THE
NOLENSVILLE
MUNICIPAL
CODE

Prepared by the
MUNICIPAL TECHNICAL ADVISORY SERVICE
INSTITUTE FOR PUBLIC SERVICE
THE UNIVERSITY OF TENNESSEE

in cooperation with the
TENNESSEE MUNICIPAL LEAGUE

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TOWN OF NOLENSVILLE, TENNESSEE

MAYOR
Jimmy Alexander

VICE MAYOR
Tommy Dugger

ALDERMEN
Derek Adams
Wendy Cook-Mucci
Larry Felts

RECORDER
Kali Mogul
PREFACE

The 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 section 2-106.

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

Following this preface is an outline of the ordinance adoption procedures, if any, prescribed by the town'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 town is kept in a separate ordinance book and forwarded to MTAS annually.

(3) That the town 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 Linda Dean, the MTAS Sr. Word Processing Specialist who did all the typing on this project, and Dianna Habib, Administrative Services Assistant, is gratefully acknowledged.

Steve Lobertini
Codification Consultant
1. An ordinance shall be considered and adopted on two (2) separate days; any other form of board action shall be considered and adopted on one (1) day. Any form of board action shall be passed by a majority of the members present, if there is a quorum. A quorum is a majority of the members to which the board is entitled. All ayes and nays on all votes on all forms of board action shall be recorded. (6-2-102)

2. Each ordinance, or the caption of each ordinance, shall be published after its final passage in a newspaper of general circulation in the municipality. No ordinance shall take effect until the ordinance or its caption is published. (6-2-101)
TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER
1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. TOWN ADMINISTRATOR.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION
1-101. Time and place of regular meetings.
1-102. Election date.

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.

²Charter references
   For charter provisions related to the board of mayor and aldermen, see Tennessee Code Annotated, title 6, chapter 3. For specific charter provisions related to the board of mayor and aldermen, see the following sections:
   City Administrator: § 6-4-101.
   Compensation: § 6-3-109.
   Duties of Mayor: § 6-3-106.
   Election of the board: § 6-3-101.
   Oath: § 6-3-105.
   Ordinance procedure
      Publication: § 6-2-101.
      Readings: § 6-2-102.
   Residence requirements: § 6-3-103.
   Vacancies in office: § 6-3-107.
   Vice-Mayor: § 6-3-107.
1-103. Number of aldermen.

1-104. Public records policy for the Town of Nolensville.

1-101. **Time and place of regular meetings.** Regular meetings of the board of mayor and aldermen shall be held at 7:00 P.M. on the first Thursday of each month at the Nolensville Hall, located at 7218 Nolensville Road; however, if this day falls on a holiday, or on a day observed as a holiday, the regular meeting shall be held at the same time and place on the next regular work day as determined by the board of mayor and aldermen. (Ord. #96-01, Oct. 1996, as amended by Ord. #97-01, Feb. 1997, and Ord. #16-14, Aug. 2016)

1-102. **Election date.** In accordance with Tennessee Code Annotated, § 6-3-104, town elections shall be held on the 1st Tuesday following the 1st 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 mayor and alderman in January of the calendar year following the year in which said official is elected. (Ord. #96-05, Nov. 1996, as amended by Ord. #98-08, March 1998)

1-103. **Number of aldermen.** In accordance with the provisions of Tennessee Code Annotated, § 6-3-101, the number of aldermen is increased from two (2) to four (4). The transition from two (2) aldermen to four (4) aldermen shall be accomplished as follows:

1. In the election to be held in November 2000:
   (a) The successor to the alderman whose terms expires in November 2000 shall be elected for a two (2) year term of office, expiring November 2002 or until the successor is elected and qualified.
   (b) The mayor to be elected in November 2000 shall be elected for a two (2) year term of office, expiring November 2002 or until the successor is elected and qualified.
   (c) Two (2) additional aldermen shall be elected for a two (2) year term of office, expiring November 2002 or until their successors are elected and qualified.

2. In the election to be held in November 2002:
   (a) The mayor shall be elected for a four (4) year term of office expiring in November 2006, or until the successor is elected and qualified.
   (b) The two aldermen receiving highest number of votes shall be elected for four (4) year terms of office, which shall expire in November 2006, or until their successors are elected and qualified.
(c) The other two aldermen shall be elected for two (2) year terms of office, which shall expire in November 2004, or until their successors are elected and qualified.

(3) In the elections held in November 2004 and 2006 for the successors to the offices of mayor and alderman elected in November 2002, the terms of office shall be for four (4) years, or until their successors are elected and qualified. (Ord. #99-23, Oct. 1999)

1-104. 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 mayor and aldermen 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) "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.

(b) "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).
(c) "Public records request coordinator." The individual, or individuals, designated in (3)(a)(iii) of this policy 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.

(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 A 1 at the Town of Nolensville Town Hall, 7218 Nolensville Road, Nolensville, Tennessee 37135, 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, 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

(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;

1Form A (Public Records Request Form A) is available in the recorder's office.
(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 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, 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.

¹Form B (Public Records Response Form B) is available in the recorder's office.
(iii) If a records custodian denies a public record request, he or she shall deny the request in writing as provided in (3)(a)(ii)(B) 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.

(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 fifty cents ($2.50), the fees may be waived. Requests for waivers for fees above two dollars 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.
   (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.

(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. (Ord. #97-09, July 1997, as amended by Ord. #02-07, Nov. 2002, and Ord. #07-11, June 2007, and replaced by Ord. #09-07, June 2009, and Ord. #17-07, May 2017 Ch3_6-6-19)
CHAPTER 2

MAYOR

SECTION
1-201. Duties and responsibilities.

1-201. Duties and responsibilities. (1) The mayor:
   (a) Shall be the chief executive officer of the municipality and shall preside at meetings of the board;
   (b) Shall administer the day to day business of the town;
   (c) Shall communicate any information needed, and recommend measures the mayor deems expedient to the board;
   (d) (i) Shall make temporary appointments of any officer or department head in case of sickness, absence or other temporary disability.
       (ii) 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.
   (e) (i) May call special meetings of the board upon adequate notice to the board and adequate public notice;
       (ii) Shall state the matters to be considered at the special meeting and the action of the board shall be limited to those matters submitted;
   (f) Shall countersign checks and drafts drawn upon the treasury by the treasurer and sign all contracts to which the municipality is a party.
   (g) As a member of the board, may make motions and shall have a vote on all matters coming before the board;
   (h) Shall make appointments to boards and commissions as authorized by law.
(2) The mayor shall also perform the following duties or may designate a department head or department heads to perform any of the following duties:
   (a) Make recommendations to the board for improving the quality and quantity of public services to be rendered by the officers and employees to the residents of the town;

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: § 6-3-107.
Vice-Mayor: § 6-3-107.
(b) Keep the board fully advised as to the conditions and needs of the town;

(c) Report to the board and suggest the priority of programs or projects involving public works or public improvements that should be undertaken by the town;

(d) Report to the board the condition of all property, real and personal, owned by the town and recommend repairs or replacements as needed;

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

(f) Employ, promote, discipline, suspend and discharge all employees and department heads, in accordance with personnel policies and procedures, if any, adopted by the board;

(g) Act as purchasing agent for the municipality in the purchase of all materials, supplies and equipment for the proper conduct of the municipality's business; provided, that all purchases shall be made in accordance with policies, practices and procedures established by the board;

(h) Prepare and submit the annual budget and capital program to the board for their adoption by ordinance; and

(i) Such other duties as may be designated or required by the board. (Ord. #97-12, Aug. 1997)
CHAPTER 3
TOWN ADMINISTRATOR

SECTION
1-301. Duties of town administrator.
1-302. Appointment of town administrator.
1-304. Board not to interfere with appointments or removals.
1-305. Prior ordinances.
1-306. Severability.
1-307. Mayor as chief executive officer.

1-301. Duties of town administrator. The town administrator 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 mayor and alderman (BOMA 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 administrator are as follows:

(1) Day-to-day operation of the town. The town administrator 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 storm water quality through a comprehensive storm water 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 BOMA be required.

(2) Reports and recommendations to board and committees. The town administrator shall:
   (a) Make recommendations to the mayor and board 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 administrator 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 insure 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; and

(h) Handle confidential information with tact and discretion;

(i) For the purposes of the chapter, the mayor shall be deemed to have delegated to the town administrator to perform the functions in subsection (3).

(4) Interact effectively with governmental officials and community members. The town administrator 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. (as added by Ord. #13-14, April 2014)

1-302. Appointment of town administrator. The town administrator shall be appointed by majority vote of the board of mayor and aldermen for an indefinite term. The administrator 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 mayor and aldermen shall receive such appointment neither during the term for which the member shall have been elected nor within one year after the expiration of the member's term. (as added by Ord. #13-14, April 2014)

1-303. Removal of town administrator. The board of mayor and aldermen may remove the town administrator at any time by a majority vote of its members. If requested by the town administrator, a public hearing shall be granted by the board within thirty (30) days following notice of removal. During the interim, the board may suspend the administrator from duty, but shall continue the administrator's salary and benefits until the final removal date. (as added by Ord. #13-14, April 2014)

1-304. Board not to interfere with appointments or removals. Subject to the provisions of § 1-301, neither the board of mayor and aldermen nor any of its members shall direct or request the hiring of any person to, or removal from, office by the town administrator or any of the administrator'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 administrator and neither the board nor any member thereof shall give orders to any subordinates of the town administrator, either publicly or privately. (as added by Ord. #13-14, April 2014)

1-305. Prior ordinances. Upon the effective date of the ordinance comprising this chapter, all prior ordinances and resolutions shall be repealed to the extent they are in conflict with this chapter. (as added by Ord. #13-14, April 2014)

1-306. Severability. It is expressly declared that the board of mayor and aldermen would have passed the other provision of this chapter irrespective of whether or not one 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. (as added by Ord. #13-14, April 2014)

1-307. **Mayor as chief executive officer.** Nothing herein shall be construed to reduce, void or vacate the duties of the mayor as the chief executive officer of the town as provided in § 1-301. In the event of a conflict between this chapter and § 1-301, the provisions of § 1-301 shall control. (as added by Ord. #13-14, April 2014)
TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER 1

NOLENSVILLE HISTORIC COMMISSION ACT

SECTION

2-101. Title. This act shall be known as the Nolensville Historic Commission Act. (Ord. #97-03, March 1997)

2-102. Purposes. The general intent of this act 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.

(3) To foster civic pride and historic recognition through the preservation of Nolensville’s heritage. (Ord. #97-03, March 1997)

2-103. Historic commission. (1) Creation of commission. In order to encourage the intent of this act, there is hereby established an advisory board to be known as the Nolensville Historic Commission. The Nolensville Historic Commission shall consist of non 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 mayor and board of aldermen. 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 mayor and aldermen. 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 mayor and aldermen 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, maybe an appointee and special advisor from the mayor's office.

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

(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 members for one (1) year, two members for two (2) years, and three 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 insure 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.  
(Ord. #97-03, March 1997, as amended by Ord. #08-15, Dec. 2008)

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 Mayor and Aldermen to include:

1. Recommendation to the Nolensville Board of Mayor and Aldermen 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 mayor and aldermen, 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 Mayor and Aldermen, 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.

4. The Nolensville Historic Commission shall not consider interior structure modifications.  
(Ord. #97-03, March 1997)

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 Mayor and Aldermen 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.  
(Ord. #97-03, March 1997)

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; or
   (b) That are associated with the lives of persons significant in our past; or
   (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; or
   (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; or
   (c) A birthplace or grave of an historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life; or
   (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; or
   (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; or
   (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. (Ord. #97-03, March 1997)
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. (Ord. #97-03, March 1997)

2-108. **Property owner's approval required.** No property shall be designated as a "historically significant site" without the express written approval of the owner(s) of said property. (Ord. #97-03, March 1997)

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. (as added by Ord. #08-15, Dec. 2008)
TITLE 3
MUNICIPAL COURT

CHAPTER 1
MUNICIPAL JUDGE

SECTION
3-101. Establishment of municipal court.
3-102. Jurisdiction and authority of the municipal court.
3-103. Municipal judge.
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 aldermen to enter into a contract with a municipal judge.

3-101. 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. (Ord. #99-03, March 1999)

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. (Ord. #99-03, March 1999)

Charter references
City Judge--City 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. **Municipal judge.** The board of mayor and alderman may appoint a city judge, as provided in § 6-4-301 of the Charter of the Town of Nolensville. (Ord. #99-03, March 1999)

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. (Ord. #99-03, March 1999)

3-105. **Powers of 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 § 6-4-302 of the Charter of the Town of Nolensville and as otherwise provided pursuant to the laws of the State of Tennessee. (Ord. #99-03, March 1999)

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 mayor and board of alderman and therefore is exempt from the provisions of the employee policy and procedure manual as adopted by the Town of Nolensville. (Ord. #99-03, March 1999)

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, § 5-10-401-Driving while intoxicated or drugged.
2. Tennessee Code Annotated, § 55-10 Part One-Failing to stop after a traffic accident.
3. Tennessee Code Annotated, § 55-10-504-Driving while license is suspended or revoked.

These offenses are specifically reserved to the State of Tennessee by statute and may not be enforced by the municipal judge. (Ord. #99-03, March 1999)

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 18th Judicial District held in Williamson County, Tennessee, pursuant to Tennessee Code Annotated, § 27-5-102. (Ord. #99-03, March 1999)

3-109. **Power of mayor and board of alderman to enter into a contract with a municipal judge.** Pursuant to the powers granted to the board of mayor and alderman in the Charter of the Town of Nolensville, the mayor and board of alderman 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. (Ord. #99-03, March 1999)
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. Disturbance of proceedings.
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. (Ord. #99-15, June 1999)

3-202. Imposition of fines, penalties, and costs. 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. (Ord. #99-15, June 1999, as amended by Ord. #01-07, Jan. 2002; and replaced by Ord. #04-10, July 2004)

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 mayor and aldermen 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. (Ord. #99-15, June 1999)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the municipal court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (Ord. #99-15, June 1999)
3-205. **Litigation tax.** Effective on the first day of the month following the passage of this section,¹ a municipal litigation tax shall become effective. On cases in municipal court there is hereby levied a municipal litigation tax to match the state litigation tax of thirteen dollars seventy-five cents ($13.75).

The privilege taxes levied pursuant to this section shall be paid to the city recorder monthly to be used to assist in paying for the operation of municipal court and to defray police costs related to court operation. (as added by Ord. #07-02, April 2007)

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¹Ordinance #07-02, April 5, 2007.
TITLE 4
MUNICIPAL PERSONNEL

CHAPTER
1. SOCIAL SECURITY.
2. PERSONNEL SYSTEM.
3. INFECTIOUS DISEASE CONTROL POLICY.
4. TRAVEL REIMBURSEMENT REGULATIONS.
5. CODE OF ETHICS.

CHAPTER 1
SOCIAL SECURITY

SECTION
4-101. Policy and purpose as to coverage.
4-102. Necessary agreements to be executed.
4-103. Exclusions and limitation.
4-104. Records and reports to be made.

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the Mayor and Board of Alderman of the Town of Nolensville, Tennessee, to extend as of the date hereinafter set forth, to the employees and officials thereof, not excluded by law or this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the Federal System of Old-Age and Survivors, Disability Health Insurance as authorized by the Social Security Act and amendments thereto, including Public Law 734, 81st Congress. In pursuance of said policy, and for that purpose, the Town of Nolensville shall take such action as may be required by applicable state and federal laws or regulations. (Ord. #00-08, Jan. 2001)

4-102. Necessary agreements to be executed.¹ The Mayor of the Town of Nolensville is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the director of old age and survivors insurance agency, State of Tennessee, as agent or agency, to provide coverage of the employees and officials as provided in the preceding § 4-101, hereof. (Ord. #00-08, Jan. 2001)

¹For a copy of the agreement, see Ord. #00-08, Jan. 2001, available in the office of the town recorder.
4-103. **Exclusions and limitation.** There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee not authorized to be covered under federal state laws or regulations.

There is hereby excluded from this chapter, the services of election officials and election workers if the remuneration paid for such services is less than $1000 in a calendar year, subject to adjustment for calendar years after 1999 to reflect changes in the economy during such calendar year, in accordance with Section 218(c)(8)(B) of the Social Security Act.

The agreement does not apply to services performed after July 1, 1991, that were mandatorily covered under Section 210(7)(F) of the Social Security Act. (Ord. #00-08, Jan. 2001)

4-104. **Records and reports to be made.** The said Town of Nolensville shall keep such records and make such reports as may be required by applicable state or federal laws or regulations. (Ord. #00-08, Jan. 2001)
CHAPTER 2

PERSONNEL SYSTEM

SECTION

4-201. Purpose of personnel system.
4-202. Coverage.
4-203. Administration of personnel system.
4-204. Personnel rules and regulations.
4-205. Personnel records.
4-206. Right to contract for special services.
4-207. Discrimination.
4-208. Amendments.

4-201. Purpose of personnel system. The purpose of this chapter is to establish a system of personnel administration in the Town of Nolensville that is based upon merit and fitness. The system shall provide means to select, develop, and maintain an effective municipal work force through the impartial application of personnel policies and procedures free of personal and political considerations and regardless of race, sex, age, creed, national origin or handicapping condition. (Ord. #97-10, Aug. 1997)

4-202. Coverage. All offices and positions of the municipal government are divided into the classified service and the exempt service. The classified service shall include all regular full-time employees in the town's service unless specifically placed in the exempt service.

   Offices and positions of the municipal government placed in the exempt service are as follows:

   (1) All elected officials.
   (2) Members of appointed boards and commissions.
   (3) Consultants, advisers, and legal counsel rendering temporary professional service.
   (4) Town attorney.
   (5) Independent contractors.
   (6) Persons employed not more than six (6) months during a fiscal year.
   (7) Part-time employees paid by the hour and not considered regular part-time.
   (8) Volunteer personnel appointed without compensation.
   (9) City judge.

   All employment positions of the municipal government not expressly exempted from coverage by this section shall be subject to the provisions of the town charter. (Ord. #97-10, Aug. 1997)
4-203. **Administration of the personnel system.** The personnel system shall be administered by the mayor, with the following duties and responsibilities:

1. Exercise leadership in developing an effective personnel administration system subject to provisions in this chapter, other ordinances, the town charter, and federal and state laws relating to personnel administration.
2. Establish policies and procedures for the recruitment, appointment, and discipline of all employees of the municipality subject to those policies as set forth by ordinance, and the town charter.
3. Establish the various municipal government departments and offices and determine the duties, authority, responsibility, and compensation in accordance with the policies as set forth in the town charter, and subject to any required approval of the board of mayor and aldermen and budget limitations.
4. Foster and develop programs for the improvement of employee effectiveness, including training, safety and health.
5. Maintain records of all employees subject to the provisions of this chapter which shall include each employee's class, title, pay rates, and other relevant data.
6. Make periodic reports to the board of mayor and aldermen regarding the administration of the personnel system.
7. Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the employment needs of the municipal government.
8. Be responsible for certification of payrolls.
9. Perform such other duties and exercise such other authority in personnel administration as may be prescribed by law and the board of mayor and aldermen. (Ord. #97-10, Aug. 1997)

4-204. **Personnel rules and regulations.** The mayor shall develop further rules and regulations necessary for the effective administration of the personnel system. The board of mayor and aldermen shall adopt via resolution the rules and regulations presented to them by the mayor, with any necessary amendments agreed to by the board. Amendments to the rules and regulations shall be made in accordance with the procedure below. (Ord. #97-10, Aug. 1997)

4-205. **Personnel records.** The town recorder shall maintain adequate records of the employment history of every employee as specified here. (Ord. #97-10, Aug. 1997)

4-206. **Right to contract for special services.** The board of mayor and aldermen may contract with any competent agency for the performance of such technical services in connection with the establishment of the personnel
system or with its operation as may be deemed necessary. (Ord. #97-10, Aug. 1997)

**4-207. Discrimination.** No person in the classified service or seeking admission thereto, shall be employed, promoted, demoted, or discharged, or in any way favored or discriminated against because of political opinions or affiliations, or because of race, color, creed, national origin, sex, ancestry, age, or religious belief. (Ord. #97-10, Aug. 1997)

**4-208. Amendments.** Amendments or revisions to the personnel rules and regulations may be recommended for adoption by the mayor. Such amendments or revisions of these rules shall become effective after adoption via resolution by the board of mayor and aldermen. (Ord. #97-10, Aug. 1997)
CHAPTER 3

INFECTIOUS DISEASE CONTROL POLICY

SECTION

4-301. Purpose.
4-302. Coverage.
4-303. Administration.
4-304. Definitions.
4-305. Policy statement.
4-306. General guidelines.
4-307. Hepatitis B vaccinations.
4-308. Reporting potential exposure.
4-309. Hepatitis B virus post-exposure management.
4-310. Human immunodeficiency virus post-exposure management.
4-311. Disability benefits.
4-312. Training regular employees.
4-313. Training high risk employees.
4-314. Training new employees.
4-315. Reports.
4-316. Legal rights of victims of communicable diseases.
4-317. Amendments.

