

TITLE 14**ZONING AND LAND USE CONTROL****CHAPTER**

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. RIGHT-OF-WAY MANAGEMENT.

CHAPTER 1**MUNICIPAL PLANNING COMMISSION****SECTION**

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.
- 14-103. Jurisdiction - subdivisions.

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated § 13-4-101, there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of five (5) members; two (2) of these shall be the mayor and a member of the city council selected by the city council; the other three (3) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the three (3) members appointed by the city council shall be for three (3) years each with one (1) member's term expiring each year. Upon more than one (1) vacancy, the mayor may at his discretion appoint one (1) or more of the new appointments in such a way as to allow each term to expire a year apart. The terms of the mayor and members selected by the city council shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall also have the authority to remove any appointive member at his will and pleasure. (2004 Code, § 14-101, modified, as amended by Ord. #2014-05, June 2014)

14-102. Organization, powers, duties, etc. The planning commission shall elect its own chairman from among its appointive membership for one (1) year. The transactions, rules, findings, and determinations of the planning commission shall be a matter of public record. The expenditures of the planning commission, exclusive of gifts, shall be within the amount appropriated by the city council of the City of Eagleville. The planning commission shall be organized in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (2004 Code, § 14-102, modified)

14-103. Jurisdiction - subdivisions.¹ The rules and regulations governing the subdivision of land heretofore adopted by the Eagleville Planning Commission, and as may be amended from time to time by the Eagleville Planning Commission, shall apply to all subdivisions of land within the area of the City of Eagleville, Rutherford County, Tennessee. (2004 Code, § 14-103, modified)

¹"Subdivision Regulations" (and any amendments) for Eagleville, Tennessee, adopted September 6, 2007, are of record in the office of the city recorder.

CHAPTER 2**ZONING ORDINANCE****SECTION**

14-201. Land use to be governed by zoning ordinance.

14-201. Land use to be governed by zoning ordinance.¹ Land use within the City of Eagleville shall be governed by the "Zoning Ordinance, Eagleville, Tennessee," adopted by reference as if fully set out herein. (2004 Code, § 14-201, modified)

¹Ord. #2016-009 titled "Zoning Ordinance, Eagleville, Tennessee," adopted November 17, 2016, by the Eagleville City Council (and any amendments) is published as a separate document and is of record in the office of the city recorder.

CHAPTER 3

RIGHT-OF-WAY MANAGEMENT

SECTION

- 14-301. General use of and construction in right-of-way.
- 14-302. Construction.
- 14-303. Relocation.
- 14-304. Restoration of city's rights-of-way.
- 14-305. Maintenance and workmanship.
- 14-306. Acquisition of facilities.
- 14-307. Reservation of city right-of-way rights.
- 14-308. Reservation of rights and privileges.
- 14-309. Discontinuing use of facilities.
- 14-310. Hazardous substances.
- 14-311. Underground cable.
- 14-312. Construction codes.
- 14-313. Construction and use of poles.
- 14-314. Tree trimmings.

14-301. General use of and construction in right-of-way.
Relationship with other laws. Construction work and maintenance of any and all facilities within the city's rights-of-way shall be done in accordance with the Eagleville Municipal Code, including but not limited to, EMC Title 16; City of Eagleville Standard Specifications for Road, Bridge and Municipal Construction; City of Eagleville Standard Plans for Municipal Construction; any other applicable ordinance, rule or policy; and any amendments thereto. The provisions of chapter 3 are meant to be supplemental to the above provisions. In the event of a conflict between the above provisions and this section, the above provisions shall prevail. (2004 Code, § 14-301)

14-302. Construction. (1) All construction and maintenance of any and all facilities within the city's rights-of-way incident to grantee's cables, lines, piping, fibers, and appurtenances shall be and remain the grantee's responsibility regardless of who performs the construction. Grantee shall apply for and obtain all permits necessary for construction or installation of any facilities, and for excavating and laying any facilities, within the city's rights-of-way. Grantee shall pay all applicable fees upon issuance of the requisite construction permits by the city to grantee, and shall pay all inspection fees and other costs incurred by the city as a result of work authorized by such permit.

(2) Before beginning any construction, grantee shall provide the city with a construction schedule for work in the city's rights-of-way. As grantee's construction of facilities of the city's rights-of-way is completed on its location

subsequently altered during the term of the permit, grantee shall periodically provide the city with maps showing the location of the installed facility in the city's rights-of-way, as built.

