative Proceedings

Consent Orders: The Town 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 person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to a Show Cause Hearing or Compliance Order.

Show Cause Hearing: The Town may order any person who violates the storm water ordinance, MS4 permit, or other order to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, proposed enforcement action and 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 (return receipt requested) at least ten (10) days prior to the hearing.

Compliance order: When the Town finds that any person has violated or continues to violate the storm water ordinance, MS4 permit, or other order, the Town may issue an order to the violator directing that, following a specific time period, adequate structures or devices be installed and/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 construction of appropriate structures, installation of devices, self- monitoring, and management practices.

Cease and Desist and Stop Work Orders: When the Town finds that any person has violated or continues to violate the storm water ordinance, MS4 permit or other order the Town may issue a stop work order or an order to cease and desist all such violations and direct those persons in noncompliance to Comply forthwith; or take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation; including halting operations except for terminating the discharge and installing appropriate control measures.

Suspension, Revocation or Modification of Permit: The Town may suspend, revoke or modify the permit authorizing the land development project or any other project of the applicant or other responsible person within the Town. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated upon such conditions as the Town may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations. All fines associated with the notice of violation must be paid before the permit will be reissued.

Conflicting Standards: Whenever there is a conflict between any standard contained in the storm water ordinance, BMP manual or other ordinances and regulations adopted by the Town, the strictest standard shall prevail.

Referral to TDEC: Where the Town has used progressive enforcement to achieve compliance with this Enforcement Response Plan and other applicable ordinances, and in the judgment of the Town has not been successful, the Town may refer the violation to TDEC. For the purposes of this provision, “progressive enforcement” shall mean two (2) follow-up inspections and two (2) warning letters. In addition, enforcement referrals to TDEC must include, at a minimum, the following information:

- (a) Construction project or industrial facility location;
- (b) Name of owner or operator;
- (c) Estimated construction project or size or type of industrial activity (including SIC code, if known);
- (d) Records of communications with the owner or operator regarding the violation, including at least two follow-up inspections, two warning letters or notices of violation, and any response from the owner or operator.

Other Remedies: The Town may bring legal action to enjoin the continuing violation of this Enforcement response plan, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

Remedies Cumulative: The remedies set forth in this Enforcement Response Plan shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted.

Appeals: Pursuant to Tennessee Code Annotated § 68-221-1106(d), any person aggrieved by imposition of a civil penalty or damage assessment as provided by an enforcement action may appeal said penalty or damage assessment to the Storm Water Appeal Board.

Appeals to be in Writing: The appeal shall be in writing and filed with the municipal recorder or clerk within fifteen (15) days after the civil penalty and/or damage assessment is served in any manner authorized by law.

Public Hearing: Upon receipt of an appeal, the governing body shall hold a public hearing within thirty (30) days. Ten (10) days prior notice of the time, date, and location of said hearing shall be published in a daily newspaper of general circulation. Ten (10) days’ notice by registered mail shall also be provided to the aggrieved party, such notice to be sent to the address provided by the aggrieved party at the time of appeal. The decision of the governing body of the Town shall be final.

Appealing Decisions of the Town's Governing Body: Any alleged violator may appeal a decision of the Town's governing body pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8.

APPENDIX B
DRAINAGE PLAN AND DRAINAGE
CALCULATIONS REVIEW CHECKLIST

Appendix B Drainage Plan and Drainage Calculations Review Checklist



Project Name:	
Project Location:	
Latitude/Longitude:	
File/Reference Number:	
Submital Date:	
Applicant:	
Contact Name:	
Contact Phone Number:	
Contact E-mail:	
Reviewer:	
Review Date:	

Check submittal for the following:	Included?			Comments	Response	Resolution (Y/N/Add'l Info)
	Yes	No	N/A			
General Project Information						
Site address and legal description	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Vicinity map	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Project narrative	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Purpose/Intended Use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Hydrologic Parameters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Impact of development on site hydrology and stormwater quality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Offsite flow conditions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Description of stormwater management targets	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Rationale for selection of permanent stormwater control measures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Runoff Reduction Requirement Obtained	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Structural Stormwater Control Measures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Bioretention	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Dry Detention	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Extended Detention	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Filter Strips	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Vegetated Swales	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Green Roofs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Managed Vegetated Areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Infiltration Practices	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Stormwater Treatment Wetlands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Manufactured Treatment Devices	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Permeable Pavement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Rainwater Harvesting and Reuse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Potential of increased threat of flood damage to public health, life or property	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Construction Plans						
Existing and proposed topography	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Existing and proposed stormwater management systems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Catchments/Sub-basins	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Locations of hydrologic computation points	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Drainage areas and time of concentration flowpaths	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Stormwater management practices: specified type and surface area indicated on plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Proposed drainage and maintenance access routes and easement locations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Proposed channel modification locations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Soil classifications and hydrologic information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Existing and proposed land management/cover (including all existing structures, locations of utilities, roads, and easements)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Limits of disturbance clearly marked and total disturbed area labeled	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Resource protection areas (e.g. headwater streams, wetlands and lakes)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			

Signature of Applicant (Required) _____
 (By signing this checklist, the applicant certifies that all applicable items have
 been provided and are correct to best of his/her knowledge).