4-301. Purpose. It is the responsibility of the Town of Nolensville to provide employees a place of employment which is free from recognized hazards that may cause death or serious physical harm. In providing services to the citizens of the Town of Nolensville, employees may come in contact with life-threatening infectious diseases which can be transmitted through job related activities. It is important that both citizens and employees are protected from the transmission of diseases just as it is equally important that neither is discriminated against because of basic misconceptions about various diseases and illnesses.

The purpose of this policy is to establish a comprehensive set of rules and regulations governing the prevention of discrimination and potential occupational exposure to Hepatitis B Virus (HBV), the Human Immunodeficiency Virus (HIV), and Tuberculosis (TB). (Ord. #99-27, Oct. 1999)

4-302. Coverage. Occupational exposures may occur in many ways, including needle sticks, cut injuries or blood spills. Several classes of employees are assumed to be at high risk for blood borne infections due to their routinely increased exposure to infectious material from potentially infected individuals. Those high risk occupations include but are not limited to:

(1) Paramedics and emergency medical technicians;
(2) Occupational nurses;
(3) Housekeeping and laundry workers;
(4) Police and security personnel;
(5) Firefighters;
(6) Sanitation and landfill workers; and
(7) Any other employee deemed to be at high risk per this policy and an exposure determination. (Ord. #99-27, Oct. 1999)

4-303. Administration. This infection control policy shall be administered by the mayor or his/her designated representative who shall have the following duties and responsibilities:

(1) Exercise leadership in implementation and maintenance of an effective infection control policy subject to the provisions of this chapter, other ordinances, the town charter, and federal and state law relating to OSHA regulations;
(2) Make an exposure determination for all employee positions to determine a possible exposure to blood or other potentially infectious materials;
(3) Maintain records of all employees and incidents subject to the provisions of this chapter;
(4) Conduct periodic inspections to determine compliance with the infection control policy by municipal employees;
(5) Coordinate and document all relevant training activities in support of the infection control policy;
(6) Prepare and recommend to the board of mayor and aldermen any amendments or changes to the infection control policy;
(7) Identify any and all housekeeping operations involving substantial risk of direct exposure to potentially infectious materials and shall address the proper precautions to be taken while cleaning rooms and blood spills; and
(8) Perform such other duties and exercise such other authority as may be prescribed by the board of mayor and aldermen. (Ord. #99-27, Oct. 1999)

4-304. Definitions. (1) "Body fluids" - fluids that have been recognized by the Center for Disease Control as directly linked to the transmission of HIV and/or HBV and/or to which universal precautions apply: blood, semen, blood products, vaginal secretions, cerebrospinal fluid, synovial fluid, pericardial fluid, amniotic fluid, and concentrated HIV or HBV viruses.
(2) "Exposure" - the contact with blood or other potentially infectious materials to which universal precautions apply through contact with open wounds, non-intact skin, or mucous membranes during the performance of an individual's normal job duties.
(3) "Hepatitis B Virus (HBV)" - a serious blood-borne virus with potential for life-threatening complications. Possible complications include: massive hepatic necrosis, cirrhosis of the liver, chronic active hepatitis, and hepatocellular carcinoma.
(4) "Human Immunodeficiency Virus (HIV)" - the virus that causes acquired immunodeficiency syndrome (AIDS). HIV is transmitted through sexual contact and exposure to infected blood or blood components and perinatally from mother to neonate.

(5) "Tuberculosis (TB)" - an acute or chronic communicable disease that usually affects the respiratory system, but may involve any system in the body.

(6) "Universal precautions" - refers to a system of infectious disease control which assumes that every direct contact with body fluid is infectious and requires every employee exposed to direct contact with potentially infectious materials to be protected as though such body fluid were HBV or HIV infected. (Ord. #99-27, Oct. 1999)

4-305. Policy statement. All blood and other potentially infectious materials are infectious for several blood-borne pathogens. Some body fluids can also transmit infections. For this reason, the Center for Disease Control developed the strategy that everyone should always take particular care when there is a potential exposure. These precautions have been termed "universal precautions."

Universal precautions stress that all persons should be assumed to be infectious for HIV and/or other blood-borne pathogens. Universal precautions apply to blood, tissues, and other potentially infectious materials. Universal precautions also apply to semen, (although occupational risk or exposure is quite limited), vaginal secretions, and to cerebrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, human breast milk, sputum, saliva, sweat, tears, urine, and vomitus unless these substances contain visible blood. (Ord. #99-27, Oct. 1999)

4-306. General guidelines. General guidelines which shall be used by everyone include:

(1) Think when responding to emergency calls and exercise common sense when there is potential exposure to blood or other potentially infectious materials which require universal precautions.

(2) Keep all open cuts and abrasions covered with adhesive bandages which repel liquids.

(3) Soap and water kill many bacteria and viruses on contact. If hands are contaminated with blood or other potentially infectious materials to which universal precautions apply, then wash immediately and thoroughly. Hands shall also be washed after gloves are removed even if the gloves appear to be intact. When soap and water or handwashing facilities are not available, then use a waterless antiseptic hand cleaner according to the manufacturers recommendation for the product.

(4) All workers shall take precautions to prevent injuries caused by needles, scalpel blades, and other sharp instruments. To prevent needle stick
injuries, needles shall not be recapped, purposely bent or broken by hand, removed from disposable syringes, or otherwise manipulated by hand. After they are used, disposable syringes and needles, scalpel blades and other sharp items shall be placed in puncture resistant containers for disposal. The puncture resistant container shall be located as close as practical to the use area.

(5) The town will provide gloves of appropriate material, quality and size for each affected employee. The gloves are to be worn when there is contact (or when there is a potential contact) with blood or other potentially infectious materials to which universal precautions apply:
   (a) While handling an individual where exposure is possible;
   (b) While cleaning or handling contaminated items or equipment;
   (c) While cleaning up an area that has been contaminated with one of the above;
Gloves shall not be used if they are peeling, cracked, or discolored, or if they have punctures, tears, or other evidence of deterioration. Employees shall not wash or disinfect surgical or examination gloves for reuse.

(6) Resuscitation equipment shall be used when necessary. (No transmission of HBV or HIV infection during mouth-to-mouth resuscitation has been documented.) However, because of the risk of salivary transmission of other infectious diseases and the theoretical risk of HIV or HBV transmission during artificial resuscitation, bags shall be used. Pocket mouth-to-mouth resuscitation masks designed to isolate emergency response personnel from contact with a victims' blood and blood contaminated saliva, respiratory secretion, and vomitus, are available to all personnel to provide or potentially provide emergency treatment.

(7) Masks or protective eyewear or face shields shall be worn during procedures that are likely to generate droplets of blood or other potentially infectious materials to prevent exposure to mucous membranes of the mouth, nose, and eyes. They are not required for routine care.

(8) Gowns, aprons, or lab coats shall be worn during procedures that are likely to generate splashes of blood or other potentially infectious materials.

(9) Areas and equipment contaminated with blood shall be cleaned as soon as possible. A household (chlorine) bleach solution (1 part chlorine to 10 parts water) shall be applied to the contaminated surface as a disinfectant leaving it on for a least 30 seconds. A solution must be changed and re-mixed every 24 hours to be effective.

(10) Contaminated clothing (or other articles) shall be handled carefully and washed as soon as possible. Laundry and dish washing cycles at 120° are adequate for decontamination.

(11) Place all disposable equipment (gloves, masks, gowns, etc...) in a clearly marked plastic bag. Place the bag in a second clearly marked bag (double bag). Seal and dispose of by placing in a designated "hazardous"
dumpster. **NOTE:** Sharp objects must be placed in an impervious container and shall be properly disposed of.

(12) Tags shall be used as a means of preventing accidental injury or illness to employees who are exposed to hazardous or potentially hazardous conditions, equipment or operations which are out of the ordinary, unexpected or not readily apparent. Tags shall be used until such time as the identified hazard is eliminated or the hazardous operation is completed.

All required tags shall meet the following criteria:

(a) Tags shall contain a signal word and a major message. The signal word shall be "BIOHAZARD", or the biological hazard symbol. The major message shall indicate the specific hazardous condition or the instruction to be communicated to employees.

(b) The signal word shall be readable at a minimum distance of five (5) feet or such greater distance as warranted by the hazard.

(c) All employees shall be informed of the meaning of the various tags used throughout the workplace and what special precautions are necessary.

(13) Linen soiled with blood or other potentially infectious materials shall be handled as little as possible and with minimum agitation to prevent contamination of the person handling the linen. All soiled linen shall be bagged at the location where it was used. It shall not be sorted or rinsed in the area. Soiled linen shall be placed and transported in bags that prevent leakage.

The employee responsible for transported soiled linen should always wear protective gloves to prevent possible contamination. After removing the gloves, hands or other skin surfaces shall be washed thoroughly and immediately after contact with potentially infectious materials.

(14) Whenever possible, disposable equipment shall be used to minimize and contain clean-up. (Ord. #99-27, Oct. 1999)

### 4-307. Hepatitis B vaccinations

The Town of Nolensville shall offer the appropriate Hepatitis B vaccination to employees at risk of exposure free of charge and in amounts and at times prescribed by standard medical practices. The vaccination shall be voluntarily administered. High risk employees who wish to take the HBV vaccination should notify their department head who shall make the appropriate arrangements through the Infectious Disease Control Coordinator. (Ord. #99-27, Oct. 1999)

### 4-308. Reporting potential exposure

Town employees shall observe the following procedures for reporting a job exposure incident that may put them at risk for HIV or HBV infections (i.e., needle sticks, blood contact on broken skin, body fluid contact with eyes or mouth, etc...):

(1) Notify the Infectious Disease Control Coordinator of the contact incident and details thereof.
(2) Complete the appropriate accident reports and any other specific form required.

(3) Arrangements will be made for the person to be seen by a physician as with any job-related injury.

Once an exposure has occurred, a blood sample should be drawn after consent is obtained from the individual from whom exposure occurred and tested for Hepatitis B surface antigen (HBsAg) and/or the source individual should be done at a location where appropriate pretest counseling is available. Post-test counseling and referral for treatment should also be provided. (Ord. #99-27, Oct. 1999)

4-309. **Hepatitis B virus post-exposure management.** For an exposure to a source individual found to be positive for HBsAg, the worker who has not previously been given the hepatitis B vaccine should receive the vaccine series. A single dose of hepatitis B immune globulin (HBIG) is also recommended, if it can be given within seven (7) days of exposure.

For exposure from an HBsAg-positive source to workers who have previously received the vaccine, the exposed worker should be tested for antibodies to hepatitis B surface antigen (anti-HBs), and given one dose of vaccine and one dose of HBIG if the antibody level in the worker's blood sample is inadequate (ie., 10 SRU by RIA, negative by EIA).

If the source individual is negative for HBsAg and the worker has not been vaccinated, this opportunity should be taken to provide the hepatitis B vaccine series. HBIG administration should be considered on an individual basis when the source individual is known or suspected to be at high risk of HBV infection. Management and treatment, if any, of previously vaccinated workers who receive an exposure from a source who refuses testing or is not identifiable should be individualized. (Ord. #99-27, Oct. 1999)

4-310. **Human immunodeficiency virus post-exposure management.** For any exposure to a source individual who has AIDS, who is found to be positive for HIV infection, or who refuses testing, the worker should be counseled regarding the risk of infection and evaluated clinically and serologically for evidence of HIV infection as soon as possible after the exposure. The worker should be advised to report and seek medical evaluation for any acute febrile illness that occurs within 12 weeks after the exposure. Such an illness, particularly one characterized by fever, rash, or lymphadenopathy, may be indicative of recent HIV infection.

Following the initial test at the time of exposure, seronegative workers should be retested 6 weeks, 12 weeks, and 6 months after exposure to determine whether transmission has occurred. During this follow-up period (especially the first 6 - 12 weeks after exposure) exposed workers should follow the U.S. Public Health service recommendation for preventing transmission of HIV. These include refraining from blood donations and using appropriate protection during
sexual intercourse. During all phases of follow-up, it is vital that worker confidentiality be protected.

If the source individual was tested and found to be seronegative, baseline testing of the exposed worker with follow-up testing 12 weeks later may be performed if desired by the worker or recommended by the health care provider. If the source individual cannot be identified, decisions regarding appropriate follow-up should be individualized. The town should make serologic testing available to all workers who may be concerned they have been infected with HIV through an occupational exposure. (Ord. #99-27, Oct. 1999)

4-311. **Disability benefits.** Entitlement to disability benefits and any other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee Worker’s Compensations Bureau in accordance with the provisions of **Tennessee Code Annotated**, § 50-6-303. (Ord. #99-27, Oct. 1999)

4-312. **Training regular employees.** On an annual basis all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or potentially infectious materials. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents. (Ord. #99-27, Oct. 1999)

4-313. **Training high risk employees.** In addition to the above, high risk employees shall also receive training regarding the location and proper use of personal protective equipment. They shall be trained concerning proper work practices and understand the concept of "universal precautions" as it applies to their work situation. They shall also be trained about the meaning of color coding and other methods used to designate contaminated material. Where tags are used, training shall cover precautions to be used in handling contaminated material as per this policy. (Ord. #99-27, Oct. 1999)

4-314. **Training new employees.** During the new employee's orientation to his/her job, all new employee will be trained on the effects of infectious disease prior to putting them to work. (Ord. #99-27, Oct. 1999)

4-315. **Reports.** (1) **Reports.** The Infectious Disease Control Coordinator shall maintain occupational injury and illness reports. Statistics shall be maintained on the OSHA-200 report. Only those work-related injuries that involve loss of consciousness, transfer to another job, restriction of work or motion, or medical treatment are required to be put on the OSHA-200.

(2) **Needle sticks.** Needle sticks, like any other puncture wound, are considered injuries for recordkeeping purposes due to the instantaneous nature of the event. Therefore, any needle stick requiring medical treatment (i.e.
gamma globulin, hepatitis B immune globulin, hepatitis B vaccine, etc...) shall be recorded.

(3) Prescription medication. Likewise, the use of prescription medication (beyond a single dose for minor injury or discomfort) is considered medical treatment. Since these types of treatment are considered necessary, and must be administered by physician or licensed medical personnel, such injuries cannot be considered minor and must be reported.

(4) Employee interviews. Should the town be inspected by the U.S. Department of Labor Office of Health Compliance, the compliance safety and health officer may wish to interview employees. Employees are expected to cooperate fully with the compliance officers. (Ord. #99-27, Oct. 1999)

4-316. Legal rights of victims of communicable diseases. Victims of communicable diseases have the legal right to expect, and municipal employees, including police and emergency service officers are duty bound to provide, the same level of service and enforcement as any other individual would receive.

(1) Officers assume that a certain degree of risk exists in law enforcement and emergency service work and accept those risks with their individual appointments. This holds true with any potential risks of contacting a communicable disease as surely as it does with the risks of confronting an armed criminal.

(2) Any officer who refuses to take proper action in regard to victims of a communicable disease, when appropriate protective equipment is available, shall be subject to disciplinary measures along with civil and, or criminal prosecution.

(3) Whenever an officer mentions in a report that an individual has or may have a communicable disease, he shall write "contains confidential medical information" across the top margin of the first page of the report.

(4) The officer's supervisor shall ensure that the above statement is on all reports requiring that statement at the time the report is reviewed and initiated by the supervisor.

(5) The supervisor disseminating newspaper releases shall make certain the confidential information is not given out to the news media.

(6) All requests (including subpoenas) for copies of reports marked "contains confidential medical information" shall be referred to the city attorney when the incident involves an indictable or juvenile offense.

(7) Prior approval shall be obtained from the city attorney before advising a victim of sexual assault that the suspect has, or is suspected of having a communicable disease.

(8) All circumstance, not covered in this policy, that may arise concerning releasing confidential information regarding a victim, or suspected victim, of a communicable disease shall be referred directly to the appropriate department head or city attorney.
(9) Victims of a communicable disease and their families have a right to conduct their lives without fear of discrimination. An employee shall not make public, directly or indirectly, the identity of a victim or suspected victim of a communicable disease.

(10) Whenever an employee finds it necessary to notify another employee, police officer, firefighter, emergency service officer, or health care provider that a victim has or is suspected of having a communicable disease, that information shall be conveyed in a dignified, discrete and confidential manner. The person to whom the information is being conveyed should be reminded that the information is confidential and that it should not be treated as public information.

(11) Any employee who disseminates confidential information in regard to a victim, or suspected victim of a communicable disease in violation of this policy shall be subject to serious disciplinary action and/or civil and/or criminal prosecution. (Ord. #99-27, Oct. 1999)

4-317. Amendments. Amendments or revisions of these rules may be recommended for adoption by an elected official or by department heads. Such amendments or revisions of these rules shall be by ordinance and shall become effective after approval by the governing body. (Ord. #99-27, Oct. 1999)
CHAPTER 4

TRAVEL REIMBURSEMENT REGULATIONS

SECTION
4-401. Purpose.
4-402. Enforcement.
4-403. Travel policy.
4-404. Travel reimbursement rate schedule.
4-405. Administrative procedures.

4-401. Purpose. The purpose of this chapter and referenced regulations is to bring the town into compliance with Public Acts 1993, Chapter 433. This act 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 chapter is expanded to cover regular town employees. It's the intent of this policy to assure fair and equitable treatment to all individuals traveling on town business at town expense. (Ord. #96-12, Jan. 1997)

4-402. Enforcement. The mayor or his or her designee shall be responsible for the enforcement of these travel regulations. (Ord. #96-12, Jan. 1997)

4-403. 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 mayor. 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, conferences, and similar expenses. Travel advance requests aren’t 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 mayor 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:
   (a) directly related to the conduct of the town business for which travel was authorized, and
   (b) actual, reasonable, and necessary under the circumstances.

The mayor may make exceptions for unusual circumstances.

Expenses considered excessive won’t be allowed.

(7) Claims of $5 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 aren’t ordinarily considered eligible expenses for reimbursement. (Ord. #96-12, Jan. 1997)

4-404. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the state 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. (Ord. #96-12, Jan. 1997)

4-405. 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, in June 1993. A copy of the administrative procedures is on file in the office of the town recorder. (Ord. #96-12, Jan. 1997)
CHAPTER 5

CODE OF ETHICS

SECTION
4-501. Preamble.
4-502. Applicability.
4-503. Definition of "personal interest."
4-504. Disclosure of personal interest by official with vote.
4-505. Disclosure of personal interest in non-voting matters.
4-506. Acceptance of gratuities, etc.
4-507. Use of information.
4-508. Use of municipal time, facilities, etc.
4-509. Use of position or authority.
4-510. Outside employment.
4-511. Ethics complaints.
4-512. Violations.

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


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


Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office) - T.C.A. § 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.
4-501. **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 Mayor and Aldermen 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. (as added by Ord. #06-18, Sept. 2006)

4-502. **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. (as added by Ord. #06-18, Sept. 2006)

4-503. **Definition of "personal interest."** (10) For purposes of Sections 3 and 4, "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; or
   
   (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).

   (11) 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.

