CITY OF BELLE MEADE, TENNESSEE

MAYOR
James V. Hunt, Sr.

VICE MAYOR
Rusty Moore

COMMISSIONERS
Louise Bryan
Haley Dale
Robert Weigel

CITY MANAGER
Beth Reardon

ASSISTANT CITY MANAGER
Leigh Mills

CITY RECORDER
Rusty Terry
Preface

The Belle Meade Municipal Code contains the codification and revision of the ordinances of the City of Belle Meade, 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 city's ordinance book or the city recorder for a comprehensive and up to date review of the city's ordinances.

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

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

(1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 8 of the adopting ordinance).

(2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.

(3) That the city agrees to pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.
When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such ordinances. This service will be performed at least annually and more often if justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

The able assistance of Bobbie J. Sams, the MTAS Word Processing Specialist who did all the typing on this project, and Tracy G. Gardner, Administrative Services Assistant, is gratefully acknowledged.

Steve Lobertini
Codification Specialist
ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE CITY CHARTER

1. General power to enact ordinances: (6-19-101)

2. All ordinances shall begin, "Be it ordained by the City of Belle Meade as follows:" (6-20-214)

3. Ordinance procedure

   (a) Every ordinance shall be read two (2) different days in open session before its adoption, and not less than one (1) week shall elapse between first and second readings, and any ordinance not so read shall be null and void. Any city incorporated under chapters 18-23 of this title may establish by ordinance a procedure to read only the caption of an ordinance, instead of the entire ordinance, on both readings. Copies of such ordinances shall be available during regular business hours at the office of the city recorder and during sessions in which the ordinance has its second reading.

   (b) An ordinance shall not take effect until fifteen (15) days after the first passage thereof, except in case of an emergency ordinance. An emergency ordinance may become effective upon the day of its final passage, provided, that it shall contain the statement that an emergency exists and shall specify with distinctness the facts and reasons constituting such an emergency.

   (c) The unanimous vote of all members of the board present shall be required to pass an emergency ordinance.

   (d) No ordinance making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility shall ever be passed as an emergency ordinance. No ordinance shall be amended except by a new ordinance. (6-20-215)

4. Each ordinance of a penal nature, or the caption of each ordinance of a penal nature, shall be published after its final passage in a newspaper of general circulation in the city. (6-20-218)
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GENERAL ADMINISTRATION¹

CHAPTER
1. BOARD OF COMMISSIONERS.
2. CITY MANAGER.

CHAPTER 1

BOARD OF COMMISSIONERS²

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

¹Charter reference
See the charter index, the charter itself, and footnote references to the charter in the front of this code.

Municipal code references
Building inspectors: title 12.
Fire department: title 7.
Utilities: titles 18 and 19.
Water and sewers: title 18.

²Charter reference
For detailed provisions of the charter related to the election, and to general and specific powers and duties of, the board of commissioners, see Tennessee Code Annotated, title 6, chapter 20. (There is an index at the beginning of chapter 20 which provides a detailed breakdown of the provisions in the charter.) In addition, see the following provisions in the charter that outline some of the powers and duties of the board of commissioners:

Creation and combination of departments: § 6-21-302.
Subordinate officers and employees: § 6-21-102.
Taxation
Power to levy taxes: § 6-22-108.
Change tax due dates: § 6-22-113.
Power to sue to collect taxes: § 6-22-115.
Removal of mayor and commissioners: § 6-20-220.
1-101. **Time and place of regular meetings.** Regular meetings of the board of commissioners shall be held twelve (12) times each year on the third Wednesday of each month, each of said meetings to be held commencing at 4:00 p.m. at the Belle Meade City Hall, or at such other time and date as the commissioners may, in a given instance, determine. (Ord. 66-3, § 2, as amended by ords. 71-7, § 1; 73-6, § 1; 74-1, § 1; 75-1; 83-1, § 2. 1987 Code, § 1-101, as amended by Ord. #93-5, § 1, April 1993; Ord. #95-6, § 1, July 1995; and Ord. #99-6, Nov. 1999)

1-102. **Special meetings.** Special meetings of the board of commissioners may be held as provided in Tennessee Code Annotated, § 6-20-208. Except in emergencies, all meetings shall be held at the Belle Meade City Hall. Any meeting may, with the consent of the commissioners, be recessed and reconvened at such other time and date as shall be found convenient. (Ord. 74-1, § 1, modified. 1987 Code, § 1-102)

1-103. **Meeting notices.** A permanent notice of the schedules of regular monthly meetings shall be posted on the bulletin board in the office of the police clerk in the city hall, and a notice of a special meeting shall also be placed on the same bulletin board following the adjournment of the meeting at which the said special meeting date and time is established and until the conclusion of the said special meeting. (Ord. 74-1, § 1. 1987 Code, § 1-103)

1-104. **General rules of order.** The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, 1990 (9th) Edition, shall govern the transaction of business by and before the board of commissioners at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1987 Code, § 1-104, modified)

1-105. **Matters requiring publication.** All matters required by law or by ordinance to be published by the City of Belle Meade in the conduct of its affairs shall be published in any newspaper of general circulation in Davidson County. (Ord. 67-2, § 2, modified. 1987 Code, § 1-105)

1-106. **Terms of commissioners.** The terms of commissioners of the City of Belle Meade shall begin at the beginning of the first regularly scheduled
meeting of the board of commissioners following their election. Commissioners shall serve until their successors are qualified and sworn in. The term of commission seat number 1 shall terminate in 1984 and every four years thereafter. The terms of commission seats numbers 2 and 3 shall terminate in 1982 and every four years thereafter. (Ord. 15, § 1, modified. 1987 Code, § 1-106, as amended by ord. 90-8, § 1)

1-107. **Election to fill vacancies**. An election to fill any vacancy or vacancies in the office of commissioners shall be held on the Tuesday following the first Monday in November. (As replaced by ord. 85-3. 1987 Code, § 1-107)

1-108. **Adoption of ordinances**. In the adoption of any ordinance by the board of commissioners, it shall only be necessary to read the caption of the ordinance, instead of the entire ordinance, on both readings. (1987 Code, § 1-108, as added by ord. 89-9, and amended by Ord. #95-5, § 1, July 1995)

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1Charter reference: § 6-20-110.
CHAPTER 2

CITY MANAGER

SECTION
1-201. To be bonded.

1-201. To be bonded. Pursuant to Tennessee Code Annotated, § 6-21-104, the city manager shall be bonded before assuming the duties of office in the sum of $25,000.00 with a surety company authorized to do business in the State of Tennessee as surety. The cost of said bond shall be paid by the city.

(1) For the purpose of making more specific or of adding to, the powers extended by Tennessee Code Annotated, § 6-21-108(1), the city manager is empowered to issue citations for violation of Belle Meade ordinances. Citations may be served as provided for in Rule 4.04, Tennessee Rules of Civil Procedure, or as otherwise provided by law. (1987 Code, § 1-201, as amended by Ord. #94-5, § 1, July 1994)

1Charter reference
For charter provisions outlining the appointment and removal of the city manager, see Tennessee Code Annotated, title 6, chapter 21, part 1, particularly § 6-21-101.
TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER
1. BOARD OF ZONING APPEALS.
2. HISTORIC ZONING COMMISSION.

CHAPTER 1

BOARD OF ZONING APPEALS.

SECTION

2-101. Board of zoning appeals.  1. Creation of board. The administrative board of five (5) members known as the board of zoning appeals established upon the enactment of Ordinance No. 39 on August 16, 1950, shall be governed by the following provisions and have full power and authority to hear appeals and to apply and construe the provisions of title 14-201 et seq. in all matters properly brought before it.

2. Appointment of board. The members of the board of zoning appeals shall be appointed by the mayor, with the concurrence of the board of commissioners, who shall make the appointments in writing and shall file such written appointments with the city recorder. Of the five (5) members initially appointed, one (1) shall serve for a term of one (1) year, two (2) for a term of two (2) years, and two (2) for a term of three (3) years. At the expiration of the terms of initial appointment, all reappointments or new appointments shall be for a term of three (3) years. The mayor shall be responsible for accepting the resignation of any member of the board of zoning appeals and appointing a replacement, with the concurrence of the board of commissioners. Any person appointed to fill a vacancy on the board of zoning appeals shall serve for the remainder of the un-expired term. Any member of the board of zoning appeals may be removed by the mayor before the expiration of their term with the consensus of the board of commissioners.