Date of Submittal _____

Appendix B Drainage Plan and Drainage Calculations Review Checklist



Project Name:	
Project Location:	
Latitude/Longitude:	
File/Reference Number:	
Submital Date:	
Applicant:	
Contact Name:	
Contact Phone Number:	
Contact E-mail:	
Reviewer:	
Review Date:	

Check submittal for the following:	Included?			Comments	Response	Resolution (Y/N/Add'l Info)
	Yes	No	N/A			
FEMA Floodplain limits	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Development setbacks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
100' WNA adjacent to all waterways on/adjacent to the construction site with drainage areas greater than or equal to 5 sq. mi.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
75' WNA adjacent to all waterways on/adjacent to the construction site with drainage areas greater than or equal to 1 sq. mi. and less than 5 sq. mi.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
50' WNA adjacent to all waterways on/adjacent to the construction site with drainage areas less than 1 sq. mi.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Stormwater Control Measure buffers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Building setbacks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Property line setbacks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Well/septic system setbacks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Existing and proposed roads, buildings and other structures (impervious surfaces)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Existing and proposed utilities and utility easements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Other existing significant natural and artificial features	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Drainage Computations						
Drainage map with sub-area delineations, hydrologic nodes, and summary of areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Hydrologic methodology selection and discussion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Times of concentration methodology and supporting calculations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Curve Numbers or Runoff Coefficients, including assumed soil moisture conditions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Peak runoff rates, method used along with basis for selected method, and total runoff volumes for each sub-basin area. Summary tables and tabular output included?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Soil infiltration rates, if infiltration SCMs are being used	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Culvert, storm sewer, ditch and/or other stormwater conveyance capacities and hydraulic grade line plots for design storm event, along with methodology used	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Flow velocities for design storm event - ditches, storm sewers, detention outlets	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Adequate channel lining and energy dissipation calculations and controls (riprap, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Documentation of sources for all computation methods used (i.e. computer program input/output, hand calculations, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Selection of Appropriate SCMs and supporting water quality calculations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Appropriate SCM sizing and design implementation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Adequate use of pre-treatment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Adequate flow routing and SCM trains	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Data on the increase/decrease in rate and volume of runoff for the design storms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Potential for Downstream Impacts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Downstream analysis - identification of potential for deterioration of existing roadway or driveway culverts, bridges, dams, and other structures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Downstream analysis - identification of potential for accelerated streambank or streambed erosion or siltation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			

Signature of Applicant (Required) _____
 (By signing this checklist, the applicant certifies that all applicable items have been provided and are correct to best of his/her knowledge).

Date of Submittal _____

Appendix B Drainage Plan and Drainage Calculations Review Checklist



Project Name:
Project Location:
Latitude/Longitude:
File/Reference Number:
Submittal Date:
Applicant:
Contact Name:
Contact Phone Number:
Contact E-mail:
Reviewer:
Review Date:

Check submittal for the following:	Included?			Comments	Response	Resolution (Y/N/Add'l Info)
	Yes	No	N/A			
Permit Approval and Documentation						
Status of other applicable local, state and federal permits	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Construction stormwater discharge permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
State/federal aquatic resource alteration permits	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Dam safety permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
FEIMA Applications (LOMR, LOMR, etc.) or No-Rise/No-Impact Certification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Additional comments						

Signature of Applicant (Required) _____
 (By signing this checklist, the applicant certifies that all applicable items have
 been provided and are correct to best of his/her knowledge.)

Date of Submittal _____

APPENDIX C
EROSION PREVENTION AND SEDIMENT
CONTROL PLAN AND SWPPP
REVIEW CHECKLIST

Appendix C Erosion Prevention and Sediment Control Plan and SWPPP Review Checklist



Project Name:	
Project Location:	
Latitude/Longitude:	
File/Reference Number:	
Submital Date:	
Applicant:	
Contact Name:	
Contact Phone Number:	
Contact E-mail:	
Reviewer:	
Review Date:	