   (12) 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. (as added by Ord. #06-18, Sept. 2006)

4-504. **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 himself\(^1\) from voting on the measure. (as added by Ord. #06-18, Sept. 2006)

4-505. **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. (as added by Ord. #06-18, Sept. 2006)

4-506. **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; or

(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. (as added by Ord. #06-18, Sept. 2006, and replaced by Ord. #19-03, March 2019 [Ch3_6-6-19])

4-507. **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. (as added by Ord. #06-18, Sept. 2006)

4-508. **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

\(^1\)Masculine 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. (as added by Ord. #06-18, Sept. 2006)

4-509. **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. (as added by Ord. #06-18, Sept. 2006)

4-510. **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. (as added by Ord. #06-18, Sept. 2006)

4-511. **Ethics complaints.** (1) The city 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 city 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, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(b) The city 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 city 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. (as added by Ord. #06-18, Sept. 2006)

4-512. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the 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. (as added by Ord. #06-18, Sept. 2006)
TITLE 5

MUNICIPAL FINANCE AND TAXATION

CHAPTER
1. MISCELLANEOUS.
2. ADEQUATE FACILITIES TAX.
3. PURCHASING.
4. ROAD IMPACT FEES.
5. DEBIT AND CREDIT CARD REQUIREMENTS AND FEES.

CHAPTER 1

MISCELLANEOUS

SECTION
5-102. Fiscal year.
5-103. Depository for town funds.

5-101. Official depository for town funds. The First Tennessee Bank is hereby designated as the official depository of funds for the Town of Nolensville. (Ord. #96-03, Oct. 1996)

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. (Ord. #96-02, Oct. 1996)

5-103. Depository for town funds. Peoples State Bank of Commerce is designated as a depository of various funding for the Town of Nolensville. (as added by Ord. #06-20, Oct. 2006)

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1Charter references
For specific charter provisions on depositories of municipal funds, see Tennessee Code Annotated, § 6-4-402.
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 of segregation of tax funds. 
5-211. Authority to amend. 
5-212. Protest of tax. 
5-213. Additional authority. 

5-201. Short title. This chapter shall be known and cited as the Town of Nolensville Adequate Facilities Tax. (Ord. #98-13, May 1998)

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. (Ord. #98-13, May 1998)

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; and

(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, city governmental facilities, etc.) over the next fifteen (15) years. Anticipated revenue increases required will be $50,000 for 1999, $85,000 for 2000, $120,000 for 2001, $120,000 for 2002, $90,000 for 2003, and $60,000 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.


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. (Ord. #98-13, May 1998)

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 center lines of a party wall separating such building or portions thereof, or within lines drawn parallel to and two (2) feet 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 city, 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 city.

(16) "Residential" means the development of any property for a dwelling unit or units. (Ord. #98-13, May 1998)

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

(Ord. #98-13, May 1998, as amended by Ord. #99-24, Sept. 1999; and Ord. #04-14, April 2005)

5-207. **Prohibition of 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. (Ord. #98-13, May 1998)
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 qualified 501(c)(3) corporation under the Internal Revenue code.
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.
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 one 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. (Ord. #98-13, May 1998)

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. (Ord. #98-13, May 1998)

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. (Ord. #98-13, May 1998)

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. (Ord. #98-13, May 1998)

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, Private Acts of 1997 or this chapter may obtain a review of the official's decision in the manner provided in said act. (Ord. #98-13, May 1998)

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. (Ord. #98-13, May 1998)

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. (Ord. #98-13, May 1998)
CHAPTER 3

PURCHASING

SECTION
5-301. Purchasing agent.
5-302. Public advertisement and competitive bidding.

5-301. Purchasing agent. (1) As provided in Tennessee Code Annotated, § 6-56-201, et seq., the office of purchasing agent is hereby created and the mayor and/or town recorder shall faithfully discharge the duties of said office or appoint an individual to make purchases for the town. Purchases shall be made in accordance with the Municipal Purchasing Law of 1983 and amendments thereto, this chapter and purchasing procedure approved by the governing body.

(2) The purchasing agent, or designated representative, as provided herein, shall purchase materials, supplies, services, and equipment, provide for leases and lease-purchases and dispose of surplus property in accordance with purchasing procedures approved by the governing body and filed with the town recorder.

(3) After initial approval by resolution of the governing body of this town, changes or revisions to the purchasing procedures shall be made only by resolution. (Ord. #96-14, Jan. 1997)

5-302. Public advertisement and competitive bidding. Public advertisement and competitive bidding shall be required for the purchase of all goods and services exceeding an amount of ten thousand dollars ($10,000.00) except for those purchases specifically exempted from advertisement and bidding by the Municipal Purchasing Act of 1983. (Ord. #97-02, March 1997, as amended by Ord. #99-17, Sept. 1999)
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. Violation.

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. (as added by Ord. #07-12, June 2007)

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. (as added by Ord. #07-12, June 2007)

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) "Nonresidential" 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 nonresidential 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 in height and vehicular parking and maneuvering areas.

(22) "Warehouse" means a building primarily devoted to the storage of materials. (as added by Ord. #07-12, June 2007, and amended by Ord. #13-09, Sept. 2013, and Ord. #17-02, April 2017 Ch3_6-6-19)

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 sections §§ 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.
<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Unit</th>
<th>Impact Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family detached</td>
<td>Dwelling</td>
<td>$4,594.00</td>
</tr>
<tr>
<td>Multi-family</td>
<td>Dwelling</td>
<td>$2,527.00</td>
</tr>
<tr>
<td>Hotel/motel</td>
<td>Room</td>
<td>$919.00</td>
</tr>
<tr>
<td>Retail/commercial</td>
<td>1,000 sq. ft.</td>
<td>$1,424.00</td>
</tr>
<tr>
<td>Office/institutional</td>
<td>1,000 sq. ft.</td>
<td>$2,619.00</td>
</tr>
<tr>
<td>Nursing home</td>
<td>1,000 sq. ft.</td>
<td>$1,057.00</td>
</tr>
<tr>
<td>Church</td>
<td>1,000 sq. ft.</td>
<td>$689.00</td>
</tr>
<tr>
<td>Elementary/secondary school</td>
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<td>$322.00</td>
</tr>
<tr>
<td>Industrial</td>
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<tr>
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</tr>
<tr>
<td>Mini-warehouse</td>
<td>1,000 sq. ft.</td>
<td>$459.00</td>
</tr>
</tbody>
</table>

(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 nonresidential 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. (as added by Ord. #07-12, June 2007, and amended by Ord. #13-09, Sept. 2013, and Ord. #17-02, April 2017 Ch3_6-6-19)

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) **Nonresidential replacement.** Replacement of destroyed, partially-destroyed or moved nonresidential 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 mayor and aldermen 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 Mayor and Aldermen of the Town of Nolensville and shall be made pursuant to goals and objectives articulated by the town board. (as added by Ord. #07-12, June 2007)
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 § 5-404(1); or

(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 of 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 nonresidential development, the impact fee per one thousand (1,000) square feet of gross floor area, using the following formula:

\[
\text{Impact fee} = \text{EDUs} \times \frac{\text{Netcost}}{\text{EDU}}
\]

Where:

\[
\text{EDUs} = \frac{\text{VMT}}{\text{Single family VMT}}
\]

\[
\text{VMT} = \frac{\text{Triprate}}{2} \times \%\text{New} \times \text{Length}
\]

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

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

\[
\text{Length} = \text{Average length of a trip in miles associated with the land}
\]
use, from national transportation data

\[ \text{Netcost/EDU} = \text{Net cost per equivalent dwelling unit as calculated in the impact fee study separately for residential and nonresidential uses} \]

(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 mayor and aldermen pursuant to § 5-411, appeals. (as added by Ord. #07-12, June 2007)

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

(1) **Collection at building permit.** Except as set forth in the following paragraph, the impact fees for all affected development shall be calculated and collected in conjunction with the application for the 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. (as added by Ord. #07-12, June 2007)

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. (as added by Ord. #07-12, June 2007)

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. (as added by Ord. #07-12, June 2007)
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 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 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. (as added by Ord. #07-12, June 2007)

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. (as added by Ord. #07-12, June 2007)

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 mayor and aldermen within thirty (30) days from the date of the decision to be appealed. (as added by Ord. #07-12, June 2007)
5-413. **Violation.** 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. (as added by Ord. #07-12, June 2007)
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). (as added by Ord. #11-07, Nov. 2011)

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. (as added by Ord. #11-07, Nov. 2011)

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. (as added by Ord. #11-07, Nov. 2011)

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. (as added by Ord. #11-07, Nov. 2011)
Resolution #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: § 6-2-201(22).
TITLE 7
FIRE PROTECTION AND FIREWORKS

CHAPTER
1. FIRE CODE.
2. LIFE SAFETY CODE.
3. AUTOMATIC FIRE SPRINKLER SYSTEMS.
4. ALARM SYSTEM REGULATION.

CHAPTER 1
FIRE CODE

SECTION
7-102. Modifications.


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)

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1Municipal code reference
Building, utility and housing codes: title 12.
Fires in streets, etc.: § 16-112.
CHAPTER 2

LIFE SAFETY CODE

SECTION

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.


7-202. 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)

(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)

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 of the Nolensville Volunteer Fire Department, or duly authorized representative appointed by the Mayor of the Town of Nolensville known as fire inspector.

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

(3) "Fire inspector." The person appointed by 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)
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 provision.
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 includes 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.


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)
TITLE 8

ALCOHOLIC BEVERAGES

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 contains an alcoholic content of five percent (5%) by weight, or less. (as added by Ord. #09-02, March 2009)

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 mayor and aldermen 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. (as added by Ord. #09-02, March 2009)

\(^1\)State law reference
Tennessee Code Annotated, title 57.
8-103. **Privilege tax on retail sale of alcoholic beverages for consumption on the premises.** Pursuant to the authority contained in 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 on alcoholic beverages for consumption on the premises where sold. (as added by Ord. #09-02, March 2009)

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. (as added by Ord. #09-02, March 2009)

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. (as added by Ord. #09-02, March 2009)

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. (as added by Ord. #09-02, March 2009)
CHAPTER 2

BEER\(^1\)

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

8-201. **Board composition.** There is hereby established a beer board to be composed of the board of mayor and aldermen (hereinafter referred to as the beer board). The mayor shall be the chairman of the beer board. Its members shall serve without compensation. (Ord. #96-10, Dec. 1996, as renumbered by Ord. #09-01, March 2009)

8-202. **Powers and duties of the beer board.** The beer board shall have the power and it is hereby directed to establish regulations governing the selling, storing for sale, distributing for sale, giving away, and manufacturing of beer within the boundaries of the Town of Nolensville in accordance with the provisions of state statutes, provided such provisions and regulations are approved by the board of mayor and aldermen and to issue permits related thereto:

(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.

\(^1\)State 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).
(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 chairman provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place.

(3) The attendance of a 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. 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 shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight.

(6) The Town of Nolensville Beer Board meeting shall be conducted according to the latest available edition of Robert's Rules of Order. (Ord. #96-10, Dec. 1996, as amended by Ord. #97-04, March 1997, and renumbered by Ord. #09-01, March 2009)

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. #96-10, Dec. 1996, as amended by Ord. #97-04, March 1997, and renumbered by Ord. #09-01, March 2009)

8-204. Application requirements. The application for a beer permit shall be submitted to the town recorder 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 application.
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 (5) percent 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 (5) percent 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 (5) percent 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. Any time the applicant/licensee changes agents, 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 agent.

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.
8-205. 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 person to another or from one 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. Beer permits for retail sale of beer may be further restricted by the beer board so as to authorized sale solely for off premises consumption. A single permit may be issued for on premises and off premise consumption. 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 him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board.
7. No permit for on-premises beer consumption shall be granted or approved unless the applicant's business for which it is seeking a beer permit derives at least sixty-five (65) percent of its gross income from the sale of food prepared on the business premises to be consumed on the business premises.
8. No permits shall be issued in the Town of Nolensville for one (1) time, special or catered events.
9. Notwithstanding the food sales requirement in (7) above, in the case of a business whose primary business is the manufacture of beer, a permit for on-premises beer consumption may be granted for the business premises.
Such a business may only sell beer it manufactures for on-premises consumption within the hours of 4:00 P.M. to 9:00 P.M. on Thursday and Fridays, and 12:00 P.M. to 9:00 P.M. on Saturdays for one (1) year ending December 31, 2019 unless extended by an ordinance enacted by the board of mayor and aldermen. These restrictions shall not be construed to apply to the sale of beer for off-premises consumption, but the business shall not sell beer for either on-premises or off-premises consumption on Sundays. For the purpose of this section, "primary business" is defined as a business in which at least ninety percent (90%) of its gross income is derived by the manufacture and distribution of beer it manufactures. (Ord. #96-10, Dec. 1996, as amended by Ord. #97-04, March 1997, renumbered by Ord. #09-01, March 2009, and amended by Ord. #14-05, April 2014, Ord. #16-17, Nov. 2016 Ch3_6-6-19, Ord. #17-13, Jan. 2018 Ch3_6-6-19, and Ord. #18-12, Jan. 2019 Ch3_6-6-19)

8-206. 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 must be a person of good moral character and he must certify that he has read and is 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, the application must be accompanied by a non-refundable application fee. (Ord. #96-10, Dec. 1996, as renumbered by Ord. #09-01, March 2009)

8-207. 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; or
   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) Notwithstanding the food sales requirement in 8-205(7) above, in the case of a business whose primary business is the manufacture of beer, a permit for on-premises beer consumption may be granted for the business premises. Such a business may only sell beer it manufactures for on-premises consumption within the hours of 4:00 P.M. to 9:00 P.M. on Thursday and Fridays, and 12:00 P.M. to 9:00 P.M. on Saturdays for one (1) year ending December 31, 2019 unless extended by an ordinance enacted by the board of mayor and aldermen. These restrictions shall not be construed to apply to the sale of beer for off-premises consumption, but the business shall not sell beer for either on-premises or off-premises consumption on Sundays. For the purpose of this section, "primary business" is defined as a business in which at least ninety percent (90%) of its gross income is derived by the manufacture and distribution of beer it manufactures.

(c) No beer permit shall be issued to any applicant who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, 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.

(d) No permit authorizing the sale of beer for on-premises consumption shall be issued to any persons or entity unless the applicant derives sixty-five (65) percent of its gross business revenue from the sale of food prepared on the business premises to be consumed on the business premises.

(e) 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. #96-10, Dec. 1996, as amended by Ord. #97-04, March 1997, renumbered by Ord. #09-01, March 2009, and amended by Ord. #14-19, Jan. 2015, Ord. #16-17, Nov. 2016 Ch3_6-6-19, Ord. #17-13, Jan. 2018 Ch3_6-6-19, and Ord. #18-12, Jan. 2019 Ch3_6-6-19)

8-208. Referral of applications to local law enforcement agencies. The Town of Nolensville Beer Board shall submit the necessary information of each applicant for a permit to local law enforcement agencies for the purpose of ascertaining if the applicant has ever been arrested or convicted of any offense which would prohibit the issuance of a permit. (Ord. #96-10, Dec. 1996, as renumbered by Ord. #09-01, March 2009)

8-209. 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; or
2. Has been convicted by final judgment of a court of competent jurisdiction of a crime involving moral turpitude; or
3. Permits minors to congregate about the premises; or
4. Has made a false statement of a material fact in any application or notice to the beer board; or
5. Sales to minors as: It shall be unlawful for any person under twenty-one (21) years of age to purchase, attempt to purchase, or to possess any beverage covered by this chapter or for anyone to purchase such beverage for a person under twenty-one (21) years of age to present or offer to any permittee, his or her agent or employee, any written evidence of his age which is false, fraudulent, or not actually his or her own, for the purpose of purchasing or attempting to purchase such beverages. Any person under twenty-one (21) years of age who acts in violation of any one or more of the provisions of this section shall be taken before the juvenile judge of this county for appropriate disposition; or
6. Make or allow sales of beer to any intoxicated person or feeble minded, insane, or otherwise mentally impaired person; or
7. Allow intoxicated persons to loiter about the premises; or
8. Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating liquor or any crime involving moral turpitude within the past ten (10) years; or
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; or
10. Make or allow any sale of beer between the hours of 3:00 A.M. and 6:00 A.M. during any night of the week, except for between the hours of 3:00 A.M. Sunday and 11:00 A.M. on Sunday. Sale of beer on Sunday is further restricted and confined to package only for consumption off the premises of the permittee and to those businesses where service of meals is the principal business and at least sixty-five percent (65%) of the gross business revenue of such business is derived from food sales;
11. 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; or
12. 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."

(13) The owner and operator shall be held strictly accountable for any
actions of his employees which violate any of the above provisions.

(14) 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.

(15) That no sale of such beverages will be made except in accordance
with the permit granted.

(16) That if the application is for a permit to sell, not for consumption
on the premises, no sale will be made for consumption on the premises and that
no consumption will be allowed on the premises thereof.

(17) That no sale will be made to persons under twenty-one (21) years
of age. (Ord. #96-10, Dec. 1996, as amended by Ord. #02-08, Nov. 2002,
renumbered by Ord. #09-01, March 2009, and amended by Ord. #15-18, Oct.
2015)

8-210. 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 the local
law enforcement agencies or by any member of the beer board. 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 chairman 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 chairman 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 is 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. (Ord. #96-10, Dec. 1996, as amended by Ord. #07-15, Oct. 2007, and renumbered by Ord. #09-01, March 2009)

8-211. 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 city may impose. (Ord. #96-10, Dec. 1996, as replaced by Ord. #07-15, Oct. 2007, and renumbered by Ord. #09-01, March 2009)

8-212. Additional privilege tax. (1) In addition to the one-time application fee, beginning January 1, 1997, each beer permit holder shall pay a privilege tax of $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 30 days prior to January 1st 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 1st 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 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 pro-rated bases for each month or portion thereof remaining until the next tax payment due date. (Ord. #96-10, Dec. 1996, as renumbered by Ord. #09-01, March 2009)

8-213. 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. (as added by Ord. #07-15, Oct. 2007, and renumbered by Ord. #09-01, March 2009)

8-214. Annually sales reporting. (1) Licensee 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 licensee, setting forth gross sales of the licensee for the quarter, sales of food and non-alcoholic beverages, and sale of beer. The annual sales report shall either be sent via email to the town recorder or by U.S. 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
P.O. Box 547
Nolensville, TN 37135

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

(3) The licensee shall also be subject to a fifty dollar ($50.00) a day fine for each day the licensee's annual sales report is past due. (as added by Ord. #14-05, April 2014)
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. (as added by Ord. #13-02, April 2013)

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 § 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 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.
(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 nonrefundable application fee of five hundred dollars ($500.00) shall be submitted with every application for a certificate of compliance. (as added by Ord. #13-02, April 2013)

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 dollars ($500.00) fee must be submitted with each renewal request. (as added by Ord. #13-02, April 2013)

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. (as added by Ord. #13-02, April 2013)

8-305. Applicant to appear before board of mayor and alderman; duty to give information. An applicant for a certificate of compliance may be required to appear in person before the board of mayor and alderman for such reasonable examination as may be desired by the board. (as added by Ord. #13-02, April 2013)

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 mayor and alderman within thirty (30) days of the date each application was filed with the town. (as added by Ord. #13-02, April 2013)

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. (as added by Ord. #13-02, April 2013)

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. (as added by Ord. #13-02, April 2013)

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. (as added by Ord. #13-02, April 2013)

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 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. (as added by Ord. #13-02, April 2013)

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. (as added by Ord. #13-02, April 2013)

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. (as added by Ord. #13-02, April 2013)

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. (as added by Ord. #13-02, April 2013)
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. (as added by Ord. #13-02, April 2013)

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. (as added by Ord. #13-02, April 2013)

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. (as added by Ord. #13-02, April 2013)

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 20th 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. (as added by Ord. #13-02, April 2013)

8-318. **Violations.** 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. (as added by Ord. #13-02, April 2013)
TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.

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

CHAPTER 1

SOLICITORS, PEDDLERS, ETC.¹

SECTION
9-102. Permit required.
9-103. Exemptions.
9-104. Application for permit.
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.
9-116. Violation 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 nonresident 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 city 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 of the following conditions:

(a) Has a current exemption certificate from the Internal Revenue Service issued under section 501(c)(3) of the Internal Revenue Service Code of 1954, as amended.