3. Appointment of the chairman and vice chairman. The mayor, with the concurrence of the board of commissioners, shall appoint one (1) of the members of the board of zoning appeals to serve as the chairman during their term. The chairman of the board of zoning appeals may select one of the members to serve as the vice chairman who shall preside over the meetings of the board of zoning appeals during the absence of the chairman.

4. Appointment of alternate members. The mayor, with the concurrence of the board of commissioners, and acting in accordance with the authority of Tennessee Code Annotated, § 8-48-111 shall appoint not less than
three (3), nor more than seven (7) alternate or emergency interim successor members, to serve in the place and stead of any regular member of the board of zoning appeals who may be unavailable and unable to act owing to absence from the city, illness, interest in a pending case before the board of zoning appeals or other cause. In any such situation, the chairman of the board of zoning appeals, or, in his or her absence the vice chairman, shall continue to preside over the meeting or meetings of the board of zoning appeals, notwithstanding the fact that the chairman, or the vice-chairman, as the case may be, may have found it necessary to recuse himself or herself from consideration of and voting upon any matters which may come before the board of zoning appeals while an alternate may be serving on the board of zoning appeals in his or her place and stead. The alternate shall exercise the powers and discharge the duties of the office to which he or she may be asked to serve until such time as the absent member of the board of zoning appeals again becomes available to exercise the powers and discharge the duties.

5. Powers of the board. The board of zoning appeals shall have such duties, powers, and authority as are set forth in title 14-201 et seq. (as added by Ord. #2007-1, Feb. 2007)
CHAPTER 2

HISTORIC ZONING COMMISSION

SECTION

2-201. Historic zoning commission.
2-202. Powers and duties of HZC.

2-201. Historic zoning commission. The Historic Zoning Commission ("HZC") is hereby created, which shall consist of seven (7) members, which shall consist of a representative of a local patriotic or historical organization; an architect, if available; a person who is a member of the local planning commission at the time of such person's appointment; and the remainder from the community in general. The HZC shall be appointed by the mayor subject to confirmation by the board of commissioners ("board"). The terms of members of the HZC 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. All members shall serve without compensation. The HZC may adopt rules and regulations consistent with this part, as well as by-laws governing its own procedure, election of officers, agendas, and the like.(as added by Ord. #2019-7 Aug. 2019 Ch8_01-19-22, and replaced by Ord. #2021-2, June 2021 Ch8_01-19-22)

2-202. Powers and duties of HZC. The HZC shall have the following powers:

(1) Submit written recommendations to the board regarding the creation of any historic zoning district.

(2) Prior to the establishment of any historic district, and after reasonable public notice and opportunity for public comment, by public hearing or otherwise, adopt for each proposed district or zone a set of review guidelines, which it will apply in ruling upon the granting or denial of a certificate of appropriateness, such review guidelines to be consistent with state statute and with regulations and standards adopted by the secretary of the interior pursuant to the National Historic Preservation Act of 1966, compiled in 16 U.S.C. § 470 et seq., applicable to the construction, alteration, rehabilitation, relocation or demolition of any building, structure or other improvement situated within a historic district which has been certified by the secretary of the interior as a registered historic district.

(3) Review and make decisions on applications for certificate of appropriateness related to any building or other permit in an historic district.

(4) Such other powers and duties as it is granted by state statute or the zoning ordinance.  (as added by Ord. #2019-7 Aug. 2019 Ch8_01-19-22)
CHAPTER 1

CITY JUDGE

SECTION
3-101. Absence, etc.
3-102. Duties and powers; commitment to workhouse; payment of fines by installments.

3-101. Absence, etc. The city court shall be presided over by a city judge, who shall be appointed by and whose compensation shall be set by the board of commissioners. In case of absence or disability of the city judge, the

1Charter references
For provisions of the charter governing the city judge and city court operations, see Tennessee Code Annotated, title 6, chapter 21, part 5. For specific charter provisions in part 5 related to the following subjects, see the sections indicated:
City judge:
Appointment and term: § 6-21-501.
Jurisdiction: § 6-21-501.
Qualifications: § 6-21-501.
City court operations:
Appeals from judgment: § 6-21-508.
Appearance bonds: § 6-21-505.
Arrest warrants: § 6-21-504.
Docket maintenance: § 6-21-503.
Fines and costs:
Amounts: §§ 6-21-502, 6-21-507.
Collection: § 6-21-507.
Disposition: § 6-21-506.

Municipal code reference
Court costs: § 11-706.
mayor shall designate a special judge to act in the place and stead of the city judge, with all powers incident to that office. (As replaced by ord. 87-6. 1987 Code, § 1-402, as amended by ord. 90-9, § 1)

3-102. Duties and powers; commitment to workhouse; payment of fines by installments. The city judge shall hear and determine all cases brought before him for violations of the ordinances of the city and for such violations of laws of the State of Tennessee as judges of city courts are, by law, authorized to hear and determine. He shall have power and authority to impose fines, costs, and forfeitures, and to impose fines for violations of city ordinances; to preserve and enforce order in his court; to enforce the collection of all such fines, costs, and forfeitures as shall be imposed by him; or, in the case of first offenders, to require certain educational activities or procedures to prevent repetition of such violations. The fines may be paid in installments or in such other manner as may be provided by ordinance with the approval of the city judge. The city judge may remit, with or without condition, fines and costs imposed for violation of any ordinance or charter provision. (Ord. 71-1, § 3, modified. 1987 Code, § 1-403, modified)
CHAPTER 2
COURT ADMINISTRATION

SECTION
3-201. City court established.
3-202. Duties of police as to city court.
3-203. Court rules.
3-204. Duties and powers of city judge.
3-205. Electronic citation regulations and fees.

3-201. City court established. There is hereby established a court, to be known and designated as the city court of the City of Belle Meade. (Ord. 71-1, § 1. 1987 Code, § 1-401)

3-202. Duties of police as to city court. The chief of police of the City of Belle Meade shall be responsible for the attendance of a police officer, or members of the police department of the city, upon the court at all times when it shall be in session, and said chief of police shall also designate an officer or officers to serve as police desk sergeant. (Ord. 71-1, § 6. 1987 Code, § 1-405)

3-203. Court rules. The city court shall make rules for the conduct of its business, and shall prescribe and adopt forms for its use in issuing process, entering judgments, and keeping records of its transactions. It shall further, with the concurrence of the board of commissioners by resolution, adopt a schedule of days and hours at which hearings will be held. The city court shall be authorized to compel the attendance of witnesses by the issuance of subpoena or by attachment. (Ord. 71-1, § 7. 1987 Code, § 1-406)

3-204. Duties and powers of city judge. The city judge shall hear and determine all cases brought before him for violations of the ordinances of the city and for such violations of laws of the State of Tennessee as judges of city courts are, by law, authorized to hear and determine. He shall have power and authority to impose fines, costs, and forfeitures, and to impose fines for violations of city ordinances; to preserve and enforce order in his court; to enforce the collection of all such fines, costs, and forfeitures as shall be imposed by him; and in the case of first offenders in traffic law cases to require certain educational activities or procedures to prevent repetition of such violations. Fines may be paid in installments or in such other manner as may be provided by ordinance with the approval of the city judge. The city judge may remit, with or without condition, fines and costs imposed for violation of any ordinance or charter provision. (Ord. 71-1, § 3, modified. 1987 Code, § 1-403, modified)
3-205. **Electronic citation regulations and fees.** (1) As used in this section, "electronic citation" means a written citation or an electronic citation prepared by a law enforcement officer on paper or on an electronic data device with the intent the citation shall be filed, electronically or otherwise, with a court having jurisdiction over the alleged offense.

(2) Pursuant to and in accordance with state statutory requirements found in Tennessee Code Annotated, § 55-10-207(e), each court clerk shall charge and collect an electronic citation fee of five dollars ($5.00) for each citation which results in a conviction. (as added by Ord. #2015-4, June 2015)
CHAPTER 3

BONDS AND APPEALS

SECTION
3-301. Appearance bonds, etc.
3-302. Appeals.