(3) Before beginning any work in the city's rights-of-way, grantee shall apply for and obtain appropriate permits from the city, and give appropriate notices to any other franchisees, licensees or permittees of the city, or other units of government owning or maintaining pipes, wires, conduits or other facilities which may be affected by the proposed excavation.

(4) When facilities pass over or under private or publicly owned property it shall be grantee's sole responsibility to obtain all necessary permission from the owner thereof before commencing work, and to notify all utility companies and property owners who may be subject to damage or inconvenience during such work. (2004 Code, § 14-302)

14-303. Relocation. The city shall have the right to require grantee to change the design or location of any of grantee's cables, lines, piping, fibers, and appurtenances within the city's rights-of-way when the public convenience or public interest would be served by such a change, and the expense thereof shall be paid by grantee. Should grantee fail to remove or relocate or redesign any such facilities by the date reasonably established by the city, the city may effect such removal or relocation or redesign, and the expense thereof shall be paid by grantee, including all costs and expenses incurred by the city due to grantee's delay. If the city requires grantee to relocate its facilities located within the city's rights-of-way, the city shall provide grantee with an alternate location within the city's rights-of-way. Nothing herein shall prevent grantee from participating in any alternative funding for relocation. (2004 Code, § 14-3013)

14-304. Restoration of city's rights-of-way. Whenever grantee disturbs the surface of any right-of-way for any purpose, the grantee shall be responsible for restoration of the city's right-of-way and its surface within the area affected by the excavation unless the city authorizes itself in the street use permit to perform such restoration work. The cost of all restoration work, including the cost of inspection and supervision, shall be paid by the grantee. All excavations made by grantee in the city's rights-of-way shall be properly safeguarded for the prevention of accidents. (2004 Code, § 14-304)

14-305. Maintenance and workmanship. (1) Grantee's cables, lines, piping, fibers, and appurtenances shall be constructed and maintained so as not to interfere with sewers, water pipes, conduits or any other property of the city, or with any other pipes, wires, conduits, structures or other facilities that may have been laid in the city's rights-of-way by or under the city's authority.

(2) Grantee shall operate its system so as to prevent injury to the city's property or property belonging to any person within the city. Grantee, at its own

expense, shall repair, renew, change and improve its facilities from time to time as may be necessary to accomplish this purpose.

(3) Grantee shall not construct its system in any manner that requires any subscriber to install any cable, wire, conduits or other facilities under or over a right-of-way. (2004 Code, § 14-305)

14-306. Acquisition of facilities. Upon grantee's acquisition of facilities in any city right-of-way, or upon the addition or annexation to the city of any area in which grantee owns or operates any facility in any city right-of-way, the grantee shall, at the city's request, submit to the city a statement and as-built plans describing all existing facilities, whether authorized by franchise, permit, license or other prior right, and depicting the location of all such facilities with such specificity as the city property may reasonably require. Such facilities shall immediately be subject to the terms of this chapter and shall be brought into compliance with it as soon as practicable. In the event the new facilities or annexed area have characteristics that make literal application of any term of the chapter inappropriate, the parties will negotiate in good faith to modify the chapter solely with respect to such characteristics and only to the extent necessary to achieve consistency with the purposes of this chapter. (2004 Code, § 14-306)

14-307. Reservation of city right-of-way rights. Nothing in this chapter shall prevent the city from constructing, maintaining, or repairing any city right-of-way, or public work or improvement in the city's rights-of-way. All such work shall be done, insofar as practicable, so as not to obstruct, injure or prevent the use and operation of grantee's cables, lines, piping, fibers, and appurtenances. However, if any of the grantee's system will interfere with the construction, maintenance, or repair of any city right-of-way or public work or improvement in the city's rights-of-way, at its own expense the grantee shall remove or relocate its system as the city directs. Should the grantee fail not to remove, adjust or relocate its facilities by the date established by the city's written notice to grantee, the city may effect such removal, adjustment or relocation and recover the cost thereof from the grantee, including all costs and expenses incurred by the city due to grantee's delay. (2004 Code, § 14-307)

14-308. Reservation of rights and privileges. Nothing in this chapter shall deprive the city of any rights or privileges which it now has, or which may hereafter be conferred upon it, including any rights to exercise its police powers in the regulation and control the use of the rights-of-way. (2004 Code, § 14-308)