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

(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 does

\(^1\)State 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.
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 (6) six consecutive months or has occupied the premises as his or her permanent residence for more than (6) six 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. (Ord. #98-01, March 1998, as replaced by Ord. #11-01, July 2011)

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. (Ord. #98-01, March 1998, as replaced by Ord. #11-01, July 2011)

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. (Ord. #98-01, March 1998, as replaced by Ord. #11-01, July 2011)

9-104. Application for permit. Applicants for a permit under this chapter must file with the town a sworn written application containing the following:

(1) Physical description of applicant.

(2) Complete name, permanent home address and local address of the applicant and permanent address of the business or organization the applicant represents. In the case of transient merchants, the local address from which proposed sales will be made.

(3) The names and permanent addresses of each person who will make sales or solicitations within the town.
(4) A brief description of the type of the business and the goods to be sold.

(5) If employed, the name and address of the employer, together with evidence of the employer/employee relationship. No more than four (4) employees and/or contractors shall be named on a permit issued to any one company and no more than one (1) permit shall be issued to each company desiring to utilize peddlers and solicitors within the Town of Nolensville.

(6) The dates for which the applicant intends to do business or make solicitations.

(7) A copy of a valid driver's license or state issued identification, including a government issued photo identification from each person who will be working or soliciting on behalf of the applicant within the corporate limits of the town.

(8) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance and, if so, the nature of the offense and the punishment or penalty assessed therefore.

(9) At a minimum of the last city or town where applicant carried on business immediately preceding the date of application.

(10) 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.

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

(12) At the time of filing the application, a nonrefundable administrative fee of fifty dollars ($50.00) shall be paid to the town.

(13) Each applicant that has obtained a transient vendor permit issued by Williamson County shall provide a true and exact copy of the permit to the Town of Nolensville at the time of application showing said permit to be in effect. (Ord. #98-01, March 1998, as replaced by Ord. #11-01, July 2011, and amended by Ord. #16-11, Aug. 2016)

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.

(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. (Ord. #98-01, March 1998, as replaced by Ord. #11-01, July 2011, and amended by Ord. #15-09, Aug. 2015)

9-106. Appeal. Any person denied a permit shall have the right to appeal to the board of mayor and aldermen. 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 mayor and aldermen. 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. (Ord. #98-01, March 1998, as replaced by Ord. #11-01, July 2011)

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. (Ord. #98-01, March 1998, as replaced by Ord. #11-01, July 2011)

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 mayor and aldermen. (Ord. #98-01, March 1998, as replaced by Ord. #11-01, July 2011)

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. (Ord. #98-01, March 1998, as replaced by Ord. #11-01, July 2011)

9-110. Exhibition of permit. Permit holders or representatives of the permit holder are required to exhibit their permits at the request of any policeman, codes official, town official, citizen, or person solicited. (Ord. #98-01, March 1998, as replaced by Ord. #11-01, July 2011)

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. (as added by Ord. #11-01, July 2011)

9-112. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the board of mayor and aldermen 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.

(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. (as added by Ord. #11-01, July 2011)

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. (as added by Ord. #11-01, July 2011)

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. (as added by Ord. #11-01, July 2011)

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. (as added by Ord. #11-01, July 2011)

9-116. Violation and penalty. In addition to any other action the town may take against a permit holder in violation of this chapter, such violation shall be punishable by a penalty of up to fifty dollars ($50.00) for each offense. Each day a violation occurs shall constitute a separate offense. This penalty shall be enforceable in any municipal court established by the Town of Nolensville. (as added by Ord. #11-01, July 2011)
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.
9-211. 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" shall mean and include all general sales, open to the public, conducted from or on any premises in any residential or nonresidential 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 nonresidential 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" shall mean 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. (Ord. #98-03, March 1998)

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. (Ord. #98-03, March 1998)

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 therefore from the town recorder. Members of more than one residence may join in obtaining a permit for a garage sale to be conducted at the residence of one of them. (Ord. #98-03, March 1998)

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.
   (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. (Ord. #98-03, March 1998)

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 residential location, residence and/or family household during any calendar year. If members of more than one 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 nonresidential 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. (Ord. #98-03, March 1998)

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). (Ord. #98-03, March 1998)

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. (Ord. #98-03, March 1998)

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 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. (Ord. #98-03, March 1998)

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. (Ord. #98-03, March 1998)

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

   (a) **Two 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 nonresidential 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. (Ord. #98-03, March 1998)

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.

   (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 nonconforming 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. (Ord. #98-03, March 1998)

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. (Ord. #98-03, March 1998)
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 mayor and aldermen 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

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1For complete details relating to the cable television franchise agreements granted to Robin Media Group, Inc. d/b/a "Intermedia, see Ord. #97-06, May 1997, and Ord. #98-06, March 1998; Small Town Cable Corporation, see Ord. #99-16, June 1999, and Ord. #00-01, Feb. 2000; and Mid-South Cable TV, Inc., see Ord. #97-20, Jan. 1998. All are of record in the office of the town recorder.
For an interlocal agreement regarding animal control between the Town of Nolensville and Williamson County, see Resolution #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. MISCELLANEOUS.
4. GENERAL PROHIBITION ON NOISES.
5. WEAPONS AND FIREARMS.
6. CURFEW ESTABLISHED.

CHAPTER 1

TRESPASSING AND INTERFERENCE WITH TRAFFIC

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

(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 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 (Ord. #98-11, March 1998)

**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. (Ord. #98-11, March 1998)

**11-103. Violation and penalty.** A violation of any provision of this chapter shall subject the offender to a penalty of up to one hundred dollars ($100) for each offense. (Ord. #98-11, March 1998)

¹Municipal code reference
CHAPTER 2

DEFACEMENT OR VANDALISM OF STONE WALLS, MAILBOXES AND PUBLIC PROPERTY

SECTION
11-201. Definitions.
11-203. Violation 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) "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 right of ways.

(2) "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 right of ways. (Ord. #98-18, Oct. 1998)

11-202. Civil offense. (1) It shall be a civil offense for any person willfully, maliciously or wantonly to damage, deface, destroy, vandalize, tamper with, or take without proper authorization:

(a) Any stone walls
(b) Any mailbox

(2) Any person, firm or corporation whose employee, agent or subcontractor violates this section while acting as such employee, agent or subcontractor may also be charged with violating this section.

(3) This section shall also apply to all property of the town, the county, the state and the United States, including, but not limited to, building appurtenances, fixtures, streets, signs, traffic control devices, public utilities, water meters, pressurized sewer pumps, parks and park facilities, library materials, vehicles and all other equipment and materials. This section shall also apply to all stone walls and mailboxes, whether publicly or privately owned. (Ord. #98-18, Oct. 1998)

11-203. Violation 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 $500.00 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. (Ord. #98-18, Oct. 1998)
CHAPTER 3

MISCELLANEOUS

SECTION
11-301. Abandoned refrigerators, etc.
11-302. Caves, wells, cisterns, etc.
11-303. Posting notices, etc.

11-301. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door or otherwise sealing the door in such a manner that it cannot be opened by any child. A violation of this section shall subject the offender to a penalty of up to one hundred fifty dollars ($150) for each offense. (Ord. #98-10, March 1998)

11-302. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. A violation of this section shall subject the offender to a penalty of up to one hundred fifty dollars ($150) for each offense. (Ord. #98-10, March 1998)

11-303. Posting notices, etc. No person shall paint, make, or fasten, in any way, any show-card, poster, or other advertising device or sign upon any public or private property unless legally authorized to do so. A violation of this section shall subject the offender to a penalty of up to fifty dollars ($50) for each offense. Each posting of such unauthorized notice shall constitute a separate offense. (Ord. #98-10, March 1998)
CHAPTER 4
GENERAL PROHIBITION ON NOISES

SECTION
11-401. General prohibition on noises.
11-402. Miscellaneous prohibited noises enumerated.
11-403. Exceptions.

11-401. General prohibition on noises. Subject to the provisions of this chapter, the creating of any unreasonably loud, disturbing and unnecessary noise is prohibited. Noise of such character, intensity or duration as to be detrimental to the life or health of any individual or in disturbance of the public peace and welfare is prohibited. (as added by Ord. #06-06, April 2005)

11-402. Miscellaneous prohibited noises enumerated. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this division, but this enumeration shall not be deemed to be exclusive, namely:

1) Blowing horns. The sounding of any horn or signal device on any automobile, motorcycle, bus, truck, or other vehicle except as a danger signal; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

2) Radios, phonographs, etc. The playing of any radio, phonograph, stereo system or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently of or in connection with motion pictures, radio or television, in such a manner or with such volume, particularly during the hours between 11:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort or repose of persons in any office or hospital, or in any dwelling, hotel or other type of residence, or of any person within fifty (50) feet of the vicinity.

3) Yelling, shouting, etc. Yelling, shouting, whistling or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or disturb the quiet, comfort or repose of any persons in any hospital, dwelling, hotel or other type of residence, or of any person in the vicinity.

4) Pets. The keeping of any animal, bird or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

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, grinding, rattling or other noise.
(6) **Blowing whistles.** The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work as a warning of fire or danger, or upon request of proper municipal authorities.

(7) **Exhaust discharge.** To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(8) **Building operations.** The erection (including excavation), demolition, alteration or repair of 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, which ever may fall first, Monday through Saturday and 9:00 A.M. and 7:00 P.M. or dark, which ever may fall first, Sunday, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues not to exceed thirty (30) days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways after dark and before 7:00 A.M. Monday through Saturday or 9:00 A.M. Sunday and if he shall further determine that unreasonable loss or inconvenience would result to any party in interest through delay, he 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, use of explosives, steam shovel, pneumatic hammer, derrick, steam or electric hose, or other machinery or equipment attended by loud or unusual noise.

(9) **Noises near schools, hospitals, churches, etc.** The creation of any excessive noise on any street adjacent to any hospital or adjacent to any school, institution of learning, church or court while the same is in session.

(10) **Loading and unloading operations.** The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and other containers.

(11) **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.

(12) **Loudspeakers or amplifiers on vehicles.** The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes. (as added by Ord. #06-06, April 2005)

**11-403. Exceptions.** None of the terms or prohibitions of this chapter shall apply to or be enforced against:

(1) **Municipal vehicles.** Any vehicle of the city while engaged upon necessary public business.
(2) **Repair of streets, etc.** Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the city, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.

(3) **Noncommercial and nonprofit use of loudspeakers or amplifiers.** The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (as added by Ord. #06-06, April 2005)
CHAPTER 5

WEAPONS AND FIREARMS

SECTION
11-501. Weapons and firearms defined.
11-503. Exceptions to prohibitions.
11-504. Penalty for violation.

11-501. Weapons and firearms defined. For the purposes of this chapter, a "firearm" shall be defined as any gun, rifle, pistol, revolver, shotgun or any other device which is capable of projecting any object a distance of forty feet (40') or more. For the purposes of this chapter, the definition of "weapon" shall include crossbows. (as added by Ord. #07-23, Feb. 2008)

11-502. Weapons and firearms generally. (1) It shall be unlawful to discharge firearms or other weapons in the town on public property, provided that this prohibition shall not apply to bona fide law enforcement officers lawfully engaged in their official duties, nor shall it apply to supervised shoots, gun safety demonstrations or similar organized events for which permission has been given by the chief of police. A written permit for such events will be issued, at the discretion of the chief of police and upon his or her determination that such event will not negatively impact the health and safety of the residents of the Town of Nolensville, upon submission of a written application for such a permit. The permit application form and contents will be available at town hall. The chief of police will advise as to whether or not the permit application has been approved within ten (10) days of the filing of the permit application. Parties requesting such approval shall agree to hold the town harmless of any negligence or responsibilities concerning the holding of such events. The town may require written release and proof of adequate liability insurance coverage.

(2) It shall be unlawful to discharge firearms or other weapons on any private property without the written permission of the landowner or the person in possession or control of the property and having authority from the owner to give such permission. It shall be unlawful to discharge firearms or weapons in certain areas within the Town of Nolensville except with a special written permit at the discretion of the chief of police who may authorize special events. A written permit for such events will be issued, at the discretion of the chief of police and upon his or her determination that such event will not negatively impact the health, safety and welfare of the residents of the Town of Nolensville, upon submission of a written application for such a permit. The areas of the Town of Nolensville in which it shall be unlawful to discharge firearms or weapons shall be described as all parcels or tracts of real property within the Town of Nolensville north of the southern boundary of the roadways known as
11-503. **Exceptions to prohibitions.**¹ Notwithstanding the restrictions and provisions of § 11-503 herein, it shall be lawful to discharge a firearm or weapons in the following areas and under the following circumstances:

1. On tracts or parcels of real property within the Town of Nolensville north of the southern boundaries of New Clovercroft and Rocky Fork Roads which have a parcel area of five (5) acres or more.

2. The discharge of firearms or weapons in defense of person or property as otherwise permitted by law.

3. The discharge of firearms or weapons to kill any dangerous or destructive wild animal.

4. The discharge of firearms with blank cartridges in theatrical performances, sporting events, or in the firing of salutes at military funerals.

5. The discharge of firearms pursuant to the hunting rules and regulation as provided by the laws of the State of Tennessee. (as added by Ord. #07-23, Feb. 2008)

11-504. **Penalty for violation.** The penalty or fine for violation of this chapter shall be fifty dollars ($50.00) per violation with each violation being a separate offense. (as added by Ord. #07-23, Feb. 2008)

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¹State law references:

CHAPTER 6

CURFEW ESTABLISHED

SECTION

11-601. Curfew for minors established: exceptions, duties of apprehending authority.

11-601. Curfew for minors established: exceptions, duties of apprehending authority. (1) It is unlawful for any minor between seventeen (17) and eighteen (18) years of age to remain in or upon any public street, highway, park, vacant lot, establishment or other public place within the Town of Nolensville during the following time frames:
  (a) Monday through Thursday between the hours of eleven o'clock P.M. (11:00 P.M.) to six o'clock A.M. (6:00 A.M.).
  (b) Friday through Sunday between the hours of twelve o'clock (12:00) midnight to six o'clock A.M. (6:00 A.M.).
(2) It is unlawful for any minor sixteen (16) years of age and under to remain in or upon any public street, highway, park, vacant lot, establishment or other public place within the Town of Nolensville during the following time frames:
  (a) Monday through Thursday between the hours of ten o'clock P.M. (10:00 P.M.) to six o'clock A.M. (6:00 A.M.).
  (b) Friday through Sunday between the hours of eleven o'clock P.M. (11:00 P.M.) to six o'clock A.M. (6:00 A.M.).
(3) It is unlawful for a parent or guardian of a minor to knowingly permit or by inefficient control to allow the minor to be or remain upon any street or establishment under circumstances not constituting an exception to, or otherwise beyond the scope of subsections (1) and (2). The term "knowingly" includes knowledge that a parent or guardian should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. The term "knowingly" is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It is not a defense that a parent was completely indifferent to the activities or conduct or whereabouts of the minor child.
(4) (a) The following are valid exceptions to the operation of the curfew:
  (i) At any time, if a minor is accompanied by the minor's parent or guardian;
  (ii) When accompanied by an adult authorized by a parent or guardian of the minor to take the parent or guardian's place in accompanying the minor for a designated period of time and purpose within a specified area;
(iii) Until the hour of twelve-thirty A.M. (12:30 A.M.), if the minor is on an errand as directed by the minor's parent;

(iv) If the minor is legally employed, for the period from forty-five (45) minutes before to forty-five (45) minutes after work, while going directly between the minor's home and place of employment. This exception shall also apply if the minor is in a public place during the curfew hours in the course of the minor's employment. To come within this exception, the minor must be carrying written evidence of employment that is issued by the employer;

(v) Until the hour of twelve-thirty A.M. (12:30 A.M.) if the minor is on the property of or the sidewalk directly adjacent to the place where the minor resides or the place immediately adjacent to the place where the minor resides, if the owner of the adjacent building does not communicate an objection to the minor and the law enforcement officer;

(vi) When returning home by a direct route from (and within thirty (30) minutes of the termination of) a school activity or an activity of a religious or other voluntary association, or a place of public entertainment, such as a movie, play or sporting event. This exception does not apply beyond one o'clock A.M. (1:00 A.M.).

(vii) In the case of reasonable necessity, but only after the minor's parent has communicated to law enforcement personnel the facts establishing the reasonable necessity relating to specified streets at a designated time for a described purpose including place or origin and destination. A copy of the communication, or the record of the communication, an appropriate notation of the time it was received and of the names and addresses of the parent or guardian and minor constitute evidence of qualification under this exception;

(viii) When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. A minor shall show evidence of the good faith of the exercise and provide notice to the city officials by first delivering to the appropriate law enforcement authority a written communication, signed by the minor, with the minor's home address and telephone number, addressed to the mayor of the Town of Nolensville specifying when, where and in what manner the minor will be on the streets at night during hours when the curfew is still otherwise applicable to the minor in the exercise of a First Amendment right specified in the communication; and
(ix) When a minor is, with parental consent, in a motor vehicle engaged in good faith interstate travel.

(x) Each of the exceptions contained in subdivision (4)(a), and the limitations are severable.

(5) When any child is in violation of this section, the apprehending officer shall act in one (1) of the following ways:

(a) In the case of a first violation, and if in the opinion of the officer the action would be effective, take the child to the child's home and warn and counsel the parents or guardians;

(b) Issue a summons to the child or parents or guardians to appear at the juvenile court; or

(c) Bring the child into the custody of the juvenile court for disposition.

(d) (i) A minor violating the provisions of this section shall commit an unruly act disposition of which shall be governed pursuant to Tennessee Code Annotated, title 37.

(ii) Any parent, guardian, or other person having the care, custody and control of a minor violating the provisions of this section commits a Class C misdemeanor and shall be fined no more than fifty dollars ($50.00) for each offense. Each violation of the provisions of this section shall constitute a separate offense. (as added by Ord. #11-04, July 2011)
TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER
1. BUILDING CODE.
2. PLUMBING CODE.
3. GAS CODE.
4. RESIDENTIAL CODE.
5. AMUSEMENT DEVICE CODE.
6. SWIMMING POOL CODE.
7. UNSAFE BUILDING ABATEMENT CODE.
8. MECHANICAL CODE.
9. EXISTING BUILDINGS CODE.
10. MODEL ENERGY CODE.
11. PROPERTY MAINTENANCE CODE.

CHAPTER 1

BUILDING CODE

SECTION
12-102. Schedule of fees.
12-103. Exceptions to barn permit fee.
12-104. Modifications.
12-105. Commercial fees.


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\(^1\)Municipal code references
   Fire code: title 7, chapter 1.
   Zoning code: title 14, chapter 1.
   Streets and other public ways and places: title 16.
   Utilities and services: title 19.

\(^2\)Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
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

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<th>Base amount</th>
<th>Plus/per thousand</th>
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(Ord. #98-09, April 1998, as amended by Ord. #98-20, Oct. 1998, Ord. #99-18, Sept. 1999, and Ord. #02-02, Aug. 2002, and replaced by Ord. #19-05, April 2019 Ch.3_6-6-19)

12-103. **Exceptions to barn permit fee.** A barn permit fee in the amount of $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 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. (Ord. #00-02, March 2000)

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. (Ord. #97-18, Oct. 1997)

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). (as added by Ord. #07-24, Jan. 2008)
CHAPTER 2

PLUMBING CODE

SECTION
12-201. Plumbing code adopted.

12-201. Plumbing code adopted. The International Plumbing Code, 2012 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. #05-05, April 2005, Ord. #07-21, Nov. 2007, and Ord. #14-17, Nov. 2014)

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. (Ord. #97-18, Oct. 1997)

________________________________________________________________________

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

SECTION

12-301. Gas code adopted.
12-302. Gas code schedule of fees.
12-303. Modifications.


12-302. Gas code schedule of fees.

Standard Gas Code schedule of fees.

For issuing a permit $5.00

For inspection:
1 to 4 outlets $5.00 each additional $1.00

For inspection of vented wall furnaces and water heaters:
1 unit $2.50 each additional $1.00

Re-inspection fee:
Rough in $5.00 Final $5.00

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. (Ord. #99-18, Sept. 1999)

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

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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.
in the gas code shall be deemed to be the responsible official insofar as enforcing the provisions of the gas code are concerned. (Ord. #97-18, Oct. 1997)
CHAPTER 4
RESIDENTIAL CODE

SECTION
12-402. Modifications.