3-301. Appearance bonds, etc. Whenever any person is arrested for the violation of any city ordinance in the presence of a police officer and no warrant for such violation has been issued or served, such person may execute an appearance bond in an amount not exceeding fifty dollars ($50.00), and file same with a police desk sergeant, or he may, in lieu of the execution of an appearance bond, deposit a sum not exceeding fifty dollars ($50.00) with a police desk sergeant and be given a receipt for same, and on the appearance of such person before the city court at the time specified in such receipt, such deposit shall be returned to him. On the failure of such person to appear at the time specified, however, the amount so deposited shall be forfeited to the city and he shall not be entitled to the return of any part thereof, and it shall not be necessary to issue a scire facias; provided, however, that within two (2) days following the imposition of forfeiture, the city judge shall have the power to set aside the conditional judgment imposing such forfeiture when it shall be made to appear that the failure of the accused to appear and defend his suit was due to no fault or negligence of the accused. After the expiration of two (2) days following such forfeiture, there may be a final judgment imposing such forfeiture. (Ord. 71-1, § 4(A). 1987 Code, § 1-404)

3-302. Appeals. Any person dissatisfied with the judgment of the city judge in any case or cases heard and determined by the city judge, may, within ten (10) entire days thereafter, Sundays excluded, appeal to the next circuit court of the county, upon giving bond with good and sufficient security as approved by the city judge for his appearance or the faithful prosecution of the appeal, provided, however, that in prosecutions for violations of the city ordinances the bond shall not exceed two hundred and fifty dollars ($250.00). Such appeal shall not act as a stay or supersedeas of any imprisonment which may be imposed unless the defendant shall execute an appeal bond with surety and approved by the city judge and in treble the amount of the fine imposed, conditioned to pay the fine and costs adjudged upon such appeal. (Ord. 71-1, § 8. 1987 Code, § 1-408)

1State law reference
TITLE 4

MUNICIPAL PERSONNEL

CHAPTER
1. SOCIAL SECURITY--CITY PERSONNEL.
2. MISCELLANEOUS REGULATIONS--CITY PERSONNEL.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
4. INFECTIOUS DISEASE CONTROL POLICY.
5. TRAVEL REIMBURSEMENT REGULATIONS.
6. EDUCATIONAL ASSISTANCE PROGRAM.

CHAPTER 1

SOCIAL SECURITY--CITY PERSONNEL

SECTION
4-101. Policy declared.
4-102. Agreements.
4-103. Withholdings from salaries or wages.
4-104. Appropriations for employer's contributions.
4-105. Records and reports.
4-106. Emergency, fee-based, part-time employee, etc.

4-101. Policy declared. It is hereby declared to be the policy and purpose of the City of Belle Meade, Tennessee, to extend, at the earliest date, to 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 System of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734, 81st Congress. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. The benefits of the aforesaid federal old-age and survivors insurance shall be made retroactive to January 1, 1951, to all persons then and thereafter employed by the City of Bell Meade and covered by an agreement now in effect between the City of Belle Meade and the State of Tennessee. (Ord. 52-1, § 1, as amended by ord. 53-4, § 1. 1987 Code, § 1-501)

4-102. Agreements. The mayor of the City of Belle Meade, Tennessee, is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as
agent or agency, to secure coverage of employees and officials as provided in the preceding section. (Ord. 52-1, § 2, as amended by ord. 53-4, § 2. 1987 Code, § 1-502)

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (Ord. 52-1, § 3, as amended by ord. 53-4, § 3. 1987 Code, § 1-503)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (Ord. 52-1, § 4. 1987 Code, § 1-504)

4-105. Records and reports. The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (Ord. 52-1, § 5. 1987 Code, § 1-505)

4-106. Emergency, fee-based, part-time employees, etc. There is hereby excluded from this chapter any authority to make any agreement with respect to emergency, part-time, and fee-based employees, and elective officials engaged in rendering legislative and judicial services, or any employee or official not authorized to be covered by applicable federal or state laws or regulations.

Further, acting under § 4-102, the mayor is hereby directed to amend the social security agreement so as to extend the benefits of the system of federal old-age, survivors, disability hospital insurance to include the services of employees in part-time positions as of January 1, 1988.

This does not apply to services performed after July 1, 1991 that are covered under the section 210(a)(7)(F) of the Social Security Act. (Ord. 52-1, § 6, as amended by ord. 61-4, § 1. 1987 Code, § 1-506, as amended by ord. 92-2)
CHAPTER 2

MISCELLANEOUS REGULATIONS--CITY PERSONNEL

SECTION
4-201. Business dealings.
4-202. Acceptance of gratuities.
4-203. Outside employment.
4-204. Political activity.
4-205. Use of municipal time, facilities, etc.
4-206. Use of position.
4-207. Strikes and unions.
4-208. Code of ethics.

4-201. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the city. (1987 Code, § 1-701)

4-202. Acceptance of gratuities. No municipal officer or employee shall accept any money or other consideration or favor from anyone other than the city for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to city business. (1987 Code, § 1-702)

4-203. Outside employment. No full-time officer or employee of the city shall accept any outside employment without written authorization from the city manager. The city manager shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is incompatible with his municipal employment, or is likely to cast discredit upon or create embarrassment for the city. (1987 Code, § 1-703)

4-204. Political activity. Municipal officers and employees shall enjoy the same rights of other citizens of Tennessee to be a candidate for any state or local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities; provided the city is not required to pay the employee's salary for work not performed for the city. Provided, however, municipal employees shall not be qualified to run for elected office in the board of commissioners. This restriction shall not apply to elective officials. (1987 Code, § 1-704, modified)
4-205. **Use of municipal time, facilities, etc.** No municipal officer or employee shall use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself or any other private person or group. Provided, however, that this prohibition shall not apply where the city has authorized the use of such time, facilities, equipment, or supplies, and the city is paid at such rates as are normally charged by private sources for comparable services. (1987 Code, § 1-705)

4-206. **Use of position.** No municipal officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the city nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1987 Code, § 1-706)

4-207. **Strikes and unions.** No municipal officer or employee shall participate in any strike against the city nor shall he join, be a member of, or solicit any other municipal officer or employee to join any labor union which authorizes the use of strikes by government employees. (1987 Code, § 1-707)

4-208. **Codes of ethics.**¹ (1) **Applicability.** This section 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.

(2) **Definition of "personal interest."**

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

- Campaign finance-T.C.A. Title 2, Chapter 10.
- Conflict of interests disclosure statements-T.C.A. § 8-50-501 and the following sections.
- Consulting fee prohibition for elected municipal officials-T.C.A. §§ 2-10-122, 124.
- 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-T.C.A. § 39-16-401 and the following sections.
- Ouster law-T.C.A. § 8-47-101 and the following sections.
(a) For purposes of sections (3) and (4), "personal interest" means:

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

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

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

(b) 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.

(c) 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.

(3) 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 from voting on the measure.

(4) Disclosure of personal interest in nonvoting 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.

(5) 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:

(a) 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

1Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability
(b) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business.

(6) Use of information. (a) 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.

(b) 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.

(7) Use of municipal time, facilities, etc. (a) 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.

(b) 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 lease that is determined by the governing body to be in the best interests of the municipality.

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

(b) 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.

(9) 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.

(10) Ethics complaints. (a) 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.

(b) Investigation of complaints:

(i) 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.
(ii) The city attorney may request that the governing body 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.

(iii) 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.

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

(d) 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.

(11) 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. (Ord. #97-5, July 1997, as replaced by Ord. #2007-4, June 2007)
CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION
4-301. Created.
4-302. Designation of director; elements of plan.
4-303. Effective date.

4-301. Created. There is hereby created a safety and health program for employees of the City of Belle Meade which shall be known as the occupational safety and health program for the employees of the City of Belle Meade. (Ord. 73-4, § 1. 1987 Code, § 1-601)

4-302. Designation of director; elements of plan. The city manager is hereby authorized to designate himself, or such other person as he may consider competent to serve, as the director of the occupational safety and health program for the employees of the City of Belle Meade. Said director shall be authorized to establish a safety and health program which shall comply in all respects with the requirements of the Tennessee Occupational Safety and Health Act of 1972, same being Public Chapter 561 of the General Assembly of the State of Tennessee for the year 1972, and said director is hereby authorized to implement a plan which shall encompass the issues and standards which have been promulgated by applicable state law, rules, and regulations. The plan shall be at least as effective as the federal or state standards relating to the same matters and shall include the following: (1) The director or his authorized representatives shall have the right to enter at any reasonable time any establishment, construction site, work place, environment, or area where work is performed in the City of Belle Meade, and to inspect and investigate any such place of employment and all pertinent conditions, processes, machines, devices, equipment, and materials, and activities being conducted therein, and to question privately any supervisor or employee.

(2) The director may issue subpoenas to require the attendance and testimony of witnesses and the production of evidence under oath for the purpose of confirming or supplementing the findings of the director.