Check submittal for the following:	Included?			Comments	Response	Resolution (Y/N/Add'l Info)
	Yes	No	N/A			
General Requirements						
Plans and details of EPSC structural control measures have been prepared and stamped by Professional Engineer or Landscape Architect	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Includes engineering design of sediment basin/controls for projects 10 acres or greater (5 acres if impaired/exceptional waters)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Includes multi-phase sheets: <5 ac. – 2-phase plan min.; ≥5 ac. – 3-phase plan min.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Depicts disturbance limits, buffer zones, watershed drainage patterns, and drainage area serving each outfall	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Includes estimates of the total site area versus the total area of the site to be disturbed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Specifies removal of trapped sediment from sediment controls at or before 50% design capacity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Specifies EPSCs will be installed and inspected before earth-moving begins	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Specifies stabilization within 14 days (7 days for ≥35% slopes) on site areas where construction has temporarily/permanently ceased	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Identifies all outfall locations intended for coverage under the CGP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Identifies construction phasing for activities that will disturb >50 acres	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Specifies a 100' WNA adjacent to all waterways on/adjacent to the construction site with drainage areas greater than or equal to 5 sq. mi.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Specifies a 75' WNA adjacent to all waterways on/adjacent to the construction site with drainage areas greater than or equal to 1 sq. mi. and less than 5 sq. mi.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Specifies a 50' WNA adjacent to all waterways on/adjacent to the construction site with drainage areas less than 1 sq. mi.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Additional SWPPP Requirements for Discharges into Impaired or Exceptional TN Waters						
Specifies that EPSCs proposed for the site have been designed to control storm runoff generated by a 5-year, 24-hour storm event	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Specifies sediment basins for construction sites with drainage areas >5 acres that discharge to impaired or exceptional waters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Specifies at least a 60' natural riparian buffer zone adjacent to all impaired or exceptional waters on/adjacent to the construction site	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
SWPPP Requirements for Permanent (Post-Development) Stormwater Management						
Specifies velocity dissipation devices at discharge locations and along the length of any outfall channel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Additional comments						
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			

Signature of Applicant (Required) _____
 (By signing this checklist, the applicant certifies that all applicable items have been provided and are correct to best of his/her knowledge).

Date of Submittal _____

ORDINANCE NO. 23-19

AN ORDINANCE ADOPTING AND ENACTING SUPPLEMENTAL AND REPLACEMENT PAGES FOR THE MUNICIPAL CODE OF THE TOWN OF NOLENSVILLE, TENNESSEE.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF NOLENSVILLE, TENNESSEE, THAT:

Section 1. Ordinances codified. The supplemental and replacement pages contained in the following municipal code sections:

Date of municipal code (front)

Officials page

§§ 1-101(1), 1-101(2), 1-101(3)

§§ 12-101, 12-401(5), 12-401(6), 12-801

§§ 15-310; 15-604(18), 15-604(19), and 15-604(20)

to the Town of Nolensville Municipal Code, hereinafter referred to as the "supplement," are incorporated by reference as if fully set out herein and are ordained and adopted as part of the Town of Nolensville Municipal Code. This supplement includes revisions required to the municipal code when considering the addition of modifications made by Ords. #22-18 to #23-18 by the Town of Nolensville. Code sections affected by these modifications contain citations at the end of each code section.

Section 2. Continuation of existing provisions. Insofar as the provisions of the supplement are the same as those of ordinances existing and in force on its effective date, the provisions shall be considered to be continuations thereof and not as new enactments.

Section 3. Penalty clause. Unless otherwise specified, wherever in the supplement, including any codes and ordinances adopted by reference, any act is prohibited or is made or declared to be a civil offense, or wherever the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a penalty under the provisions of this section shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the supplement or the municipal code or other applicable law. In any place in the supplement the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this supplement, it shall mean "it shall be a civil offense."

Anytime the word "fine" or similar term appears in the context of a penalty provision of this supplement, it shall mean "a civil penalty."¹

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

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

Section 4. Severability clause. Each section, subsection, paragraph, sentence, and clause of the supplement, including any codes and ordinances adopted by reference, are hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the supplement shall not affect the validity of any other portion, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 5. Construction of conflicting provisions. Where any provision of the supplement is in conflict with any other provision of the supplement or municipal code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

Section 6. Code available for public use. One copy of the supplement shall be kept available in the recorder's office for public use and inspection at all reasonable times.

Section 7. Date of effect. This supplement, including all the codes and ordinances therein adopted by reference, shall take effect no sooner than fifteen (15) days after first passage thereof, provided that it is read two (2) different days in open session before its adoption, and not less than one week elapses between first and second readings, the welfare of the town requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

¹State law reference

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

Passed 1st reading 10-5, 2023.

Passed 2nd reading 12-7, 2023.

Public hearing held on 11-2-23.

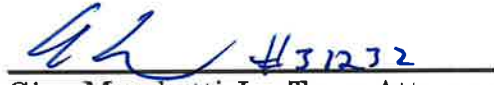


Halie Gallik, Mayor



Montique Luster, Recorder

APPROVED AS TO FORM:



Gino Marchetti Jr., Town Attorney