12-401. Residential code adopted. The International Residential Code, 2012 edition, plus appendices, 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) Table R301.2(1) add the following: snow load "10 lb," wind speed "90," seismic "B," weathering "severe," frost line depth "6 inch," termite "moderate to heavy," winter design temperature "14 degree F," ice barrier needed "no," flood hazards "as shown on FEMA FIRM Panel 0235F, dated Sept 29, 2006," air freezing index "1500 or less," and mean annual temperature "57 degrees F"...

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. #05-05, April 2005, Ord. #077-21, Nov. 2007, and Ord. #14-17, Nov. 2014)

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 housing code shall be deemed to be the responsible official insofar as enforcing the provisions of the housing code are concerned. (Ord. #97-18, Oct. 1997)

1Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
CHAPTER 5

AMUSEMENT DEVICE CODE

SECTION


12-502. Modifications. Within the amusement device 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 amusement device code shall be deemed to be the responsible official insofar as enforcing the provisions of the amusement device code are concerned. (Ord. #97-18, Oct. 1997)

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1Municipal code references
   Fire code: title 7, chapter 1.
   Zoning code: title 14, chapter 1.
   Streets and other public ways and places: title 16.
   Utilities and services: title 19.

2Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.
CHAPTER 6

SWIMMING POOL CODE¹

SECTION
12-602. Swimming pool code fee schedule.
12-603. Modifications.

12-601. **Swimming pool code adopted.** The Standard Swimming Pool Code, 1999 edition,² 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. #99-18, Sept. 1999, as amended by Ord. #99-18, Sept. 1999, and Ord. #02-02, Aug. 2002)

12-602. **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. (Ord. #99-18, Sept. 1999, as replaced by Ord. #19-05, April 2019 Ch3_6-6-19)

12-603. **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. (Ord. #97-18, Oct. 1997)

¹Municipal code references
  Fire code: title 7, chapter 1.
  Zoning code: title 14, chapter 1.
  Streets and other public ways and places: title 16.

²Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.
CHAPTER 7

UNSAFE BUILDING ABATEMENT CODE

SECTION
12-701. Unsafe building abatement code adopted.
12-702. Modifications.


12-702. Modifications. Within the unsafe building abatement 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 unsafe building abatement code shall be deemed to be the responsible official insofar as enforcing the provisions of the unsafe building abatement code are concerned. (Ord. #97-18, Oct. 1997)

¹Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.
CHAPTER 8

MECHANICAL CODE

SECTION

12-801. Mechanical code adopted.
12-802. Mechanical code schedule of fees.
12-803. Modifications.

12-801. **Mechanical code adopted.** The International Mechanical Code, 2012 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. #05-05, April 2005, Ord. #07-21, Nov. 2007, and Ord. #14-17, Nov. 2014)

12-802. **Mechanical code schedule of fees.**

Standard Mechanical Code schedule of fees.

For issuing a permit, $10.00

For inspection of heating, ventilating, duct work, air conditioning and refrigeration systems shall be:

$10.00 for the first $1,000 or fraction thereof plus $2 for each additional $1,000 or fraction thereof.

For inspecting repairs, alterations and additions to an existing system the fee shall be:

$5.00 plus $2 for each $1,000 or fraction thereof.

Re-inspection fee:

- Rough In $5.00
- Final $5.00

Temporary operation--Inspection fee $5.00

Boiler inspection schedule:

- 33,000 Btu to 165,000 $ 5.00
- 165,001 to 330,000 $10.00

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1 Municipal code references
Street excavations: title 16, chapter 2.

2 Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
330,001 to 1,165,000 Btu $15.00
1,165,001 to 3,300,000 Btu $35.00  (Ord. #99-18, Sept. 1999)

12-803. **Modifications.** Within the mechanical 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 mechanical code shall be deemed to be the responsible official insofar as enforcing the provisions of the mechanical code are concerned. (Ord. #97-18, Oct. 1997)
CHAPTER 9

EXISTING BUILDINGS CODE

SECTION
12-901. Existing buildings code adopted.
12-902. Modifications.


12-902. 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. (Ord. #97-18, Oct. 1997)

1 Municipal code references
   Fire code: title 7, chapter 1.
   Zoning code: title 14, chapter 1.
   Streets and other public ways and places: title 16.

2 Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
CHAPTER 10

MODEL ENERGY CODE

SECTION
12-1001. Model energy code adopted.
12-1002. Modifications.
12-1003. Available in recorder's office.
12-1004. Violations and penalty.

12-1001. **Model energy code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 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 \(^2\) 2009 edition, plus appendices, as published by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code. (Ord. #02-03, Aug. 2002, as amended by Ord. #05-05, April 2005, and Ord. #14-17, Nov. 2014)

12-1002. **Modifications.** 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 mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the energy code. (Ord. #02-03, Aug. 2002)

12-1003. **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. (Ord. #02-03, Aug. 2002)

\(^1\)State law reference
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.

\(^2\)Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
12-1004. **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. (Ord. #02-03, Aug. 2002)
CHAPTER 11

PROPERTY MAINTENANCE CODE

SECTION
12-1101. Property maintenance code adopted.
12-1102. Modifications.

12-1101. Property maintenance code adopted. The International Property Maintenance Code, 1 2006 edition 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. (as added by Ord. #09-04, May 2009)

12-1102. Modifications. Within the maintenance 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 property maintenance code shall be deemed to be the responsible official insofar as enforcing the provisions of the property maintenance code is concerned. (as added by Ord. #09-04, May 2009)

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 REGULATIONS

CHAPTER
1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. JUNKYARDS.
4. OPEN BURNING.

CHAPTER 1

MISCELLANEOUS

SECTION
13-101. Smoke, soot, cinders, etc.
13-102. Stagnant water.
13-104. Overgrown and dirty lots.
13-105. Dead animals.
13-106. Health and sanitation nuisances.
13-110. Real property maintenance.

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. (Ord. #98-04, May 1998)

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. (Ord. #98-04, May 1998)

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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 (1) foot. This provision as to height shall not apply to weeds or grass in Estate Residential zoned portions of the Town of Nolensville. (Ord. #98-04, May 1998)

13-104. **Overgrown and dirty lots.** (1) 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, old scrap, copper, brass, rope, scrap wood, pallets, rags, batteries, paper, rubber, dismantled or wrecked automobiles, trucks, vehicles of all kinds or parts thereof, iron, steel, and other old or scrap ferrous or non-ferrous materials so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals.

(2) **Removal of refuse.** It shall be unlawful to bury any items listed in § 13-104(1) as it might contaminate or disturb the structural integrity of the soil.

(3) **Screening.** Necessary screening can be used for areas zoned V and OI where overstock is placed outside. Only materials directly related to that business may be stored in this manner. "Directly related" refers to the actual type of trade or function the business participates in showing monetary sales for that trade or function. (Ord. #98-04, May 1998, as amended by Ord. #99-25, Oct. 1999)

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. (Ord. #98-04, May 1998)

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. (Ord. #98-04, May 1998)

13-107. **Abandoned and/or unusable automobiles and motor vehicles and storage trailers.** (1) It shall be unlawful for any persons 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) "Storage trailer" refers to 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 20,000 pounds.

(3) "Abandoned or abandonment" refers to 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. (As amended by Ord. #98-21, Oct. 1998, and Ord. #99-25, Oct. 1999)

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 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 24 consecutive hours in any seven (7) day period. (Ord. #99-25, Oct. 1999)

13-109. Violations and penalty. Violations of this chapter shall be subject the offender to a penalty of up to five hundred dollars ($500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #98-04, May 1998)

13-110. 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 mayor and aldermen shall designate and appropriate 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 mayor and aldermen 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, § 6-5-113, 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 mayor and aldermen 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 mayor and aldermen 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 mayor and aldermen. 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 mayor and aldermen 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 city 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 charger, any other provisions of this municipal
code of ordinances or any other applicable law. (as added by Ord. #08-03, May
2008)
CHAPTER 2

SLUM CLEARANCE¹

SECTION
13-201. Findings of board.
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 salvage 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.

13-201. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the board of mayor and aldermen 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. (Ord. #98-05, April 1998)

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" shall mean the board of mayor and aldermen charged with governing the town.
(3) "Municipality" shall mean the Town of Nolensville, Tennessee, and the areas encompassed within existing town limits or as hereafter annexed.
(4) "Owner" shall mean the holder of title in fee simple and every mortgagee of record.

¹State law reference
Tennessee Code Annotated, title 13, chapter 21.
"Parties in interest" shall mean all individuals, associations, corporations and others who have interests of record in a dwelling and any who are in possession thereof.

"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.

"Public authority" shall mean 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.

"Public officer" shall mean 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.

"Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation.

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.

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.

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; or

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent [50%] of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure.

(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. (Ord. #98-05, April 1998)

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.” (Ord. #98-05, April 1998)

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. (Ord. #98-05, April 1998)

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 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. (Ord. #98-05, April 1998)

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. (Ord. #98-05, April 1998)

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. (Ord. #98-05, April 1998)
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. (Ord. #98-05, April 1998)

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. (Ord. #98-05, April 1998)

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. (Ord. #98-05, April 1998)

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 five hundred dollars ($500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #98-05, April 1998)
CHAPTER 3

JUNKYARDS

SECTION

13-301. Definitions.
13-303. Screening methods.
13-304. Requirements for effective screening.
13-308. Permits and fees.
13-309. Violations and penalty.

13-301. Definitions. (1) "Junk" shall mean 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" shall mean 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) "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.

(4) "Person" means any individual, firm, agency, company, association, partnership, business trust, joint stock company, body politic, or corporation.

(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. (Ord. #98-02, March 1998)

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. (Ord. #98-02, March 1998)
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.
   (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. (Ord. #98-02, March 1998)

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. (Ord. #98-02, March 1998)

13-305. Maintenance of screens. The owner or operator of the junkyard shall be responsible for maintaining the screen in good repair to insure 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. (Ord. #98-02, March 1998)

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. (Ord. #98-02, March 1998)

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.
(5) The junkyard may not be extended or enlarged. (Ord. #98-02, March 1998)

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. (Ord. #98-02, March 1998)
13-309. Violations and penalty. Violations of this chapter shall subject the offender to a penalty of up to five hundred dollars ($500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #98-02, March 1998)
CHAPTER 4

OPEN BURNING

SECTION
13-401. Open burning.
13-402. Exceptions.
13-403. Violations and penalties.

13-401. 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 section (2) hereinbelow. (Ord. #02-04, Aug. 2002)

13-402. 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) Smokeless flares or safety flares for the combustion of waste gases.
(8) 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.
(9) 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.
(10) Warming fires during construction or demolition of buildings and other warming fires as approved by the fire inspector.
(11) Disposal of "wood waste" but only as approved by the fire chief or fire inspector.
(12) The fire chief or the fire marshal shall have the authority to permit or prohibit open burning not specifically addressed herein.
(13) 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 Volunteer Fire Department, unless otherwise stated.

For the purposes of this chapter, the fire chief and fire inspector shall be those persons specified in the fire code of the Town of Nolensville, Tennessee. (Ord. #02-04, Aug. 2002, as amended by Ord. #17-05, April 2017 Ch3_6-6-19)

13-403. Violations and penalties. 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. (Ord. #02-04, Aug. 2002)
TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. ZONING ORDINANCE.

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 Ordinance #98-22, titled "Zoning Ordinance, Nolensville, Tennessee," and any amendments thereto.¹

¹Ordinance #98-22, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder. Amendments to the zoning map are of record in the office of the town recorder.
TITLE 15
MOTOR VEHICLES, TRAFFIC AND PARKING

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 CITY STREETS WITHIN RESIDENTIAL NEIGHBORHOODS PROHIBITED.
9. STATE TRAFFIC OFFENSES AND RULES OF THE ROAD.

CHAPTER 1
MISCELLANEOUS

SECTION
15-102. Driving on streets closed for repairs, etc.
15-103. Reckless driving.
15-104. One-way streets.
15-105. Unlaned streets.
15-106. Laned streets.
15-107. Yellow lines.
15-108. Miscellaneous traffic-control signs, etc.
15-109. General requirements for traffic-control signs, etc.
15-110. 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.
15-111. Presumption with respect to traffic-control signs, etc.
15-112. School safety patrols.
15-113. Driving through funerals or other processions.
15-114. Clinging to vehicles in motion.
15-117. Projections from the rear of vehicles.
15-119. Vehicles and operators to be licensed.
15-120. Passing.
15-121. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.
15-122. Delivery of vehicle to unlicensed driver, etc.
15-123. Compliance with financial responsibility law required.

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. (Ord. #98-23, Dec. 1998)

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. (Ord. #98-23, Dec. 1998)

15-103. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (Ord. #98-23, Dec. 1998)

15-104. 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. (Ord. #98-23, Dec. 1998)

15-105. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:
(a) When lawfully overtaking and passing another vehicle proceeding in the same direction.
(b) When the right half of a roadway is closed to traffic while under construction or repair.
(c) Upon a roadway designated and signposted by the 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. (Ord. #98-23, Dec. 1998)

15-106. 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. (Ord. #98-23, Dec. 1998)

15-107. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (Ord. #98-23, Dec. 1998)

15-108. Miscellaneous traffic-control signs, etc. 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 law enforcement officer.

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any law enforcement officer. (Ord. #98-23, Dec. 1998)

15-109. General requirements for traffic-control signs, etc. All traffic control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the U.S. Department of Transportation, Federal Highway administration and shall, so far as practicable, be uniform as to type and location throughout the town. (Ord. #98-23, Dec. 1998, as amended by Ord. #02-09, Nov. 2002)

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1Municipal code references
Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-505--15-509.
15-110. **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. (Ord. #98-23, Dec. 1998)

15-111. **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. (Ord. #98-23, Dec. 1998)

15-112. **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. (Ord. #98-23, Dec. 1998)

15-113. **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. (Ord. #98-23, Dec. 1998)

15-114. **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. (Ord. #98-23, Dec. 1998)

15-115. **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. (Ord. #98-23, Dec. 1998)

15-116. **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. (Ord. #98-23, Dec. 1998)
15-117. **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 (½) hour after sunset and one-half (½) 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 (200) feet from the rear of such vehicle. (Ord. #98-23, Dec. 1998)

15-118. **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. (Ord. #98-23, Dec. 1998)

15-119. **Vehicles and operators to be licensed.** It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (Ord. #98-23, Dec. 1998)

15-120. **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. (Ord. #98-23, Dec. 1998)
15-121. **Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.** (1) Definitions. For the purpose of the application of the 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, but excluding a tractor or motorized bicycle.

(b) "Motor-driven cycle." Every motorcycle, including every motor scooter, with a motor capacity that does not 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, motor cycle, motor driven cycle or motorized bicycle shall be subject to the provisions of all traffic ordinances, rules and regulations of the town applicable to the drive 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) Each driver of a motorcycle, motor driven cycle, or motorized bicycle and any passenger thereon shall be required to wear on his head a crash helmet of a type approved by the state's commissioner of safety.

(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, face shield or glasses containing impact resistant lens for the
purpose of preventing any flying object from striking the operator or any passenger in the eyes.

(9) It shall be unlawful for any persons 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. (Ord. #98-23, Dec. 1998)

15-122. Delivery of vehicle to unlicensed driver, etc.

(1) Definitions. (a) "Juvenile" as used in this chapter shall mean a person less than eighteen years of age, and no exception shall be made for a juvenile who has been emancipated by marriage or otherwise.

(b) "Adult" shall mean any person eighteen years of age or older.

(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) "Automobile" shall mean any motor driven automobile, car, truck, tractor, motorcycle, motor driven cycle, motorized bicycle, or vehicle driven by mechanical power.

(e) "Drivers license" shall mean a motor vehicle operators license or chauffeurs license issued by the State of Tennessee.

(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 operators or chauffeurs 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 operators or chauffeurs 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. (Ord. #98-23, Dec. 1998)

15-123. Compliance with financial responsibility law required.

(1) Every vehicle operated within the corporate limits must be in compliance with the financial responsibility law.

(2) At the time the driver of a motor vehicle is charged with any moving violation under 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.

(3) For the purposes of this section, "financial responsibility" means:

(a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated chapter 12, title 55, has been issued;

(b) A certificate, valid for one (1) year and issued by the commissioner of safety stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under Tennessee Code Annotated, § 55-12-111; or

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the Department of Safety or the Interstate Commerce Commission, or was owned by the United States, the State of Tennessee or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

(4) Civil offense. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a civil penalty of up to fifty dollars ($50.00). The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of this state or by the city's municipal code of ordinances.

(5) Evidence of compliance after violation. On or before the court date, the person charged with a violation of this section may submit evidence of compliance with this section in effect at the same time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (as added by Ord. #04-05, May 2004)

15-124. 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. (as added by Ord. #07-04, May 2007)
CHAPTER 2

EMERGENCY VEHICLES

SECTION
15-201. Authorized emergency vehicles defined.
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. (Ord. #98-23, Dec. 1998)

15-202. Operation of authorized emergency vehicles. (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 500 feet 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 consequences of his reckless disregard for the safety of others. (Ord. #98-23, Dec. 1998)

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1Municipal code reference
Operation of other vehicle upon the approach of emergency vehicles: § 15-501.
15-203. **Following emergency vehicles.** No driver of any vehicle shall follow any authorized emergency vehicle apparently traveling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (Ord. #98-23, Dec. 1998)

15-204. **Running over fire hoses, etc.** It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or law enforcement officer. (Ord. #98-23, Dec. 1998)
CHAPTER 3

SPEED LIMITS

SECTION
15-301. In general.
15-302. At intersections.
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 (40) miles per hour speed zone located at 7380 Nolensville Road.
15-308. Speed limit on Nolensville Road from existing 40 miles per hour speed zone located at People's State Bank at 7122 Nolensville Road to Burkitt Road.

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. (Ord. #98-23, Dec. 1998)

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. (Ord. #98-23, Dec. 1998)

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 violates any such special speed limit enacted and in effect in accordance with this paragraph.

In school zones where the board of mayor and alderman 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.
(Ord. #98-23, Dec. 1998, as amended by Ord. #02-09, Nov. 2002)

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. (as added by Ord. #06-23, Nov. 2006)

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. (as added by Ord. #09-03, July 2009)

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.
(as added by Ord. #09-09, June 2009)

15-307. **Speed limit on Nolensville Road from the town limit, approximately 215 feet South of York Road, north to existing forty (40) 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. (as added by Ord. #15-20, Oct. 2015, and replaced by Ord. #18-11, Nov. 2018 Ch3_6-6-19)

15-308. **Speed limit on Nolensville Road from existing 40 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 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. (as added by Ord. #17-09, Sept. 2017 Ch3_6-6-19)
CHAPTER 4

TURNING MOVEMENTS

SECTION
15-402. Right turns.
15-403. Left turns on two-way roadways.
15-404. Left turns on other than two-way roadways.
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.\(^1\) (Ord. #98-23, Dec. 1998)

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. (Ord. #98-23, Dec. 1998)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two roadways. (Ord. #98-23, Dec. 1998)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one 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. (Ord. #98-23, Dec. 1998)


\(^1\)State 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. (as added by Ord. #16-12, Aug. 2016)
CHAPTER 5

STOPPING AND YIELDING

SECTION
15-502. When emerging from alleys, etc.
15-503. To prevent obstructing an intersection.
15-504. At railroad crossings.
15-505. At "stop" signs.
15-506. At "yield" signs.
15-507. At traffic-control signals generally.
15-508. At flashing traffic-control signals.
15-509. At pedestrian control signals.
15-510. Stops to be signaled.
15-511. Obedience to traffic control devices.