(3) The director shall provide for the education and training of personnel for the administration of the program, and he shall provide for the education and training of all employees of the city to the extent that same may be necessary in order to enable said employees to recognize and report safety and health problems as same are defined in the applicable standards.

(4) All employees of the city shall be informed of the policies and standards set forth by the Tennessee Occupational Safety and Health Act.
(5) All employees of the city shall be informed of safety hazards, the dangers of exposure to toxic or harmful materials, and of such other imminent danger situations as may occur in the course of their employment.

(6) The director or his authorized representative shall, upon any allegation or report of imminent danger, immediately ascertain whether there is a reasonable basis for the allegation or complaint. He shall make a preliminary determination of the merit of the complaint and if he finds same to have merit he shall have authority to order the immediate cessation of the activity or the evacuation of the environment wherein he finds the imminent danger to be present.

(7) The director shall provide that any employee may participate in an investigation or inspection which involves a safety and/or health hazard which exists or may exist in his work area.

(8) The director shall establish a safety and health training program designed to instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment.

(9) The safety director shall, in the eventuality that there is a fatality or an accident resulting in the in-patient hospitalization of three (3) or more employees, ensure that the Commissioner of Labor receives notification of the occurrence within eight (8) hours.

(10) The director shall establish a procedure for requesting variances from the Tennessee Department of Labor in the event an operation within the city does not meet the standards established by the Occupational Safety and Health Act and in the further event that immediate action to alleviate the discrepancy is not possible.

(11) The director shall establish and maintain a system for collecting and reporting data concerning safety and health as is required under the Tennessee Occupational Safety and Health Act.

(12) The director shall apply this program to all employees of the City of Belle Meade.

(13) The director shall make an annual report to the Commissioner of Labor for the State of Tennessee showing the accomplishments and progress of the City of Belle Meade in its occupational safety and health program.

(14) The director shall provide a means whereby any employee may submit a report concerning any activity or condition which he believes to be a health hazard to the director without fear of jeopardizing said employee's job or opportunity for future promotion. All of said reports shall be preserved and the action thereon shall be noted and signed by the director or his representative.

(15) In implementing the plan the director shall adopt therein all the words and phrases designated as "definitions" in the Tennessee Occupational Safety and Health Act, and all regulations and standards promulgated thereunder.
(16) The director shall submit said plan to the Tennessee Department of Labor for approval on or before July 1, 1973. (Ord. 73-4, § 2. 1987 Code, § 1-602, as amended by Ord. #2002-6, June 2002)

4-303. Effective date. Said plan, upon its approval by the Tennessee Department of Labor, shall become effective in the City of Belle Meade and at that time shall become a part of this chapter as fully and completely as if set out herein verbatim. (Ord. 73-4, § 3. 1987 Code, § 1-603)
CHAPTER 4

INFECTIOUS DISEASE CONTROL POLICY

SECTION
4-401. Purpose.
4-402. Coverage.
4-403. Administration.
4-404. Definitions.
4-405. Policy statements.
4-406. General guidelines.
4-407. Hepatitis B Vaccinations.
4-408. Reporting potential exposure.
4-409. Hepatitis B virus post-exposure management.
4-410. Human immunodeficiency virus post-exposure management.
4-411. Disability benefits.
4-412. Training regular employees.
4-413. Training high risk employees.
4-414. Training new employees.
4-415. Records and reports.
4-416. Legal rights of victims of communicable disease.

4-401. Purpose. It is the responsibility of the City of Belle Meade, 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 City of Belle Meade 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). (1987 Code, § 1-801, as added by ord. No. 92-4, § 1)

4-402. 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 body fluids 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 employees deemed to be at high risk per this policy and an exposure determination. (1987 Code, § 1-802, as added by ord. No. 92-4, § I)

4-403. Administration. This infection control policy shall be administered by the city manager or his/her designated representative who shall have the following duties and responsibility:

(1) Exercise leadership in implementation and maintenance of an effective infection control policy subject to the provisions of this chapter, other ordinances, the city 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 body fluids;
(3) Maintain records of all employees and incidents subject to the provisions of the 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 commissioners any amendments or changes to the infection control policy;
(7) Identify, any and all housekeeping operations involving substantial risk of direct exposure to body fluids 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 commissioners. (1987 Code, § 1-803, as added by ord. No. 92-4, § I)

4-404. Definitions. (1) "Body fluid" - 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 body fluids 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.
4-405. Policy statement. All blood and body fluids are potentially 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 body fluids which contain visible blood. 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. (1987 Code, § 1-805, as added by ord. No. 92-4, § II)

4-406. 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 body fluids 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 body fluids 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 city 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 body fluids 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. Employee 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 who 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 body fluids 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 body fluids.

(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 at 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°F 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 then taken to a hospital for disposal.

(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 body fluids 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 transporting 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 body fluids.

(14) Whenever possible, disposable equipment shall be used to minimize and contain clean-up. (1987 Code, § 1-806, as added by ord. No. 92-4, § II)

4-407. Hepatitis B vaccinations. The City of Belle Meade shall offer the appropriate Hepatitis B Vaccination to employees at risk of exposure free of charge and in amounts 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. Employees receiving the Hepatitis B vaccination series must also receive a titer test, which determines the effectiveness of the vaccine. (1987 Code, § 1-807, as added by ord. No. 92-4, § III; as amended by Ord. #2002-7, June 2002)

4-408. Reporting potential exposure. City 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 antibody to human immunodeficiency virus (HIV antibody). Testing of 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. (1987 Code, § 1-808, as added by ord. No. 92-4, § III)

4-409. **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 (i.e., 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. (1987 Code, § 1-809, as added by ord. No. 92-4, § III)

4-410. **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. Serologic testing should be made available by the city to all workers who may be concerned they have been infected with HIV through an occupational exposure. (1987 Code, § 1-810, as added by ord. No. 92-4, § III)

4-411. **Disability benefits.** Entitlement to disability benefits and 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. (1987 Code, § 1-811, as added by ord. No. 92-4, § III)

4-412. **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 body fluids. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents. (1987 Code, § 1-812, as added by ord. No. 92-4, IV)

4-413. **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. (1987 Code, § 1-813, as added by ord. No. 92-4, § IV)

4-414. **Training new employees.** During the new employee's orientation to his/her job, all new employees will be trained on the effects of infectious disease prior to putting them to work. (1987 Code, § 1-814, as added by ord. No. 92-4, § IV)
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**4-415. Records and reports.** (1) Reports. Occupational injury and illness records shall be maintained by the infectious disease control coordinator. Statistics shall be maintained on the OSHA-300 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-300.

(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 city 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. (1987 Code, § 1-815, as added by ord. No. 92-4, § V, as amended by Ord. #2002-7, June 2002)

**4-416. 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 the 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. (1987 Code, § 1-816, as added by ord. No. 92-4, § VI)
CHAPTER 5

TRAVEL REIMBURSEMENT REGULATIONS

SECTION
4-501. Purpose.
4-502. Enforcement.
4-503. Travel policy.
4-504. Travel reimbursement rate schedule.
4-505. Administrative procedures.

4-501. Purpose. The purpose of this chapter and referenced regulations is to bring the city 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 city employees. It's the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense. (1987 Code, § 1-901, as added by Ord. #93-2, July 1993)

4-502. Enforcement. The chief administrative officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these travel regulations. (1987 Code, § 1-902, as added by Ord. #93-2, July 1993)

4-503. 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 city. Reimbursement expenses shall include expenses for transportation; lodging; meals; registration fees for conferences, conventions, and seminars; and other actual and necessary expenses related to official business as determined by the CAO. Under certain conditions, entertainment expenses may be eligible for reimbursement.
(3) Authorized travelers can request either a travel advance for the projected cost of authorized travel, or advance billing directly to the town for registration fees, air fares, meals, lodging, 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 city. It will be the responsibility of the CAO to initiate action to recover any undocumented travel advances.

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

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

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

- Directly related to the conduct of the city business for which travel was authorized, and
- Actual, reasonable, and necessary under the circumstances. The CAO 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 reimbursement costs.

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

(9) Mileage and motel expenses incurred within the city aren't ordinarily considered eligible expenses for reimbursement. (1987 Code, § 1-903, as added by Ord. #93-2, July 1993)

4-504. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates. The city's travel reimbursement rates will automatically change when the state rates are adjusted. This and all other travel related expenditures shall be reimbursed according to the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993.