14-309. Discontinuing use of facilities. Whenever grantee intends to discontinue using any facility or capacity within the city's rights-of-way, grantee shall submit for the City of Eagleville's approval a complete description of the

facility and the date on which the grantee intends to discontinue using the facility or capacity. Grantee may remove the facility or request that the city permit it to remain in place. Notwithstanding the grantee's request that any such facility remain in place, the City of Eagleville may require the grantee to remove the facility from the city's right-of-way or modify or maintain the facility or capacity to protect the public health and safety or otherwise serve the public interest. The City of Eagleville may require the grantee to perform a combination of modification, maintenance, and/or removal of the facility and/or capacity. Grantee shall complete such removal or modification in accordance with a schedule set by the City of Eagleville. Until such time as grantee removes or modifies the facility as directed by the City of Eagleville, or until the rights to and responsibility for the facility are accepted by another person having authority to construct and maintain such facility, grantee shall be responsible for all necessary repairs and relocations of the facility, as well as maintenance of the city's right-of-way, in the same manner and degree as if the facility were in active use, and grantee shall retain all liability for such facility. (2004 Code, § 14-310)

14-310. Hazardous substances. (1) Grantee shall comply with all applicable state and federal laws, statutes, regulations and orders concerning hazardous substances relating to grantee's cable system in the city's rights-of-way. For purposes of § 14-311, "hazardous substances" shall be all substances so characterized in R.C.W. 70.1050.020 (5).

(2) Grantee shall maintain and inspect its facilities located in the city's rights-of-way and immediately inform the city of any release of hazardous substances. Upon reasonable notice to grantee, the city may inspect grantee's facilities in the city's rights-of-way to determine if any release of hazardous substances has occurred, or may occur, from or related to grantee's facilities. In removing or modifying grantee's facilities as provided in this chapter, grantee shall also remove all residue of hazardous substances related thereto provided, however, if it is determined that grantee's owned facilities did not cause the release of hazardous substances, grantee shall have no duty to remove such substances.

(3) Grantee agrees to forever indemnify the city against any claims, costs, and expenses of any kind, whether direct or indirect, incurred by the city arising out of a release of hazardous substances arising from, connected to or incident to grantee's facilities in the city's rights-of-way. (2004 Code, § 14-311)

14-311. Underground cable. Grantee is strongly encouraged to locate and construct its present and future cables and other facilities underground. Grantee shall install its cables or other facilities underground wherever and at the same time existing utilities in the immediate vicinity are installed underground, where all utilities are placed underground, or where statute or ordinance requires utilities to be placed underground. Previously installed

aerial cable shall be underground in concert, and on a reasonable cost-sharing basis, with other utilities pursuant to the general ordinances of the city or applicable state law, or in the event that a telecommunications utility or a public utility decides to underground its on a voluntary basis, unless the city grants an exception. (2004 Code, § 14-312)

14-312. Construction codes. Grantee shall strictly adhere to all building and zoning codes currently or hereafter in effect. Grantee shall arrange its lines, cables, and other appurtenances, on both public and private property, in such a manner as to cause no unreasonable interference with the use of said public or private property by any person. In the event of such interference, the city may require the removal or relocation of the grantee's lines, cables, and other appurtenances from the property in question at grantee's expense. (2004 Code, § 14-313)

14-313. Construction and use of poles. Grantee shall negotiate and enter into pole attachment agreements with utilities maintaining poles in the grantee's franchise area in terms acceptable to grantee and the affected utilities; provided, any obligations to provide fiber or capacity that might be imposed on grantee shall be deemed fully satisfied for the term of their agreement and any extensions by grantee's agreement to install, at the time of grantee's own construction, fiber for the city in accordance with the following provisions:

In the course of grantee's own construction of its optical fiber system, grantee shall include at the city's request additional fiber for the city's exclusive use for governmental purposes. Such purposes shall not include any lease, license, or other transfer to any third party of the right to use such fiber and shall not include any commercial use. However, such purposes may include the following uses, for which the city may receive payment to defray its costs of installation and maintenance.

(1) The city may share use of the fiber with other governments for governmental purposes where signals are mixed with city signals in the same transmission system and the city may make fibers available to schools as distinctly leased fibers or as part of a shared transmission system as described above.

(2) The city shall bear the incremental cost of adding the additional fiber during grantee's construction and the incremental cost, if any, of maintenance.

(3) The total amount of fiber installed for the city under this provision shall not exceed thirty (30) miles in distance, nor two hundred (200) fiber miles (number of fibers in a sheath times distance) without the express consent of grantee.

(4) Grantee's agreement to provide fiber under this section shall not be construed as acquiescence in or admission of the city's authority to impose such obligations unilaterally. (2004 Code, § 14-314)

14-314. Tree trimmings. The grantee must submit all construction plans and/or pruning plans to the city for initial review before any work begins. This review may take place concurrently with reviews required by the city council. (2004 Code, § 14-315)