15-501. Upon approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a law enforcement officer. (Ord. #98-23, Dec. 1998)

15-502. 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. (Ord. #98-23, Dec. 1998)

15-503. 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. (Ord. #98-23, Dec. 1998)

¹Municipal code reference
Special privileges of emergency vehicles: title 15, chapter 2.
15-504. **At railroad crossings.** Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

1. A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.
2. A crossing gate is lowered or a human flagman signals the approach of a railroad train.
3. A railroad train is approaching within approximately fifteen hundred (1500) feet 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. (Ord. #98-23, Dec. 1998)

15-505. **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. (Ord. #98-23, Dec. 1998, as amended by Ord. #13-11, Dec. 2013)

15-506. **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. (Ord. #98-23, Dec. 1998)

15-507. **At traffic-control signals generally.** Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

1. **Green alone, or "Go":**
   a. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
   b. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

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1 Municipal code reference
Parking prohibited at railroad crossings: § 15-604(8).
(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. (Ord. #98-23, Dec. 1998)

**15-508. 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. (Ord. #98-23, Dec. 1998)

15-509. 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. (Ord. #98-23, Dec. 1998)

15-510. 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. (Ord. #98-23, Dec. 1998)

15-511. 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 street, alley, or highway to another. (as added by Ord. #07-18, Nov. 2007)

¹State law reference
Tennessee Code Annotated, § 55-8-143.
CHAPTER 6

PARKING

SECTION
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 (18) inches 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 (18) inches 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. (Ord. #98-23, Dec. 1998)

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 (24) feet. (Ord. #98-23, Dec. 1998)

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 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. (Ord. #98-23, Dec. 1998)
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 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.
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. (Ord. #98-23, Dec. 1998, as amended by Ord. #05-26, Dec. 2005, Ord. #10-04, Dec. 2010, and Ord. #18-09, June 2018 Ch3_6-6-19)

\(^1\)Municipal code reference
Stopping and yielding at railroad crossings: § 15-504.
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. (Ord. #98-23, Dec. 1998)

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. (Ord. #98-23, Dec. 1998)
15-701. Issuance of traffic citations. 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. (Ord. #98-23, Dec. 1998)

15-702. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (Ord. #98-23, Dec. 1998)

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 to answer for the violation within thirty (30) days during the hours and at a place specified in the citation. (Ord. #98-23, Dec. 1998)

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1State law reference
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. (Ord. #98-23, Dec. 1998)


15-706. Deposit of driver license in lieu of bail. (1) Deposit allowed. Whenever any person lawfully possessing a chauffeur's or operator's license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with the violation of any town ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of the operator's or chauffeur's license for any period of time, such person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail before said court.

(2) Receipt to be issued. Whenever any person deposits his chauffeur's or operator's license as provided, either the officer or the court demanding bail shall issue the person a receipt for the license upon a form approved or provided by the department of safety, and thereafter the person shall be permitted to operate a motor vehicle upon the public highways of this state during the pendency of the case in which the license was deposited. The receipt shall be valid as a temporary driving permit for a period not less than the time necessary for the appropriate adjudication of the matter in the town court, and shall state such period of validity on its face.

(3) Failure to appear--disposition of license. In the event that any driver who has deposited his chauffeur's or operator's license in lieu of bail fails to appear in answer to the charge filed against him, the clerk or judge of the town court accepting the license shall forward the same to the Tennessee
Department of Safety for disposition by said department in accordance with the provisions of Tennessee Code Annotated, § 55-50-801, et seq. (Ord. #98-23, Dec. 1998)

15-707. Violation 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. (Ord. #98-23, Dec. 1998, as amended by Ord. #06-22, Nov. 2006)

15-708. Seat belt usage. The town hereby adopts the fine as specified in Tennessee Code Annotated, § 55-9-603:

"A person charged with a violation of this section may, in lieu of appearance in court, submit a fine of twenty-five dollars ($25.00) for a first violation, and fifty dollars ($50.00) for a second or subsequent violation to the Town of Nolensville Municipal Court Clerk." (as added by Ord. #16-19, Dec. 2016 Ch3_6-6-19)
CHAPTER 8

OPERATION OF HEAVY OR LARGE VEHICLES ON CITY STREETS WITHIN RESIDENTIAL NEIGHBORHOODS PROHIBITED

SECTION

15-801. Definition of vehicle.
15-802. Heavy truck traffic prohibited on certain streets.

**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. (Ord. #97-13, Aug. 1997)

**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 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 mayor and aldermen 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.

(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. (Ord. #97-13, Aug. 1997, as amended by Ord. #15-23, Jan. 2016)
15-803. **Signs posted.** Signs shall be posted on the entrances to each of the streets listed in § 15-802(2) above indicating either by words or by appropriate symbols that heavy trucks are prohibited from traveling upon said streets. (Ord. #97-13, Aug. 1997)

15-804. **Penalty.** Any violation of this chapter shall be punishable by fine not to exceed $50.00 (fifty dollars) for the first offense and $50.00 (fifty dollars) for the second offense. (Ord. #97-13, Aug. 1997, as amended by Ord. #06-22, Nov. 2006)
CHAPTER 9

STATE TRAFFIC OFFENSES AND RULES OF THE ROAD

SECTION
15-901. Adoption of state traffic statutes and regulations.

15-901. Adoption of state traffic statutes and regulations. All violations of state regulations for the operation of vehicles committed within the corporate limits of the municipality and which are defined by state law are hereby designated and declared to be offenses against the Town of Nolensville also. This provision shall not apply to any offenses in which the state courts have exclusive jurisdiction. (as added by Ord. #04-06, May 2004)
TITLE 16
STREETS AND SIDEWALKS, ETC¹

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. Littering streets, alleys, or sidewalks prohibited.
16-108. Obstruction of drainage ditches.
16-109. Abutting occupants to keep sidewalks clean, etc.
16-110. Parades, etc., regulated.
16-111. Animals and vehicles on sidewalks.
16-112. Fires in streets, etc.
16-113. Violations and penalties.

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. (Ord. #98-24, Dec. 1998)

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 (14) feet or over any sidewalk at a height of less than eight (8) feet. (Ord. #98-24, Dec. 1998)

16-103. **Trees, etc., obstructing view at intersections prohibited.** It shall be unlawful for any property owner or occupant to have or maintain on

¹Municipal code reference
Related motor vehicle and traffic regulations: title 15.
his property any tree, shrub, sign, or other obstruction which prevents persons
driving vehicles on public streets or alleys from obtaining a clear view of traffic
when approaching an intersection. (Ord. #98-24, Dec. 1998)

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 (Ord. #98-24, Dec. 1998)

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 mayor and aldermen after a finding that no hazard will be created by such banner or sign. (Ord. #98-24, Dec. 1998)

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. (Ord. #98-24, Dec. 1998, as replaced by Ord. #16-18, Nov. 2016 Ch3-6-6-19)

16-107. **Littering streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, grass clippings, leaves or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (Ord. #98-24, Dec. 1998, as amended by Ord. #98-28, Jan. 1999)

16-108. **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. (Ord. #98-24, Dec. 1998)

16-109. **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. (Ord. #98-24, Dec. 1998)

16-110. **Parades, etc., regulated.** It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration,

¹Municipal code reference
Building code: title 12, chapter 1.
or exhibition on the public streets without some responsible representative first securing a permit from the town recorder. (Ord. #98-24, Dec. 1998)

16-111. **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. (Ord. #98-24, Dec. 1998)

16-112. **Fires in streets, etc.** It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (Ord. #98-24, Dec. 1998)

16-113. **Violations and penalty.** Violations of this chapter shall subject the offender to a penalty under the general penalty provisions of this code. (Ord. #98-24, Dec. 1998, as replaced by Ord. #16-18, Nov. 2016 Ch3_6-6-19)

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1Municipal code reference
Fire code: title 7, chapter 1.
CHAPTER 2

EXCAVATIONS AND CUTS

SECTION
16-201. Permit required.
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.

16-201. Permit required. Excavation in public ways; permit required before making excavations; time for performing excavation. (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 be 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. (Ord. #97-07, July 1997, as amended by Ord. #99-19, Sept. 1999)

16-202. Applications. Application for such permits shall be made to the Town of Nolensville 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. (Ord. #97-07, July 1997)

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 as follows:

(a) The fee for excavation permits shall be $25.00 for excavations which do not exceed 25 square feet in area or tunnels not exceeding 25 feet in length and $1.00 for each additional square foot in the case of excavations, or lineal foot, in the case of tunnels and

(b) The fee charged shall not exceed $100.00 for any permit. Fees may be waived by the Town of Nolensville, at its sole discretion, for excavation and tunnel work required to be performed under emergency circumstances. (Ord. #97-07, July 1997)

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. (Ord. #97-07, July 1997)

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. (Ord. #97-07, July 1997)

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, rain, 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 50 feet along such street, road, alleys, sidewalk, or other public way, thence additional warning lights shall be placed each 25 feet 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 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. 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. (Ord. #97-07, July 1997)
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. (Ord. #97-07, July 1997)

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. (Ord. #97-07, July 1997)

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. (Ord. #97-07, July 1997)

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, 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. (Ord. #97-07, July 1997)

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 parching, 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 parch 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 chapter\(^1\) and are incorporated herein by this reference. (Ord. #97-07, July 1997)

**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 chapter\(^1\) which is incorporated herein by this reference. (Ord. #97-07, July 1997)

**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 in the amount of $10,000.00 to insure faithful performance of all work and payment of fees and shall have further furnished certificates of liability insurance in total amount of $1,000,000.00 per occurrence. 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 30 days prior written notice is sent to the insured by register mail addressed to the Mayor of the Town of Nolensville, Tennessee. (Ord. #97-07, July 1997, as amended by Ord. #98-15, June, 1998)

**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. (Ord. #97-07, July 1997)

\(^1\)Exhibits to Ord. #97-07, July 1997 are of record and available in the office of the recorder.
16-215. **Penalty for violation.** The violation of any provisions of this chapter shall be subject to a penalty of up to $500.00 for each violation. (Ord. #97-07, July 1997)
TITLE 17

REFUSE AND TRASH DISPOSAL

[RESERVED FOR FUTURE USE]
TITLE 18
WATER AND SEWERS

CHAPTER
1. STORM WATER MANAGEMENT REGULATIONS.
2. BEST MANAGEMENT PRACTICES MANUAL.
3. FLOODPLAIN REGULATIONS.
4. SEWER CONNECTION REQUIREMENTS.

CHAPTER 1
STORM WATER MANAGEMENT REGULATIONS

SECTION
18-102. Standards.
18-103. Storm water runoff controls.
18-104. Waterway natural areas.
18-105. Storm water system long-term operation and maintenance.
18-106. Land disturbance permits.
18-107. Inspections.
18-110. Authority of storm water appeals board.
18-111. Administration and miscellaneous.
18-112. Definitions.
18-113. Deleted.

18-101. General. (1) Title. These regulations shall be known, cited and referred to as the "Storm Water Regulations of the Town of Nolensville, Tennessee"

(2) Preamble. The Town of Nolensville (town) Board of Mayor and Alderman finds and declares that it is in the best interest of the citizens of the town to regulate the discharge of storm water, 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. In furtherance of same, the town board of mayor and alderman hereby adopts these regulations governing storm water discharges, storm water 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 welfare of the citizens of the town, by controlling discharge of pollutants to the storm water system and maintain and improve the quality of
receiving waters into which the storm water 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 storm water 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 storm water 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 storm water 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. (as added by Ord. #04-17, Dec. 2004, and amended by Ord. #08-07, July 2008, as replaced by Ord. #18-04 May 2018 Ch3_6-6-19)

18-102. Standards. (1) Storm water quality control measures.
(a) There shall be no distinctly visible floating scum, oil or other matter contained in the storm water discharge to the town storm water system.
(b) The storm water discharge to the town storm water system must not cause an objectionable color contrast in the receiving stream.
(c) The storm water 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 storm water quality by applying structural and/or nonstructural 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 storm water quality impacts, onsite storm water quality control measures are mandatory for all developments subject to review by the town engineer. The extent and type of storm water management practices must be proportionate to the land use, potential pollutant
discharges, TMDL allocations, and proximity to regional storm water quality management practices. The town encourages implementation of a series of storm water 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. Storm water 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 storm water 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 storm water 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 storm water 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) Storm water discharges from hot spots (priority areas) may require the application of specific structural storm water 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 storm water 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 storm water 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 storm water quality control measures will have on local karst topography as found through a geological investigation of the site.

(2) Storm water quantity control measures. (a) New development shall meet a storm water quantity level of service defined by:

(i) Designing road catch basins and connecting culverts to convey the 10-year, 24-hour design storm runoff.
(ii) Designing bridges, channels and cross-drains to pass the 25-year, 24-hour design storm runoff. Calculations shall also be provided for the 100-year, 24-hour design storm.

(b) Storm water 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 100-year, 24-hour design storm event.
   (ii) Other new roads shall be designed to have no more than six inches (6") of road overtopping at the 25-year, 24-hour design storm event.

c) Re-development activities will be required to follow storm water quantity requirements.

(d) No land disturbance activities, whether by private or public action, shall be performed in a manner that will negatively impact storm water 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. 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-storm water discharge is any discharge to the MS4 except as permitted by subsection (a) below. Except as hereinafter provided, all non-storm water discharges into the MS4 are prohibited and declared to be unlawful.

(a) Unless the town has identified them as a source of pollutants to the "waters of the State of Tennessee," the following non-storm water discharges into the municipal separate storm sewer system are lawful:
   (i) Discharges from emergency firefighting activities.
   (ii) Rising ground waters.
   (iii) Uncontaminated groundwater infiltration to separate storm sewer systems (as defined by 40 CFR 35.2005 (20)),
   (iv) Uncontaminated pumped ground water.
   (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 storm water 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.  
(xviii) Dye testing is an allowable discharge if approved by the town engineer.

(4) **Storm water 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 storm water management report shall be prepared for all developments unless waived by the town engineer. The storm water 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 storm water quantity and quality requirements are being met (refer to § 18-102(1), (2), and (3);  
(e) Other applicable calculations and narrative demonstrating the applicable storm water requirements contained in the subdivision regulations and zoning ordinance are being met.  
(f) Drainage plan and drainage calculations review checklist (see Appendix B).

A sufficiency review will be conducted of the storm water management report. A detailed review will not be performed unless the requirements of § 18-102(3). (as added by Ord. #04-17, Dec. 2004, and replaced by Ord. #18-04 May 2018 *Ch3_6-6-19*)

**18-103. Storm water 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 2-year, 5-year, 10-year, 25-year, 50-year, and 100-year, 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 2-year, 5-year, 10-year, 25-year, 50-year, and 100-year, 24-hour design
storms. The critical time shall be between the hours of eleven (11) and eighteen (18) of the 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 storm water 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 storm water 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 lot intended for single family residential uses. (as added by Ord. #04-17, Dec. 2004, and replaced by Ord. #18-04 May 2018 Ch3_6-6-19)

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 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. (as added by Ord. #04-17, Dec. 2004, and replaced by Ord. #18-04 May 2018 Ch3_6-6-19)

18-105. Storm water system long-term operation and maintenance. (1) The maintenance requirements for permanent storm water 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 storm water infrastructure located in drainage easements or open space.

(3) An engineer shall provide a storm water 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 storm water 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 storm water infrastructure shall be documented in the restrictive covenants.

(9) Inspections of storm water 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 the 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. Storm water
management facilities shall be inspected every five (5) years from the time of construction by an engineer. The inspection include 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. (as added by Ord. #04-17, Dec. 2004, and replaced by Ord. #18-04 May 2018 Ch3_6-6-19)

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.

(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 storm water 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 storm water discharges from construction activities."

(ii) The Storm Water Pollution Prevention Plan (SWPPP) prepared for coverage under the "Tennessee general permit for storm water 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 storm water BMPs.

(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 storm water 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 storm water discharges from construction activities."

(ii) The storm water pollution prevention plan prepared for coverage under the "Tennessee general permit for storm water 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 storm water BMPs.

(iv) Erosion prevention and sediment control plan checklist (see Appendix C).

(b) 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 storm water discharges from construction activities" shall require the submittal to the town an erosion prevention and sediment control checklist (see Appendix C).

(c) 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 storm water runoff from a 2-year, 24-hour storm from each acre drained, until final stabilization of the site; and

(ii) Storm water management practices and controls to prevent waste, including discarded building material materials, concrete truck wash out, chemicals, litter and sanitary waste from entering the storm water drainage system and waters of the state.

(as added by Ord. #04-17, Dec. 2004, and replaced by Ord. #18-04 May 2018 Ch3_6-6-19)

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.
Final storm water 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 storm water 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.

(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. (a) Town inspections may include, but are not limited to, the following:

(i) An initial inspection prior to storm water pollution prevention plan approval;

(ii) A bury inspection prior to burial of any underground drainage structure;

(iii) Erosion prevention and sediment control inspections as necessary to ensure effective control of erosion and sedimentation; and

(iv) A final inspection when all work, including installation of storm management facilities, has been completed.

(v) Periodic inspections to ensure storm water facilities are being maintained. (as added by Ord. #04-17, Dec. 2004, and replaced by Ord. #18-04 May 2018 Ch3_6-6-19)

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 storm water 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 to paragraphs (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; or

(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.
(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 storm water regulations and applicable storm water 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 storm water 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. (as added by Ord. #04-17, Dec. 2004, and replaced by Ord. #18-04 May 2018 Ch3_6-6-19)

18-109. Penalties. 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 storm
water 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 storm water 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. (as added by Ord. #04-17, Dec. 2004, and replaced by Ord. #18-04 May 2018 Ch3_6-6-19)

18-110. Authority of storm water appeals board. (1) Pursuant to Tennessee Code Annotated, § 68-221-1106, the town hereby creates a board to hear and decide appeals or these storm water regulations.

(a) Said board shall be called the "storm water appeals board."

(b) The storm water appeals board shall consist of five (5) members, appointed by the town mayor, subject to confirmation by the board of mayor and alderman. Each member must be a resident of the town. There shall be one member that is representative of the following groups if available:

(i) Member of the board of mayor and alderman.
(ii) Current home owner.
(iii) Member of the profession of engineering.
(iv) Member of the profession of agriculture.
(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 (a)-(c) lasting two (2) years, and the first term of member (d)-(e) lasting three (3) years. Thereafter the term of each member shall be three (3) years, except the member of the board of mayor and alderman, whose term shall run concomitant with his/her elected term of office.

(d) The storm water appeals board shall meet as needed.

(e) Each meeting of the storm water 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 storm water 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 storm water 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 storm water 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 storm water, 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 storm water 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 storm water 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 storm water appeals board shall be final.

(5) Appealing decisions of the storm water appeals board. Any alleged violator may appeal a decision of the storm water appeals board pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8. (as added by Ord. #04-17, Dec. 2004, amended by Ord. #08-07, July 2008, and replaced by Ord. #18-04 May 2018 Ch3_6-6-19)

18-111. Administration and miscellaneous. (1) In order that storm water 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 storm water 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.
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 statues, whichever provisions are more restrictive or impose higher standards shall control.

For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in § 18-112. Where words within these regulations have not been defined, the standard dictionary definition shall prevail.

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. (as added by Ord. #04-17, Dec. 2004, and replaced by Ord. #18-04 May 2018 Ch3_6-6-19)

18-112. 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" means drawings depicting conditions as they were actually constructed.

(3) "Base flood." The flood having a one percent 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) less:
   (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, flood plain, or wetland preservation and/or restoration easements that are held in perpetuity by a non-profit organization or agency with IRS 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 storm water management regulations.
(6) "BMP treatment train." A technique for progressively selecting various storm water 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 storm water 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) "Culvert." A man made conveyance for storm water flows. This may include a pipe or other constructed conveyance.

(12) "Cross-drain." A culvert used to convey flow under a road or other obstruction between channels or surface flow.

(13) "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.

(14) "Critical service roads." Designated county evacuation routes, or other access to police, fire, emergency medical services, hospitals, or shelters.

(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 storm water 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 storm water 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. Erosion Prevention and Sediment Control (EP&SC). See "erosion prevention" and "sediment control."

(23) "Erosion Prevention and Sediment Control (EP&SC)." See "erosion prevention" and "sediment control."

(24) "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.

(25) "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.

(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 grade." The slope or elevation of existing ground surface prior to cutting or filling.

(29) "Existing construction." Any structure for which the "start of construction" commenced before the effective date of these regulations.

(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.
"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.


"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.

"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.

"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 flood plain 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.