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. (1987 Code, § 1-904, as added by Ord. #93-2, July 1993, and amended by Ord. #96-2, May 1996, and Ord. #2009-1, March 2009)

4-505. Administrative procedures. The city adopts and incorporates by reference - except as may appear 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 city manager. (1987 Code, § 1-905, as added by Ord. #93-2, July 1993, and amended by Ord. #96-2, May 1996)
CHAPTER 6

EDUCATIONAL ASSISTANCE PROGRAM

SECTION
4-601. Administration.
4-602. Requirements.
4-603. Eligibility.
4-604. Reimbursement for eligible employees (other than the city manager).
4-605. Reimbursement for the city manager.
4-606. Budget.
4-607. Level of reimbursement.
4-608. Repayment.
4-609. Qualified educational assistance.
4-610. Other program requirements.
4-611. Exceptions.
4-612. Program year.
4-613. Contributions.
4-614. Termination of program.
4-615. Notification.

4-601. Administration. The program shall be administered by the city manager in the case of all employees other than the city manager, and by the mayor in the case of the city manager (the "program administrator"). The program administrator, or his or her designated representative, is authorized and empowered to issue uniform rules and adopt forms to be used in carrying out the purposes of the program. The program administrator, in his or her sole and absolute discretion, shall determine all questions arising out of or related to the interpretation of the terms and conditions of the program. (as added by Ord. #2002-10, Oct. 2002)

4-602. Requirements. Educational assistance will be provided for courses of study that are
   (1) Pertinent to the employee's functions or skills in performing his or her duties with the city; and
   (2) Determined by the program administrator to be appropriate for the employee and for reimbursement. (as added by Ord. #2002-10, Oct. 2002)

4-603. Eligibility. All employees of the city are eligible to participate in the program if:
   (1) They are classified as being employed on a full-time basis;
   (2) They have completed two full years of service with the City;
   (3) Their most recent performance review resulted in a rating of satisfactory or above;
(4) They are not receiving any reimbursement for qualified educational assistance (defined below) from any other sources; and

(5) They meet the educational, professional, and other prerequisites established for the course of study in question by the applicable educational institution. (as added by Ord. #2002-10, Oct. 2002)

4-604. Reimbursement for eligible employees (other than the city manager). In order for an eligible employee (other than the city manager) to obtain reimbursement for qualified educational assistance costs, the employee must submit in advance a written request for approval of a proposed course to his or her supervisor on such form(s) as may be required by the city. The supervisor will determine initially whether the course is job-related and provide such determination to the city manager together with a recommendation regarding reimbursement. The city manager, in her capacity as the program administrator, will then determine (in consultation with the supervisor) whether the course is job-related and whether the costs are eligible for reimbursement as qualified educational assistance, and, if these questions are resolved in the affirmative, the proposed course of study will be approved. (as added by Ord. #2002-10, Oct. 2002)

4-605. Reimbursement for the city manager. In order for the city manager to obtain a reimbursement for qualified educational assistance costs, the city manager must submit a written request for approval in advance of a proposed course to the mayor on such form(s) as may be required by the city. The mayor, acting in this instance as the program administrator, will determine whether the course is job-related and whether the costs are eligible for reimbursement as qualified educational assistance. If these questions are resolved in the affirmative, the proposed course of study will be approved. (as added by Ord. #2002-10, Oct. 2002)

4-606. Budget. Qualified educational assistance must come from the department's current operating budget for training. (as added by Ord. #2002-10, Oct. 2002)

4-607. Level of reimbursement. All requests for reimbursement must be accompanied by tuition statements and/or receipts form an accredited educational institution or professional organization along with a copy of the final grade report. Qualified educational assistance costs will be reimbursed upon completion of the pre-approved course based upon the grade received for the course as follows:

(1) For a grade of "A" or "B" (or their equivalent), 100% of reimbursable costs;

(2) For a grade of "C" (or its equivalent), 60% or reimbursable costs.
(3) No reimbursements is provided for a grade lower than "C" (or its equivalent).

(4) For pass/fail courses, the amount of assistance is 75% of reimbursable costs. (as added by Ord. #2002-10, Oct. 2002)

4-608. Repayment. If an employee voluntarily separates from the city within one year of receiving educational training or expense reimbursement, the employee shall have 50 percent of the reimbursed amount deducted from his/her final paycheck. As a condition of participation in the program, the employee will be required to consent in writing to such deduction. (as added by Ord. #2002-10, Oct. 2002)

4-609. Qualified educational assistance. The following items related to a pre-approved course are reimbursable by the city as qualified educational assistance: tuition, fees, and similar payments, books, supplies, and equipment. However, tools or supplies (other than textbooks) that an employee may retain after the course has ended are not reimbursable under this program. Meals, lodging, and transportation do not in any case constitute qualified educational assistance. Also, qualified educational assistance does not include any payment for, or the provision of, any benefits with respect to, any course or other education involving sports, games, or hobbies unless they are required as part of a degree program. The terms "sports, games, or hobbies" do not include education that instructs employees how to maintain and improve health so long as such education does not involve the use of athletic facilities or equipment and is not recreational in nature. (as added by Ord. #2002-10, Oct. 2002)

4-610. Other program requirements. Class attendance and completion of study assignments are to be accomplished outside the employee's regular working hours. It is expected that educational activities will not interfere with the employee's work. If the course schedule interferes with regular work hours, employees must request and be granted an adjustment in work schedule from their supervisor; which request will not be granted if it would pose an undue hardship on the city or other employees. The supervisor has sole discretion in determining whether an adjustment to a work schedule poses an undue hardship; provided that, in the case of any request by the city manager, the mayor will have this discretion. (as added by Ord. #2002-10, Oct. 2002)

4-611. Exceptions. Any exceptions to the requirements under this program will be handled on a case-by-case basis with the final decision to be determined by the program administrator. (as added by Ord. #2002-10, Oct. 2002)
4-612. **Program year.** The program year shall mean the 12-month period that ends on December 31 of each year, provided that the initial plan year shall begin on November 1, 2002, and end on December 31, 2002. (as added by Ord. #2002-10, Oct. 2002)

4-613. **Contributions.** Employees are not required or permitted to contribute to the program. (as added by Ord. #2002-10, Oct. 2002)

4-614. **Termination of program.** The city intends to continue the program indefinitely. However, this program shall be subject to termination at any time by the board of commissioners. Any employee enrolled in an approved course at the time of termination shall be reimbursed in accordance with the terms of the program for all qualified education assistance costs incurred to the date of termination. (as added by Ord. #2002-10, Oct. 2002)

4-615. **Notification.** The company shall communicate in writing the terms and conditions of the program to all employees and shall provide each eligible employee receiving educational assistance with a copy of the program. (as added by Ord. #2002-10, Oct. 2002)
TITLE 5

MUNICIPAL FINANCE AND TAXATION

CHAPTER 1

MISCELLANEOUS

SECTION

5-101. Fiscal year. The fiscal year or accounting period of the city shall begin on July 1 of each year and end on June 30 of the following year. (Ord. 73-5, § 1. 1987 Code, § 6-101)

5-102. Estimate of expenditures and revenue. The city manager shall submit to the board of commissioners on or before May 15 of each year an estimate of the expenditures and revenues of the city for the coming fiscal year. (Ord. 73-5, § 3. 1987 Code, § 6-102)

5-103. Depositories of city funds. All banking institutions and savings and loan associations having their main offices and principal places of business in Davidson County, Tennessee, and including any and all such branches as may be operated by said institutions that are members of and have all deposits insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation are hereby designated as depositories of the funds of the City of Belle Meade. (Ord. 75-2, §§ 1 and 2, as amended by ord. 76-1, §§ 1 and 2. 1987 Code, § 6-103)

1Charter reference

Finance and taxation: title 6, chapter 22.
5-104. **Security for deposits.** To the extent that the depositories designated in § 5-103 are insured as to each depositor, no security or collateral shall be required to protect the city up to the amount so insured, but all funds of the city in excess of such amount deposited in account with any named depository shall be secured as required by Tennessee Code Annotated, § 6-22-120. (Ord. 75-2, § 3. 1987 Code, § 6-104)

5-105. **Withdrawals from account, etc.** All checks, drafts and other withdrawals from the accounts of the city shall be executed in the name of the city as follows:

1. All checks, drafts or other withdrawals of amounts up to two thousand five hundred dollars ($2,500.00) shall be signed in the name of the city by any one (1) of the following: city recorder, mayor, vice mayor, commissioner. The city recorder will, on a regular basis, provide to the commissioners for their review, a list of all checks signed by him/her, acting alone under the authority of this section.