"Floodway fringe." That portion of the floodplain lying outside the floodway.

"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.

"Flow attenuation." To lessen the volume, stage, discharge rate, or velocity of the storm water runoff.

"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.
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(42) "Green Infrastructure (GI)." Green infrastructure utilizes vegetation, soils, and natural processes to manage storm water 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 storm water runoff, with concentrations of pollutants in excess of those typically found in storm water.

(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 storm water, 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 storm water 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 storm water runoff as a resource.

(51) "Maintenance." Any activity necessary to keep a storm water management facility in good working order so it will function as designed. Maintenance shall include complete reconstruction of a storm water 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 storm water management facility, that directly impairs the functions of the storm water 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, storm water, 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 storm water;
(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." 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 storm water 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 storm water 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 storm water in any way, modifies the storm sewer system, or changes storm water 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, storm water, 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) "Storm water." Defined in 40 CFR 122.26(b)(13) and means storm water 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) "Wetland." Those areas that are inundated or saturated by surface or ground water 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.

(80) "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. (as added by Ord. #04-17, Dec. 2004, and replaced by Ord. #18-04 May 2018 Ch3_6-6-19)

18-113. Deleted. (as added by Ord. #04-17, Dec. 2004, and deleted by Ord. #18-04 May 2018 Ch3_6-6-19)
CHAPTER 2

BEST MANAGEMENT PRACTICES MANUAL

SECTION

CHAPTER 3

FLOODPLAIN REGULATIONS

SECTION
18-301. Statutory authorization.
18-304. Administration.

18-301. Statutory authorization. The legislature of the State of Tennessee has in §§ 13-7-201 through 13-7-211, Tennessee Code Annotated, delegated the responsibility to local governmental units to adopt regulations designed to promote the health, safety, and general welfare of its citizenry. Therefore, The Nolensville, Tennessee, Mayor, and Board of Aldermen, does ordain as follows:

(1) Findings of fact. (a) The Nolensville Mayor and Board of Aldermen wishes to establish eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3(d), of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-04 Edition) and subsequent amendments.

(b) Areas of Nolensville 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) These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; and by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood proofed, or otherwise unprotected from flood damages.

(2) Statement of purpose. It is the purpose of this ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. This ordinance is designed to:

(a) Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which cause any damaging increases in erosion, flood heights, or velocities;

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage;
(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate flood waters;
(d) Control filling, grading, dredging and other development which may increase erosion or flood damage, and;
(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards.

(3) Objectives. The objectives of this ordinance are:
(a) To protect human life and health;
(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;
(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, street and bridges located in floodable areas;
(f) To help maintain a stable tax base by providing for the sound use and development of flood prone areas;
(g) To ensure that potential buyers are notified that property is in a floodable area; and,
(h) To establish eligibility for participation in the National Flood Insurance Program. (as added by Ord. #08-10, Oct. 2008)

18-302. Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

(1) "Accessory structure" -- shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:
(a) Accessory structures shall not be used for human habitation.
(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 which may result in damage to other structures.
(e) Service facilities such as electrical and heating equipment shall be elevated or flood proofed.

(2) "Act" -- means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.
(3) "Addition (to an existing building)" -- means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

(4) "Appeal" -- means a request for a review of the building official's interpretation of any provision of this ordinance or a request for a variance.

(5) "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 to three feet (1' - 3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(6) "Area of special flood-related erosion hazard" -- is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E, on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E, may be further refined.

(7) "Area of special flood hazard" -- is 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.

(8) "Base flood" -- means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

(9) "Basement" -- means that portion of a building having its floor subgrade (below ground level) on all sides.

(10) "Breakaway wall" -- means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

(11) "Building" -- for purposes of this section, means any structure built for support, shelter, or enclosure for any occupancy or storage. (See "structure.")

(12) "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, excavation or drilling operations, or storage of equipment or materials.

(13) "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 fill, 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.
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(14) "Emergency flood insurance program," or "emergency program" -- means the program as implemented on an emergency basis in accordance with section 1336, of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

(15) "Erosion" -- means the process of the gradual wearing away of land masses. This peril is not per se covered under the program.

(16) "Exception" -- means a waiver from the provisions of this ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this ordinance.

(17) "Existing construction" -- means any structure for which the "start of construction" commenced 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 National Flood Insurance Program (NFIP).

(18) "Existing manufactured home park or subdivision" -- means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before 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 National Flood Insurance Program (NFIP).

(19) "Existing structures." (See "existing construction.")

(20) "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).

(21) "Flood or flooding" -- means a general and temporary condition of partial or complete inundation of normally dry land areas from:
   (a) The overflow of inland or tidal waters;
   (b) The unusual and rapid accumulation or runoff of surface waters from any source.

(22) "Flood elevation determination" -- means a determination by the administrator 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.

(23) "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) and/or flood-related erosion hazards.

(24) "Flood Hazard Boundary Map (FHBM)" -- means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of areas of special flood hazard have been designated as Zone A.
"Flood Insurance Rate Map (FIRM)" -- means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood insurance study" -- is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the flood boundary map and the water surface elevation of the base flood.

"Floodplain" or "flood prone area" -- means any land area susceptible to being inundated by water from any source. (See definition of "flooding.")

"Floodplain management" -- means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

"Flood protection system" -- means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"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, structures and their contents.

"Flood-related erosion" -- means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or by some similarly unusual and unforeseeable event which results in flooding.

"Flood-related erosion area," or "flood-related erosion prone area" -- means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

"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 flood plain management regulations.

"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 one foot (1').

(35) "Floodway fringe" -- that area of the floodplain lying outside the floodway but still lying within the one hundred (100) year floodplain.

(36) "Floor" -- means 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.

(37) "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, bridge openings and the hydrological effect of urbanization of the watershed.

(38) "Highest adjacent grade" -- means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

(39) "Historic structure" -- means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary 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 a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: By an approved state program as determined by the Secretary of the Interior, or directly by the Secretary of the Interior in states without approved programs.

(40) "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.

(41) "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.

(42) "Lowest floor" -- means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely
for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

(43) "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."

(44) "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.

(45) "Map" -- means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the agency.

(46) "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 purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

(47) "National Geodetic Vertical Datum (NGVD)" -- as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

(48) "New construction" -- any structure for which the "start of construction" commenced on or after the effective date of this ordinance. The term also includes any subsequent improvements to such structure.

(49) "New manufactured home park or subdivision" -- means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance and includes any subsequent improvements to such structure.

(50) "100-year flood." (See "base flood.")

(51) "Person" -- includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

(52) "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 projections;
   (c) Designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.
(53) "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.

(54) "Riverine" -- means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(55) "Special hazard area" -- means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

(56) "Start of construction" -- includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 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; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. 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.

(57) "State coordinating agency" -- (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the governor of the state or by state statute at the request of the administrator to assist in the implementation of the national flood insurance program in that state.

(58) "Structure" -- for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

(59) "Substantial damage" -- means damage of any origin sustained by a structure whereby the cost of restoring the structure to it before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(60) "Substantial improvement" -- means any repairs, reconstruction, rehabilitation, addition or other improvement of a structure, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. The market value of the structure should be
(a) The appraised value of the structure prior to the start of the initial repair or improvement, or
(b) In the case of damage, the value of the structure prior to the damage occurring.
This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed.

For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either:

(a) 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;
(b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(61) "Substantially improved existing manufactured home parks or subdivisions" -- is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(62) "Variance" -- is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

(63) "Violation" -- means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

(64) "Water surface elevation" -- means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas. (as added by Ord. #08-10, Oct. 2008)

18-303. General provisions. (1) Application. This chapter shall apply to all areas within the incorporated area of Nolensville, Tennessee. All site activity shall also comply with Nolensville Ordinance #00-05, related to construction regulations within the floodplain.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the Nolensville, Tennessee, Federal
Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47187C0235F and 47187C0245F, dated September 29, 2006, along with all supporting technical data, are adopted by reference and declared to be a part of this ordinance.

(3) Requirement for development permit. A development permit shall be required in conformity with this ordinance prior to the commencement of any development activity.

(4) Compliance. No structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

(5) Abrogation and greater restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restriction. However, where this ordinance conflicts or overlaps with another, whichever imposes the more stringent restrictions shall prevail.

(6) Interpretation. In the interpretation and application of this ordinance, 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 state statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Nolensville, Tennessee, or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(8) Penalties for violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a misdemeanor punishable as other misdemeanors as provided by law. 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. (as added by Ord. #08-10, Oct. 2008)

18-304. Administration. (1) Designation of building inspector. The administrator or his designee is hereby appointed to administer and implement the provisions of this ordinance.

(2) Permit procedures. Application for a development permit shall be made to the administrator or his designee on forms furnished by him prior to
any development activity. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, 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 BFEs are available, or to the highest adjacent grade when applicable under this ordinance.

(ii) Elevation in relation to mean-sea-level to which any nonresidential building will be floodproofed where BFEs are available, or to the highest adjacent grade when applicable under this ordinance.

(iii) Certificate from a registered professional engineer or architect that the nonresidential floodproofed building will meet the floodproofing criteria in subsection (b) below.

(iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. *(See (b) below.)*

(b) Construction stage. Within unnumbered A Zones, where flood elevation data are not available, the mayor or his designee shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building and the highest adjacent grade. For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the regulatory floor elevation or floodproofing. Within unnumbered A Zones, where 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.

Any lowest floor certification made relative to mean-sea-level shall be prepared by or under the direct supervision of, a registered land surveyor and certified by same. When floodproofing is utilized for a non-residential building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

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.
(3) **Duties and responsibilities of the administrator.** Duties of the administrator or his designee shall include, but not be limited to:

(a) Review of all development permits to assure that the requirements of this ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(b) Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include section 404, of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(c) Provide notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the letter of map revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(e) Record the actual elevation (in relation to mean-sea-level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been floodproofed, in accordance with § 18-304(2)(b).

(f) When floodproofing is utilized, the administrator or his designee shall obtain certification from a registered professional engineer or architect, in accordance with § 18-304(2)(b).

(g) 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) the administrator or his designee shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.

(h) When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the administrator or his designee shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, 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 community FIRM, meet the requirements of this ordinance.
Within unnumbered A Zones, where base flood elevations have not been established and where alternative data is not available, the administrator or his designee shall 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 (lowest floor and highest adjacent grade being defined in § 18-302 of this ordinance). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 18-304(2)(b).

(i) All records pertaining to the provisions of this ordinance shall be maintained in the office of the administrator or his designee and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files. (as added by Ord. #08-10, Oct. 2008)

18-305. Provisions for flood hazard reduction. (1) General standards. In all flood prone areas the following provisions are required:

(a) Any structure placed in the floodplain shall be anchored firmly to prevent floodwaters from carrying it downstream. Such anchoring shall be sufficient to withstand velocities of up to six feet (6') per second up to and including the 100-year floodplain in a manner which ensures that debris is not caught. A written opinion from a registered professional engineer shall be submitted that states the proposed structural design meets these standards.

(b) Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state 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 or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(e) 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 flood waters into the system;

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
(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 which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this chapter; and,

(j) Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provision of this ordinance, shall be undertaken only if said non-conformity is further extended or replaced.

(k) Permitted uses and improvements. All floodplains shall be preserved as permanently protected open space. No uses or improvements other than those listed below shall be permitted in any floodway fringe if in accordance with zoning.

(i) Farm uses that involve crops, orchards, raising of dairy cattle, horses, poultry or other livestock. No structures appurtenant to such activities are allowed.

(ii) The raising of tree and plant stock for clear cutting or nursery uses. No structures appurtenant to such activities are allowed.

(iii) Public areas for active recreational activities including, but not limited to, jogging, cycling, tot lots, playfields, playgrounds, outdoor swimming pools, outdoor tennis courts and golf courses. Public areas for passive recreational activities including, but not limited to, parks, areas for hiking, arboretums, nature areas, wildlife sanctuaries, picnic areas, garden plots, cemeteries and beaches. Structures appurtenant to such activities may be considered by the planning commission and shall meet all requirements of this section.

(iv) Private parks and other open spaces such as youth recreation camps. No structures appurtenant to such activities are allowed.

(v) Picnic shelters and stormwater detention facilities provided that: a certified engineer has certified that such structures are designed to withstand the forces exerted by a 100-year flood; the facility does not increase the 100-year floodway profile by more than one percent (1%); the 100-year floodway profile is not increased on adjacent or upstream properties; and the facility does not increase the height of more frequent floods on adjacent or upstream properties.

(vi) Bridges and approach fills provided that: the facility does not increase the 100-year floodway profile by more than one percent (1%); the 100-year floodway profile is not increased on
adjacent or upstream properties; the facility does not increase the height of more frequent floods on adjacent or upstream properties; and in no case shall the lowest roadway elevation of a bridge or approach be below the 50-year flood. Construction of bridges and approaches shall be designed so that no more than one foot (1') of overtopping of the approaches or structures shall occur during the 100-year storm.

(vii) Private bridges and driveways serving a single family provided that: the facility does not increase the 100-year floodway profile by more than one percent (1%); the 100-year floodway profile is not increased on adjacent or upstream properties; and the facility does not increase the height of more frequent floods on adjacent or upstream properties.

(viii) For lots of record existing prior to April 1, 1981, the effective date of the Federal Emergency Management Agency FIRM maps, the mayor or his designee is authorized to allow uses and filling provided that the following conditions are met in addition to the requirements of other applicable sections of this ordinance.

(A) The mayor or his designee must find that there is no other appropriate building site outside the floodplain on the lot of record.

(B) The filling of the floodplain must be shown on a plan prepared by a licensed professional engineer who has proven experience in hydrologic calculations. The plan must show existing and proposed structures and include a certification that proposed activities will not increase flood heights of the one through 100-year flood on adjacent or upstream properties. This plan must be approved by the mayor or his designee.

(C) The first habitable floor must be elevated to the level of three feet (3') above base flood or flood-proofed to a level of three feet (3') above the base flood.

(D) Only permitted residential uses are allowed under this provision.

Filling may be performed after approval by the mayor or his designee and the issuance of a building permit and/or grading permit, which outlines the conditions of approval. Building construction may begin only after the developer's engineer certifies compliance with the approved grading plan.

The planning commission shall review requests in the placement of any use not specified above. No use that, in the opinion of the planning commission, would be damaged by
floodwaters and no use that would cause additional flooding shall be permitted.

(l) Change of use for structure in floodplain. A change of use is permitted provided that the following criteria are met:

(i) First floor elevation is above the 100-year flood elevation.

(ii) Structure is out of the 100-year flood frequency area and the floodway.

(iii) Proposed use is deemed appropriate by the planning commission.

If the first floor elevation is not above the 100-year flood elevation, the planning commission may impose additional conditions upon the approval.

(m) Nonconforming uses and structures in floodplain. The following regulations shall apply to nonconforming uses and structures existing in the floodplain at the time of adoption of this ordinance.

(i) Expansion or reconstruction. If a nonconforming use or structure lies in a floodplain, the expansion or reconstruction of a nonconforming structure shall only be permitted in the floodway fringe, as defined by this ordinance, and only if the first floor elevation is above the floodplain elevation. To perform such expansion or reconstruction, a plan prepared by a licensed professional engineer that certifies that the construction as proposed will not increase flooding in other areas, and that no rise will result in the base flood elevation. Said plan must be reviewed and approved by the mayor or his designee before a building permit is issued.

(ii) Destruction. A structure that is in the identifiable floodplain and is destroyed, whose first floor elevation is above the floodplain elevation, is not considered in the floodplain and must only present data indication the first floor elevation would indeed be above the base flood elevation. Such data must be in the form of a survey completed by a licensed surveyor and presented to the codes enforcement officer and mayor or his designee for approval to build back on the same foundation.

(n) Installation of fill materials. Fill shall not be permitted for the purposes of future subdivision of land for development of property currently encumbered by the floodplain. Fill may be placed on existing lots within the floodplain as specified in § 18-305(1)(k)(viii) for single-family residential uses. Fill for uses other than single-family residential shall be reviewed by the planning commission and shall meet the following criteria:

(i) Detailed plans prepared by a registered and licensed professional engineer shall be submitted that show existing and
proposed conditions. If a structure is to be placed on the fill, the plans shall show the structure as well. These plans shall be reviewed by the mayor or his designee to assure that the proposed construction will not increase flooding in other areas.

(ii) Compensatory floodwater storage shall be provided to offset the storage lost through filling. Such storage shall be designed to allow positive drainage at all times, and well contoured to be in character with the existing floodplain.

(iii) All changes in velocity, depth of flood elevation and storage shall be limited to the property of the owner doing the filling or those property owners who have been granted flood or flow easements. In no event shall an increase in velocity, depth of flood elevation or loss storage be permitted if it would affect any existing building or bring any building to within three feet (3') of the flood elevation.

(iv) All fill material construction shall be monitored by a geotechnical engineering firm with experience in this field. Reports shall be sealed by a Tennessee registered professional engineer (geotechnical). Reports and information shall be provided to the mayor or his designee and the town hall. Information and monitoring shall be satisfactory to the town. These reports and activities shall be at the developer's cost. As determined necessary by the town, the town may contract with an engineering firm to observe and monitor fill construction and charge the developer for these costs.

(v) All fill areas subject to velocities greater than six feet (6') per second shall be stabilized with properly designed rip rap which will protect against erosion hazards, undercutting or undermining.

(vi) Comply with § 18-305(1)(o) floodways, § 18-305(1)(p) floodway fringe alterations and § 18-305(1)(q) buffers.

(o) Floodways. Areas designated as floodways are located within areas of special flood hazard. The floodway is an extremely hazardous area because of the velocity of floodwaters, which can carry debris and potential projectiles and have erosion potential. Floodways are also used as a base in determining the width of the required stream buffer as described in § 18-305(1)(q). No alterations of the floodway will be allowed.

The open space uses listed below shall be permitted within the floodway to the extent that they are not prohibited in a particular area by any base zoning ordinance and all applicable flood hazard reduction provisions of this zoning ordinance are met.

(i) Agricultural uses such as general farming, pasture, truck farming, forestry, sod farming and wide crop harvesting.
(ii) Public and private recreational uses not requiring permanent or temporary structures designed for human habitation, some examples are parks, greenways, swimming areas, golf courses, driving ranges, picnic grounds, wildlife and nature preserves, game and skeet ranges, and hunting, fishing and hiking areas. Temporary structures placed on a site for less than one hundred eighty (180) consecutive days are not considered improved property.

(iii) Utility facilities such as flowage area transmission lines, pipelines, water monitoring devices, roadways and bridges.

(p) Floodway fringe alterations. All floodway fringe alterations that result in the filling or elimination of floodplain storage shall provide compensating storage capacity by dredging out at least an equal amount of volume as occupied by fill. All dredged or cut materials shall be removed from the site before fill materials can be delivered, unless all fill materials is generated on-site. Dredging or cut volumes below the elevations of the two (2) year storm event shall not be included in the compensating storage capacity calculation. Every effort shall be made to preserve natural flow lines and to avoid situations that encourage sediment deposition in slack water areas.

All dredged or cut areas shall be stabilized immediately to prevent erosion. Areas to be filled must be cleared of standing trees, stumps, brush, down timber, and all objects including structures on and above the ground surface. Topsoil shall be removed and stockpiled, while other spoil materials must be disposed of off-site. Fill materials shall be placed in compacted layers and the minimum distance from the perimeter of any proposed building to top of slope shall be either twenty-five feet (25') or twice the depth of fill at that point, whichever is greater. The fill material must not have slopes steeper that 3H:1V unless stabilization measures approved by the mayor or his designee are installed. All slopes shall be stabilized.

No alterations can be made to the floodway fringe land and stormwater management channels without the written approval of the mayor or his designee. All applicable requirements of this ordinance as well as the following specific conditions must be met before such approval will be granted.

(i) The construction of a levee, earth fill, building or other structure that alters a floodway fringe area shall only be permitted based on a plan prepared by a registered engineer, showing existing and proposed elevations, existing and proposed stormwater management channels and existing and proposed structures. The plan shall be approved by the mayor or his designee certifying that the alteration and construction as
proposed are in compliance with all applicable flood hazard reduction provisions of these guidelines.