2. All checks, drafts or other withdrawals of amounts of two thousand five hundred dollars ($2,500.00) or more shall be signed in the name of the city by any two (2) of the following: city recorder, mayor, vice mayor, commissioner.

3. Any two (2) members of the Board of Commissioners of the City of Belle Meade are authorized to enter the safe deposit box rented by the city and, when specifically authorized by ordinance, to execute notes, bonds and other such instruments.

4. All deposits shall be made in accounts designated "City of Belle Meade" and endorsements satisfactorily indicating such deposits shall be sufficient.

5. All vendor invoices of five thousand dollars ($5,000.00) or more shall be approved by the commissioners at their regular or special meetings each month and such approval shall be recorded in the meeting minutes. (Ord. 75-2, § 4. 1987 Code, § 6-105, as replaced by Ord. #98-2, March 1998, Ord. #99-5, Sept. 1999, Ord. #2011-8, Aug. 2011, and Ord. #2015-10, Nov. 2015)

5-106. **Manager to furnish names, signatures, etc., to depositories.** The city manager shall furnish each of the depositories a certified copy of this chapter and shall also certify the names of the mayor, vice mayor, and city treasurer of the City of Belle Meade to each depository, and shall furnish a specimen of the signature of each such official authorized to sign checks, drafts, and other instruments to each such depository. (Ord. 75-2, § 5. 1987 Code, § 6-106)
5-107. **Reports as to uncollectible fines, etc.** The city treasurer is authorized and directed to report at the first regular meeting in each year each item, including fines, penalties, or court costs with respect to violations of any city ordinance, amounting to five hundred dollars ($500.00) or less as to which the treasurer believes there is little or no possibility of making collection without the expenditure of funds of the city equal to or in excess of the outstanding and unpaid item.

The board of commissioners by resolution may direct the treasurer to forego any further measures to collect such item and may further direct that he omit from the city’s financial records any debt entry with respect thereto subsequent to the date of the resolution. (Ord. 66-5, §§ 3 and 4. 1987 Code, § 6-107)

5-108. **Permit fees.** Each application for a building permit, a petition for consideration and action of the municipal planning commission, under § 12-103 of this code, an application for permits required under § 16-201, and any other application for any other permit under this code, shall be accompanied by the fee established for such permit by resolution by the Belle Meade Board of Commissioners. All resolutions or ordinances in conflict herewith are hereby repealed. (As added by ord. 84-8. 1987 Code, § 6-108)

5-109. **Purchases and public contracts.** (1) The city manager shall be responsible for all city purchasing.

(2) Competitive prices for all purchases and public improvements shall be obtained whenever practicable, and the purchase made from or the contract awarded to the lowest and best bidder, provided that the city may reject any and all bids.

(3) All contracts involving expenditure in excess of $3,000 must be approved by majority vote of the board of commissioners.

(4) Formal sealed bids shall be obtained in all transactions involving any expenditure in excess of $10,000. The transaction shall be evidenced by written contract. In cases where the board indicates by unanimous resolution of those present at the meeting, based upon the written recommendation of the manager, that it is clearly to the advantage of the city not to contract with competitive bidding, it may authorize noncompetitive contracts.

(5) The city manager may reject all bids and authorize the making of public improvements or accomplishment of any other city work by any city department.

(6) Purchasing and contract procedures not prescribed by this or other Belle Meade ordinance shall be governed by Tennessee Code Annotated, § 6-19-104, as amended by Pub. Acts 1989, ch. 175, § 4. (1987 Code, § 6-109, as added by ord. 89-10, and amended by Ord. #2021-4, Jan. 2022 Ch8_01-19-22)
5-110. **Surplus property.** The identification and disposition of property declared by the commissioners to be "surplus property" shall be determined as follows:

1. **Identification of surplus property.** When a department head determines that the department holds surplus property that retains value that could be realized through sale, the department heads shall prepare a report for the commissioners describing said property in detail, including any identifying serial or vehicle identification numbers, as well as an estimate of the value of the property.
   
   a. N.A.D.A guidelines may be used to determine fair market value for vehicles.
   
   b. All other surplus property values may be determined by the city manager, taking into consideration both the depreciated book value of the property and any other means of determining fair market value deemed appropriate by the city manager.

2. **Authorization to sell surplus property.** Upon the commissioners' review of the report from a department head and determination of value by the city manager, the commissioners may by motion declare said property "surplus property" available for disposition and/or sale.

3. **Sale of declared surplus property.** Once the property has been declared surplus by the commissioners the city manager may use any of the following means to lawfully dispose of the property:
   
   a. Sale to other government agencies, the public, or by using any reputable on-line or auction company for a reasonable fee determined by the city manager to be reasonable.
   
   b. The City of Belle Meade reserves the right to sell its surplus property at public auction or sealed bid to the highest and best bidder.

(as added by Ord. #2007-3, April 2007)

5-111. **Contracts with professionals.** (1) Contracts for legal services, fiscal agent, financial advisor or advisory services, educational consultant services, and similar services by professional persons or groups of high ethical standards, shall not be based upon competitive bids, but shall be awarded on the basis of recognized competence and integrity. The prohibition against competitive bidding in this section shall not prohibit any entity enumerated from interviewing eligible persons or groups to determine the capabilities of such persons or groups.

(2) (a) In the procurement of architectural and engineering services, the selection committee/procurement official may seek qualifications and experience data from any firm or firms licensed in Tennessee and interview such firm or firms. The selection committee/procurement official shall evaluate statements of qualifications and experience data regarding the procurement of architectural and engineering services, and shall conduct discussions
with such firm or firms regarding the furnishing of required services and then shall select the firm deemed to be qualified to provide the services required.

(b) The selection committee/procurement official shall negotiate a contract with the qualified firm for architectural and engineering services at compensation which the selection committee/procurement official determines to be fair and reasonable to the government. In making such determination, the selection committee/procurement official shall take into account the estimated value of the services to be rendered, the scope of work, complexity and professional nature thereof.

(c) Should the selection committee/procurement official be unable to negotiate a satisfactory contract with the firm considered to be qualified, at a price determined to be fair and reasonable, negotiations will continue with other qualified firms until an agreement is reached.

(d) If the city has a satisfactory existing working relationship for architectural or engineering services may expand the scope of the services; provided, that they are within the technical competency of the existing firm, without exercising the provisions of this section.

(3) Any person providing fiscal agent, financial advisor or advisory services to the city shall perform such services only pursuant to a written contract, to be entered into prior to, upon or promptly after the inception of the relationship, specifying the services to be rendered, the costs therefor, and the expenses to be covered under such contract.

(4) Any person providing fiscal agent, financial advisor or advisory services to the city who desires to bid, directly or indirectly, on any bonds, notes or other obligations of such entity sold pursuant to public, competitive sale shall receive in writing prior to the sale the permission of such entity to bid either directly or indirectly on the obligations.

(5) For the purposes of this section, "providing fiscal agent, financial advisor or advisory services" means a relationship that exists when a person renders or enters into an agreement to render financial advisory or consultant services to or on behalf of an issuer with respect to a new issue or issues of municipal securities, including advice with respect to the structure, timing, terms and other similar matters concerning such issue or issues, for a fee or other compensation or in expectation of such compensation for the rendering of such services. Notwithstanding the foregoing provisions of this subsection, a financial advisory relationship shall not be deemed to exist when, in the course of acting as an underwriter, a municipal securities dealer renders advice to an issuer, including advice with respect to the structure, timing, terms and other similar matters concerning a new issue of municipal securities.

(6) Contracts by the city for information management services, including, but not limited to, computer program analyst services shall, upon approval by a two-thirds (2/3) vote of the governing body, be procured through a request for proposals process. The request for proposals process will invite
prospective proposers to participate and will indicate the service requirements and the factors used for evaluating the proposals. Such factors shall include cost, vendor's qualifications and any additional factor or factors deemed relevant by the procuring entity for the procurement of the service; cost is not to be the sole criteria for evaluation. The contract for such services will be awarded to the best evaluated, responsive proposer. (as added by Ord. #2008-1, Feb. 2008)
CHAPTER 2

PROPERTY TAXES

SECTION
5-201. Tax statements.
5-202. Due date.
5-203. Penalty and discount.
5-204. Treasurer's duties.
5-205. Notice of taxes due.
5-206. Suits for collection.
5-207. Reports of certain unpaid taxes.
5-208. Reports as to property in controversy.
5-209. Action to forego legal proceedings.

5-201. Tax statements. Statements for taxes on real and personal property located in the City of Belle Meade shall be prepared and forwarded by mail to all taxpayers as soon as possible following September 1st of each year. (Ord. 76-2, § 2. 1987 Code, § 6-201)

5-202. Due date. Taxes on real and personal property located in the City of Belle Meade shall be due and payable on the first day of October of each year. (Ord. 76-2, § 3. 1987 Code, § 6-202)

5-203. Penalty and discount. Pursuant to Tennessee Code Annotated, § 6-22-112, a penalty of two percent (2%) upon all taxes remaining unpaid on March 1st of the year following October 1st of the year for which the taxes are due and an additional penalty of two percent (2%) shall be added for each month

1State law references
Tennessee Code Annotated, §§ 67-1-701, 67-1-702 and 67-1-801, read together, permit a municipality to collect its own property taxes if its charter authorizes it to do so, or to turn over the collection of its property taxes to the county trustee. Apparently, under those same provisions, if a municipality collects its own property taxes, tax due and delinquency dates are as prescribed by the charter; if the county trustee collects them, the tax due date is the first Monday in October, and the delinquency date is the following March 1.

Tennessee Code Annotated, § 67-5-2010(b) provides that if the county trustee collects the municipality's property taxes, a penalty of 1/2 of 1% and interest of 1% shall be added on the first day of March, following the tax due date and on the first day each succeeding month.
thereafter for twelve (12) months. (Ord. 76-2, § 4. 1987 Code, § 6-203, as amended by Ord. #2013-5, Aug. 2013)

5-204. Treasurer's duties. The city treasurer shall be responsible for the preparation and forwarding of tax statements and for the collection of taxes, and decisions made by the city treasurer as to the date same shall have been paid, the amount of penalty, if any, and the amount of discount, if any, shall be final. (Ord. 76-2, § 5. 1987 Code, § 6-204)

5-205. Notice of taxes due. With respect to any taxes and penalties remaining due and unpaid after the 31st day of December of the year for which the taxes are assessed, it shall be the duty of the treasurer to send notice to such delinquent taxpayer by certified mail, on or before the tenth day of the following January, advising said taxpayer that unless said taxes and penalties accrued and thereafter accruing shall be paid prior to the 1st day of the following March, suit will be filed for the purpose of collecting and enforcing payment of such taxes and penalties. (Ord. 23 as amended by ord. 59-1, § 1, modified. 1987 Code, § 6-205)

5-206. Suits for collection. In the event such taxes and penalties shall not be paid in full prior to said 1st day of the following March, then it shall be the duty of the Treasurer to deliver the delinquent list showing all unpaid taxes to the city attorney, or to a special attorney appointed for such purpose, and to cause said attorney to prepare and file suits in the Chancery and Circuit Courts for the collection of all delinquent taxes and penalties thereon due to the city. (Ord. 23 as amended by ord. 59-1, § 2, modified. 1987 Code, § 6-206)

5-207. Reports of certain unpaid taxes. The city treasurer of the City of Belle Meade is hereby authorized and directed to report to the board of commissioners, at its first regular meeting in each calendar year, all taxes on property located in the city which are due, outstanding, and unpaid on all calendar years two years or more prior to the year of such meeting. The city treasurer shall designate in detail in such report each item of taxes upon property having assessed value of less than five hundred dollars ($500.00). (Ord. 66-5, § 1. 1987 Code, § 6-207)

5-208. Reports as to properties in controversy. The city treasurer is further hereby authorized and directed to report at such regular meeting any property as to which there is disagreement or controversy between the owner of record and the tax assessor as to the location, identity, or existence of said property, and the assessed value of same. (Ord. 66-5, § 2. 1987 Code, § 6-208)

5-209. Action to forego legal proceedings. The board of commissioners may, at the first regular meeting in each calendar year, or at any
subsequent meeting thereafter, by resolution adopted at such meeting, direct the city treasurer to forego any further legal measures for the collection of either of the following:

(1) Any delinquent taxes upon property located in the city which, without the inclusion of penalty and interest, amount to fifty dollars ($50.00) or less for any calendar year, as certified by the city treasurer; or

(2) Any taxes upon property as to which the city manager reports and certifies his belief that the assessment is in error as to:
   (a) Ownership of the property; or
   (b) Existence or location of the property; or
   (c) Assessed valuation of the same. (Ord. 66-5, § 4. 1987 Code, § 6-209, as amended by ord. 92-1, § 1)
TITLE 6

LAW ENFORCEMENT

CHAPTER
1. POLICE AND ARREST.

CHAPTER 1

POLICE AND ARREST

SECTION
6-101. Creation and supervision.
6-102. Membership.
6-103. Duties.
6-104. Emergency assistance.
6-105. Enforcement of state traffic laws.
6-106. Appointment as deputy sheriff.
6-107. When policemen to make arrests.
6-108. Police department records.

6-101. Creation and supervision. There is hereby created a police department of the City of Belle Meade, over which department the city manager shall have administrative supervision, authority, direction, and control. Subject to the administrative supervision, authority, direction, and control of the city manager, the department shall be under the direct supervision of the chief of police, who shall be responsible to the city manager for all activities of the police department. (Ord. 51-5, § 1. 1987 Code, § 1-301)

6-102. Membership. The police department shall consist of such number of patrolmen and other officers as shall be provided by ordinance. The salaries of members of the police department shall be set by resolution.

The chief of police and other members of the police department, as provided for herein, shall be appointed by and serve under the city manager and he shall have authority to employ and discharge them. (Ord. 51-5, § 2, modified. 1987 Code, § 1-302)
6-103. **Duties.** It shall be the duty of the chief of police and of the members of the police force to preserve order in the city; protect the inhabitants and property owners therein from violence, crime, and criminal acts; prevent the commission of crime, violation of law, and the city ordinances; and perform all the duties generally discharged by police, including patrolling the streets and public ways of the city to discourage and apprehend violators of the state safety regulations. (Ord. 51-5, § 3. 1987 Code, § 1-303)

6-104. **Emergency assistance.** In time of riot or other emergency, the police force may be increased by the mayor of the City of Belle Meade, who shall be authorized to summon any number of inhabitants of the city to assist the police force. (Ord. 51-5, § 4, modified. 1987 Code, § 1-304)

6-105. **Enforcement of state traffic laws.** The chief of police and the patrolmen of the City of Belle Meade shall, whenever it may be necessary for the enforcement of the state traffic laws, procure the issuance of warrants, serve the same, and appear in the court of general sessions and/or the criminal court of Davidson County, as prosecutors, relieving complaining citizens insofar as is practicable of instituting proceedings, or appearing as witnesses in cases involving violation of the state traffic laws and safety regulations, but this section shall not be construed as relieving any person from the duty of appearing in court or testifying in any case. (Ord. 51-5, § 5. 1987 Code, § 1-305)

6-106. **Appointment as deputy sheriff.** The chief of police and the patrolmen of the City of Belle Meade may, in addition to their status as police, also be commissioned officers of the police department of Metropolitan Nashville and Davidson County, and hold such office. (Ord. 51-5, § 6, modified. 1987 Code, § 1-306)

6-107. **When policemen to make arrests.** Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

1. Whenever he is in possession of a warrant for the arrest of the person.
2. Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.
3. Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1987 Code, § 1-307)

6-108. **Police department records.** The police department shall keep a comprehensive and detailed daily record in permanent form, showing:

1. All known or reported offenses and/or crimes committed within the corporate limits.
2. All arrests made by policemen.
(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1987 Code, § 1-308)
TITLE 7

FIRE PROTECTION AND FIREWORKS

CHAPTER 1

EXPLOSIVES

SECTION

7-101. Prohibited; exceptions.
7-102. "Explosives" defined.
7-103. Manufacture, etc., prohibited.
7-104. Transportation in public conveyances prohibited.
7-105. Permit required for transportation.
7-106. Absolute prohibition of certain explosives.
7-107. Warning signs required.
7-108. Prohibited acts of transporters.
7-109. Standards for storage.
7-110. Standards for use.

7-101. Prohibited; exceptions. The manufacture, possession, storage, transportation, sale, offer for sale, giving away, or use of any explosive, as hereinafter defined, within the City of Belle Meade is hereby prohibited except as is hereinafter expressly provided, without a permit issued by the building inspector of the City of Belle Meade. (Ord. 59-10, § 1. 1987 Code, § 7-101)

7-102. "Explosives" defined. The term "explosive" or "explosives" wherever used herein shall be held to mean and include dynamite and its derivatives and any chemical compound or mechanical mixture which contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that an ignition by fire, friction, concussion, percussion, or by a detonator of any part of the compound or mixture may cause a sudden generation of gases with pressure sufficient to become destructive to life or property.