(ii) The proposed excavation, filling or change of alignment of any existing channel under the jurisdiction of the U.S. Army Corps of Engineers shall be approved by same. The plan shall be approved by the Nolensville Planning Commission. Any duly approved alteration of the floodplain will be so noted on the official zoning map as a matter of public information. This notation will be made upon such certification by the mayor or his designee to the planning commission that such alteration has been completed in accordance with the approved plan.

(q) Buffers. New development and significant re-development in or adjacent to the floodplain and floodway shall include buffers in the proposed plans. The buffer along waterways will be an area where the surface is left in a natural state and is not disturbed by construction activity.

The buffer shall be defined as follows;

(i) In areas where a floodplain and a floodway have been determined and accepted by the town, the buffer shall be the width of the floodway plus at least fifty feet (50') perpendicular from the floodway on each side of the waterway.

(ii) In areas where the floodplain and floodway have not been determined and accepted by the town, and it contains a "blue line" or intermittent "blue line" stream denoted on the United Stated Geological Survey Quadrangle maps or service a significant tributary area, of forty (40) or more acres, the buffer shall be at least twenty-five feet (25') perpendicular from each side of the stream bank, creek, or unnamed water under "bank full" conditions.

(iii) In areas where the floodplain and floodway have not been determined and accepted by the town, of the Federal Emergency Management Agency and does not contain a "blue line" or intermittent "blue line" stream denoted on the United Stated Geological Survey Quadrangle maps or service a significant tributary area, of forty (40) or more acres, a buffer is not required. The following additional performance criteria shall apply:

(i) In order to maintain the functional value of the buffer area, indigenous vegetation may be removed and minor grading performed only to provide for reasonable sight lines, stormwater conveyance to provide adequate drainage, access paths, general woodlot management, and stormwater quality Best Management Practices (BMPs) as follows:

(A) Tree pruning or removal be minimized, but permitted as necessary to provide for sight lines, and vistas,
provided that when removed they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering non-point source pollution from runoff.

(B) Any path, for public or private uses, shall be constructed and surfaced so as to effectively control erosion and minimize increase in excess stormwater runoff volume and velocity.

(C) Dead, diseased or dying trees or shrubbery may be removed at the discretion of the landowner.

(ii) When the application of the buffer area would result in extreme loss of buildable areas, as defined by a fifty percent (50%) or greater loss on a lot of parcel, modifications to the width of the buffer may be allowed through the current appeals process, through the town storm water appeals board.

(2) Specific standards. These provisions shall apply to all areas of special flood hazard as provided herein:

(a) Residential construction. Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than three feet (3') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of forces on both sides of exterior walls and to ensure unimpeded movements of flood waters shall be provided in accordance with standards of, § 18-305(2)(c).

Within unnumbered 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 of floodproofed to a level of at least three feet (3') above the highest adjacent grade (lowest floor and highest adjacent grade being defined in § 18-302 of this ordinance). Applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 18-304(2)(b).

(b) Nonresidential construction. New construction or substantial improvement of any commercial, industrial, or nonresidential building, when BFE data is available, shall have the lowest floor, including basement, elevated no lower than three feet (3') above the level of the base flood elevation.

Within unnumbered 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 or floodproofed to a level off at least three feet (3') above the highest adjacent grade (lowest floor and highest adjacent grade being defined in § 18-302 of this ordinance). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 18-304(2)(b).
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 registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Administrator or his designee as set forth in § 18-304(2)(b).

(c) Elevated building. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(i) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet 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 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) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

(iii) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of § 18-304(2)(b) of this chapter.

(d) Standards for manufactured homes and recreational vehicles. (i) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions of existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.
(ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

(A) The lowest floor of the manufactured home is elevated no lower than three feet (3') above the level of the base flood elevation on a permanent foundation;

(B) The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and,

(C) Any manufactured home, which has incurred "substantial damage" as the result of a flood or that has substantially improved, must meet the standards of § 18-305(2).

(iii) All recreational vehicles placed on identified flood hazard sites 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 on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures or additions.

(C) The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of this section above if on the site for longer than one hundred eighty (180) consecutive days.

In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, the provisions of § 18-304(3)(h) shall be utilized for all requirements relative to the base flood elevation or floodways.

(3) Standards for areas of special flood hazard Zones AE, with established base flood elevation, but without floodways designated. Located within the areas of special flood hazard established in § 18-303(2), where streams exist with base flood data provided but where no floodways have been provided, (Zones AE) the following provisions apply:

(a) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a 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 community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
(b) New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with § 18-305(2).

(4) Standards for streams without established base flood elevations or floodways (A Zones). Located within the areas of special flood hazard established in § 18-303, where streams exist, but no base flood data has been provided (A Zones), or where a floodway has not been delineated, the following provisions shall apply:

(a) When base flood elevation data of floodway data have not been provided in accordance with § 18-303, then the administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of § 18-305. Only if data is not available from these sources, then the following provisions ((b) & (c)) shall apply:

(b) 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 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 community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(c) In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing buildings shall have the lowest floor of the enclosed area (including basement) elevated no less than three feet (3') above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of § 18-305(2) and "elevated buildings."

(5) Standards for areas of shallow flooding (AO and AH Zones). Located within the areas of special flood hazard established in § 18-303, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(a) All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least three feet (3') above the highest adjacent grade.
Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of § 18-305(2) and "elevated buildings."

(b) All new construction and substantial improvements of nonresidential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one foot (1') above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be floodproofed to at least three feet (3') above the highest grade. A registered professional engineer or architect with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the administrator as set forth above and as required in § 18-305(2).

(c) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(d) The administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

(6) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in § 18-303, are areas of the 100-year flood protected by a flood protection system, but where base flood elevations and flood hazard factors have not been determined. With these areas (A-99 Zones), the following provisions apply:

(a) All provisions of §§ 18-304 and 18-305 shall apply.

(7) Standards for areas of special flood hazard with established base flood elevation and with floodways designated. Located within the areas of special flood hazard established in § 18-303(2) are areas designated as floodways. A floodway may be extremely hazardous area due to 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) No encroachments, including fill material, new construction, substantial improvements or other developments shall be located within designated floodways, unless hydrologic and hydraulic analyses performed in accordance with standard engineering practices and certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base
flood during the occurrence of the base flood discharge at any point within the community.

(b) If § 18-305(7)(a), above is satisfied, new construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of § 18-305.

(8) Standards for unmapped streams. Located within 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) In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream along each side of the stream, and not within the required buffer area as called out in the Nolensville Stormwater Ordinance.

(b) When flood elevation data is available, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with § 18-304(2).

(9) Standards for subdivision. Subdivision and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to ensure that:

(a) All subdivision proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty (50) lots and/or five (5) acres. (as added by Ord. #08-10, Oct. 2008)

18-306. Variance procedures. The provisions of this section shall apply exclusively to areas of special flood hazard.

(1) Stormwater appeals board. (a) The Nolensville Storm Water 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 (see definition) 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 to preserve the historic character and design of the structure.
In passing upon such applications, the storm water appeals board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

(i) The danger that materials may be swept onto other property to the injury of others;
(ii) The danger to life and property due to flooding or erosion;
(iii) The susceptibility of the proposed facility and its contents to flood damage;
(iv) The importance of the services provided by the proposed facility to the community;
(v) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
(vi) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
(vii) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
(viii) The safety of access to the property in times of flood for ordinary and emergency vehicles;
(ix) 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;
(x) 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, and water systems, and streets and bridges.

Upon consideration of the factors listed above, and the purposes of this ordinance, the storm water appeals board may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this ordinance.

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 in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.
(b) Variances shall only be issued upon
(i) A showing of good and sufficient cause,
(ii) Determination that failure to grant the variance would result in exceptional hardship; and
(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(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 level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

(d) The mayor or his designee shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request. (as added by Ord. #08-10, Oct. 2008)
18-401. Sewer requirements. In accordance with Tennessee Code Annotated, § 68-221-209, upon completion of the sewer system as provided in resolution #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. (as added by Ord. #09-15, Oct. 2009)

18-402. 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 section 15.40.060, 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. (as added by Ord. #09-15, Oct. 2009)
TITLE 19

ELECTRICITY AND GAS

CHAPTER
1. GAS.
2. NATURAL GAS FRANCHISE.
3. CABLE TELEVISION FRANCHISE.

CHAPTER 1

GAS\(^1\)

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.\(^2\) (as amended by Ord. #16-10, Aug. 2016)

\(^1\)Municipal code reference
Gas code: title 12, chapter 3.

\(^2\)The agreements contained in Ord. #16-10, August 2016, are of record in the office of the town recorder.
CHAPTER 2

NATURAL GAS FRANCHISE

SECTION
19-201. Definitions.
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 ordinance, the following terms, words and phrases shall have the meanings respectively ascribed to them in this section:

(1) "Company" shall mean 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 ordinance.

(2) "Town" or "Town of Nolensville" shall mean:
   The Town of Nolensville, a municipal corporation located in Williamson County, Tennessee,
   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
   The Board of Mayor and Aldermen 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;
   (3) "Board of mayor and aldermen" shall mean the governing body of the Town of Nolensville;
   (4) "Gas" when used as an unqualified term shall mean either natural or artificial gas, by whatever process or processes derived or manufactured, or both such gases either separately or a mixture of them. (as added by Ord. #09-06, June 2009)

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 ordinance. (as added by Ord. #09-06, June 2009)

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. (as added by Ord. #09-06, June 2009)

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. (as added by Ord. #09-06, June 2009, and amended by Ord. #10-01, March 2010)

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. (as added by Ord. #09-06, June 2009)

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 there under 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. (as added by Ord. #09-06, June 2009)

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). (as added by Ord. #09-06, June 2009)

19-208. Acceptance of franchise. This ordinance 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. (as added by Ord. #09-06, June 2009)
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.\(^1\) (as added by Ord. #09-12, Oct. 2009, and amended by Ord. #16-07, June 2016)

\(^1\)The cable television franchise agreement is available for inspection in the office of the town recorder.
TITLE 20

MISCELLANEOUS

[RESERVED FOR FUTURE USE]
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

<table>
<thead>
<tr>
<th>Potential for Harm To Environmental Resource</th>
<th>Extent of Violations</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Major</td>
<td>Moderate</td>
<td>Minor</td>
<td></td>
</tr>
<tr>
<td>Major</td>
<td>$3,000 to $5,000</td>
<td>$1,000 to $3,000</td>
<td>$50 to $1,000</td>
<td></td>
</tr>
<tr>
<td>Moderate</td>
<td>$2,000 to $3,000</td>
<td>$1,000 to $2,000</td>
<td>$50 to $1,000</td>
<td></td>
</tr>
<tr>
<td>Minor</td>
<td>$1,000 to $2,000</td>
<td>$500 to $2,000</td>
<td>$50 to $100</td>
<td></td>
</tr>
</tbody>
</table>

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 at Town’s direction.

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

<table>
<thead>
<tr>
<th>Check submittal for the following:</th>
<th>Included?</th>
<th>Comments</th>
<th>Resolution</th>
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<tbody>
<tr>
<td></td>
<td>Yes  No  N/A</td>
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<tr>
<td><strong>General Project Information</strong></td>
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<tr>
<td>Site address and legal description</td>
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<tr>
<td>Vicinity map</td>
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<tr>
<td>Project narrative</td>
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<tr>
<td>Purpose/intended use</td>
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<tr>
<td>Hydrologic Parameters</td>
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<tr>
<td>Impact of development on site hydrology and stormwater quality</td>
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<tr>
<td>Offsite flow conditions</td>
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<tr>
<td>Description of stormwater management targets</td>
<td></td>
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<tr>
<td>Rationale for selection of permanent stormwater control measures</td>
<td></td>
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<tr>
<td>Runoff Reduction Requirement Obtained</td>
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<td>Structural Stormwater Control Measures</td>
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<td>Bioretention</td>
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<tr>
<td>Dry Detention</td>
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<td>Extended Detention</td>
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<tr>
<td>Filter Strips</td>
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<tr>
<td>Vegetated Swales</td>
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<tr>
<td>Green Roofs</td>
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<tr>
<td>Managed Vegetated Areas</td>
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<tr>
<td>Infiltration Practices</td>
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<tr>
<td>Stormwater Treatment Wetlands</td>
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<tr>
<td>Manufactured Treatment Devices</td>
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<tr>
<td>Permeable Pavement</td>
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<tr>
<td>Rainwater Harvesting and Reuse</td>
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<tr>
<td>Other:</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Potential of increased threat of flood damage to public health, life or property</td>
<td></td>
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<tr>
<td><strong>Construction Plans</strong></td>
<td></td>
<td></td>
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<tr>
<td>Existing and proposed topography</td>
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<td></td>
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</tr>
<tr>
<td>Existing and proposed stormwater management systems</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Catchments/Sub-basins</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Locations of hydrologic computation points</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drainage areas and time of concentration flowpaths</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Stormwater management practices; specified type and surface area indicated on plan</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed drainage and maintenance access routes and easement locations</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Streams, ponds, culverts, ditches, sinkholes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed channel modification locations</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Soil classifications and hydrologic information</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing and proposed land management/cover (including all existing structures, locations of utilities, roads, and easements)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Limits of disturbance clearly marked and total disturbed area labeled</td>
<td></td>
<td></td>
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<tr>
<td>Resource protection areas (e.g. headwater streams, wetlands and lakes)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**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

<table>
<thead>
<tr>
<th>Check submittal for the following</th>
<th>Included?</th>
<th>Comments</th>
<th>Response</th>
<th>Resolution (Y/N/Addl Info)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FEMA Floodplain limits</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Development setbacks</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>100' WNA adjacent to all waterways on/adjacent to the construction site with drainage areas greater than or equal to 5 sq. mi.</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>50' WNA adjacent to all waterways on/adjacent to the construction site with drainage areas less than 1 sq. mi.</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stormwater Control Measure buffers</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building setbacks</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property line setbacks</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Well/septic system setbacks</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing and proposed roads, buildings and other structures (impervious surfaces)</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing and proposed utilities and utility easements</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other existing significant natural and artificial features</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Drainage Computations

- Drainage map with subarea delineations, hydrologic nodes, and summary of areas
- Hydrologic methodology selection and discussion
- Times of concentration methodology and supporting calculations
- Curve Numbers or Runoff Coefficients, including assumed soil moisture conditions
- 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?
- Soil infiltration rates, if infiltration SCMs are being used
- Culvert, storm sewer, ditch and/or other stormwater conveyance capacities and hydraulic grade line plots for design storm event, along with methodology used
- Flow velocities for design storm event - ditches, storm sewers, detention outlets
- Adequate channel lining and energy dissipation calculations and controls (riprap, etc.)
- Documentation of sources for all computation methods used (i.e., computer program input/output, hand calculations, etc., etc.
- Selection of Appropriate SCMs and supporting water quality calculations
- Appropriate SCM sizing and design implementation
- Adequate use of pre-treatment
- Adequate flow routing and SCM trains
- Data on the increase/decrease in rate and volume of runoff for the design storms
- Potential for Downstream Impacts
- Downstream analysis - identification of potential for deterioration of existing roadway or driveway culverts, bridges, dams, and other structures
- Downstream analysis - identification of potential for accelerated streambank or streambed erosion or siltation

**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

<table>
<thead>
<tr>
<th>Project Name:</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Project Location:</td>
<td></td>
</tr>
<tr>
<td>Latitude/Longitude:</td>
<td></td>
</tr>
<tr>
<td>File/Reference Number:</td>
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<tr>
<td>Submittal Date:</td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td></td>
</tr>
<tr>
<td>Contact Name:</td>
<td></td>
</tr>
<tr>
<td>Contact Phone Number:</td>
<td></td>
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<tr>
<td>Contact E-mail:</td>
<td></td>
</tr>
<tr>
<td>Reviewer:</td>
<td></td>
</tr>
<tr>
<td>Review Date:</td>
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Check submittal for the following:

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<tr>
<th>Permit Approval and Documentation</th>
<th>Included?</th>
<th>Comments</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Status of other applicable local, state and federal permits</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
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<tr>
<td>Construction stormwater discharge permit</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>State/federal aquatic resource alteration permits</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>Dam safety permit</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>FEMA Applications (CLOMR, LOMR, etc.) or No-Rise/No-Impact Certification</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>Other:</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Check submittal for the following:</th>
<th>Included?</th>
<th>Comments</th>
<th>Resolution (Y/N/Add'l Info)</th>
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<tbody>
<tr>
<td>General Requirements</td>
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<tr>
<td>Plans and details of EPSC structural control measures have been prepared and stamped by Professional Engineer or Landscape Architect</td>
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<tr>
<td>Includes engineering design of sediment basin/controls for projects 10 acres or greater (5 acres if impaired/exceptional waters)</td>
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<td>Includes multi-phase sheets: &lt;5 ac. – 2-phase plan min.; ≥5 ac. – 3-phase plan min.</td>
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<tr>
<td>Depicts disturbance limits, buffer zones, watershed drainage patterns, and drainage area serving each outfall</td>
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<td>Includes estimates of the total site area versus the total area of the site to be disturbed</td>
<td>☐ ☐ ☐ ☐</td>
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<td>Specifies removal of trapped sediment from sediment controls at or before 50% design capacity</td>
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<td>Specifies EPSCs will be installed and inspected before earth-moving begins</td>
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<td>Specifies stabilization within 14 days (7 days for ≥35% slopes) on site areas where construction has temporarily/permanently ceased</td>
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<td>Identifies all outfall locations intended for coverage under the CGP</td>
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<td>Identifies construction phasing for activities that will disturb &gt;50 acres</td>
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<td>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.</td>
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<td>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.</td>
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<td>Specifies a 50' WNA adjacent to all waterways on/adjacent to the construction site with drainage areas less than 1 sq. mi.</td>
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<tr>
<td>Additional Requirements for Discharges into Impaired or Exceptional TN Waters</td>
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<td>Specifies that EPSCs proposed for the site have been designed to control storm runoff generated by a 5-year, 24-hour storm event</td>
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<td>Specifies sediment basins for construction sites with drainage areas &gt;5 acres that discharge to impaired or exceptional waters</td>
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<td>Specifies at least a 60' natural riparian buffer zone adjacent to all impaired or exceptional waters on/adjacent to the construction site</td>
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<td>SWPPP Requirements for Permanent (Post-Development) Stormwater Management</td>
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<td>Specifies velocity dissipation devices at discharge locations and along the length of any outfall channel</td>
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<td>Additional comments</td>
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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. 02-1

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION
AND REVISION OF THE ORDINANCES OF THE TOWN OF
NOLENSVILLE TENNESSEE.

WHEREAS some of the ordinances of the Town of Nolensville are
obsolete, and

WHEREAS some of the other ordinances of the town are inconsistent
with each other or are otherwise inadequate, and

WHEREAS the Board of Mayor and Aldermen of the Town of Nolensville,
Tennessee, has caused its ordinances of a general, continuing, and permanent
application or of a penal nature to be codified and revised and the same are
embodied in a code of ordinances known as the "Nolensville Municipal Code,"
now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF
THE TOWN OF NOLENSVILLE, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the town of a
general, continuing, and permanent application or of a penal nature, as codified
and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are
ordained and adopted as the "Nolensville Municipal Code," hereinafter referred
to as the "municipal code."

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

Section 3. Ordinances saved from repeal. The repeal provided for
in Section 2 of this ordinance shall not affect: Any offense or act committed or
done, or any penalty or forfeiture incurred, or any contract or right established
or accruing before the effective date of the municipal code; any ordinance or
resolution promising or requiring the payment of money by or to the town or
authorizing the issuance of any bonds or other evidence of said town's
indebtedness; any appropriation ordinance or ordinance providing for the levy
of taxes or any budget ordinance; any contract or obligation assumed by or in
favor of said town; any ordinance establishing a social security system or

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providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the town; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the town.

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

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than fifty dollars ($50.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."  

1State law reference
For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

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When a civil penalty is imposed on any person for violating any provision of the municipal code 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 6. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to town officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

Section 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

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Section 9. Code available for public use. A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading, November 7, 2002.

Passed 2nd reading, December 5, 2002.

[Signatures of Mayor and Recorder]

Town Attorney