1Municipal code reference
Building, utility and housing codes: title 12.

Fire protection is furnished to the city by the Metropolitan Government of Nashville and Davidson County.
The term "explosives" shall not be interpreted to mean or include any small arms, ammunition or signal rockets, or devices or compositions used to obtain visible or audible pyrotechnic effects which are subject to regulation by other ordinances of the City of Belle Meade, nor shall said term apply to gasoline or other motor or heating fuels. (Ord. 59-10, § 2. 1987 Code, § 7-102)

7-103. Manufacture, etc., prohibited. The manufacture, sale, offering for sale, or giving away of explosives within the City of Belle Meade is prohibited. (Ord. 59-10, § 3. 1987 Code, § 7-103)

7-104. Transportation in public conveyances prohibited. It is prohibited for any person to transport or carry any explosives in or upon any public conveyance which is carrying passengers for hire. (Ord. 59-10, § 4. 1987 Code, § 7-104)

7-105. Permit required for transportation. It is prohibited for any person to have, keep, use, store, or transport any explosives except under permit therefor issued by the City of Belle Meade. (Ord. 59-10, § 4. 1987 Code, § 7-105)

7-106. Absolute prohibition of certain explosives. It is prohibited for any person to have, keep, store, sell or offer to sell, give away, use, transport, or manufacture any of the following explosives in any quantity:

- Liquid nitroglycerin; high explosives containing over 60 percent of nitroglycerin; high explosives having an unsatisfactory absorbent or one that permits leakage of nitroglycerin under any condition liable to exist during transportation or storage; nitro cellulose in a dry condition, in quantity greater than five pounds in one package; fulminate of mercury in bulk in a dry state or the fulminates of any other metals in any condition except as a component part of manufactured articles not hereinafter prohibited; or any explosives containing an ammonium salt and a chlorate. (Ord. 59-10, § 4. 1987 Code, § 7-106)

7-107. Warning signs required. Every vehicle while carrying explosives, except those specifically hereinafter exempted, shall have painted on its front, sides, and back, in easily legible white letters at least six inches high, the words "explosives-dangerous"; provided, however, that in lieu of such painted words, such vehicle may display on either end and either side of same, in erect position and clearly visible from all directions, a red flag or banner with the words "danger" printed, stamped, or sewn therein in white letters. Any such flag or banner shall be not less than six hundred square inches in area, and not less than thirty inches in lateral extent, and the letters thereon shall be not less than 6 inches high. (Ord. 59-10, § 5. 1987 Code, § 7-107)
7-108. **Prohibited acts of transporters.** It is prohibited for:

1. Any person in charge of or riding as a helper or passenger upon a vehicle carrying or containing permitted explosives to smoke while in, upon, or near such vehicle.

2. Any person to place or carry in the bed or body of any vehicle containing or carrying explosives any metal tool or piece of metal.

3. Any person to place, carry, or permit to be carried any detonators, blasting caps, or matches in or upon any vehicle while same is used for the transportation of such explosives.

4. Any person in charge of a vehicle carrying explosives to deviate from the route upon which and time within which the permit so to transport explosives has been issued. (Ord. 59-10, § 5. 1987 Code, § 7-108)

7-109. **Standards for storage.** No explosives permitted to be used or stored shall be kept or stored except as follows:

1. No explosives in excess of twenty-five pounds in weight shall be stored at any one storage site in the City of Belle Meade.

2. Same shall be kept in a portable magazine, which shall be kept within a locked building, room, or other covered enclosure, which enclosure shall be located not less than three hundred (300) feet from the nearest place of residence or outbuilding.

3. No blasting caps or detonators of any kind shall be kept in the same magazine with other explosives.

4. All magazines shall be kept locked except when being inspected or when explosives are being moved in or out; all magazines shall be kept clean; free of grit, empty packages, or other waste; and metal tools or other pieces of loose metal.

5. Magazines shall be of fireproof construction and shall have walls or sides of sufficient thickness and strength to stop the bullet from a small calibre rifle or shotgun, and shall be conspicuously marked "Dangerous---Explosives Magazine."

6. No explosive may be kept except by permit issued by the city building inspector. (Ord. 59-10, § 6. 1987 Code, § 7-109)

7-110. **Standards for use.** No explosives except those of permitted types shall be used or discharged within the limits of the City of Belle Meade, and no explosives of any type shall be used or discharged except under the following conditions:

1. Explosives of a permitted type or types may be used in excavations or other operations requiring such use when permit for such use has first been obtained from the building inspector. The permit shall be issued in form approved by the building inspector which shall prescribe the premises upon which the explosives are to be used; the specific purpose for same; the amount of maximum charge to be discharged at any one time; the amount of bond given
by the applicant to secure the payment of compensation for any damage or injury to person or property which may be shown to have been caused by the discharge of such explosives; the name and address of the applicant and his servants, agents, or employees who are authorized to discharge such explosives.

(2) No explosives shall be discharged except between the hours of eight o'clock A.M. and four o'clock P.M. (Ord. 59-10, § 7. 1987 Code, § 7-110)
TITLE 8

ALCOHOLIC BEVERAGES\(^1\)

CHAPTER
1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

\textbf{8-101. Prohibited generally}. Except as authorized by applicable laws\(^2\) and/or ordinances, it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for any intoxicating liquor within the City of Belle Meade. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5\%) of alcohol by weight. (1987 Code, § 2-101)

\(^1\)State law reference
Tennessee Code Annotated, title 57.

\(^2\)State law reference
CHAPTER 2

BEER\(^1\)

SECTION
8-201. Business prohibited generally.

8-201. Business prohibited generally. Except for persons who were granted a beer permit when the Belle Meade beer board was functioning, it shall be unlawful for any person to sell, store for sale, distribute for sale, or to manufacture beer within the corporate limits of the City of Belle Meade. "Beer" for the purpose of this section shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5\%) by weight. (1987 Code, § 2-201)

\(^1\)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).
TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER
1. PEDDLERS, ETC.
2. CHARITABLE SOLICITORS.

CHAPTER 1

PEDDLERS, ETC.

SECTION
9-101. License required.
9-102. Application.
9-103. Fee; duration of license.
9-104. Bond may be required in certain instances.
9-105. Exhibition of license.
9-106. Suspension or revocation of license.

9-101. License required. In cases where any salesman, solicitor, or representative who is engaged in obtaining orders from, or making sales directly to, the consumer or user of goods, wares, or merchandise, or any other thing, tangible or intangible, for which a payment is to be made or collected which does not constitute a charitable contribution covered by the terms of chapter 2, hereof, to be delivered or used at the time of sale or in the future, before such person shall solicit such orders, or make such sales or collections in the city, he shall first obtain a solicitor's license. (Ord. 54-1, § 1, modified. 1987 Code, § 5-101, as amended by Ord. #96-8, Sept. 1996)

9-102. Application. Any person or persons subject to the provisions of this chapter shall file a written application for a license with the city manager, which application shall set out:

(1) The name, age, and residence of the applicant.

(2) The name and address of the person or corporation represented by him or her, if any.

¹Municipal code references
Building regulations: title 12.
Liquor and beer regulations: title 8.
Noise reductions: title 11.
9-2

(3) Sufficient facts to show the financial responsibility of the principal, if any.

(4) Evidence of the authority of the applicant and the extent thereof.

(5) The kind, character, and prices of the goods, wares, or merchandise to be offered to the consumers or users of the city.

(6) A copy of the contract used in taking orders or making sales.

All applications and records relating thereto shall be open to public inspection, and shall be upon forms supplied and approved by the city manager.

(Ord. 54-1, § 2. 1987 Code, § 5-102, as amended by Ord. #96-8, Sept. 1996)

9-103. Fee; duration of license. Upon the approval of an application by the city manager, a license shall be issued by the city manager upon the payment of a fee of $2.00 which shall be placed in the city treasury and disbursed as other city funds. Provided, that if the city manager fails to grant or deny the license application within one week after its submission, the same shall be deemed granted upon the tender of the fee of $2.00. Any license issued pursuant to this chapter shall be valid for a period of thirty days from the date of its issuance. (Ord. 54-1, § 3. 1987 Code, § 5-103, as amended by Ord. #96-8, Sept. 1996)

9-104. Bond may be required in certain instances. If the city manager determines the company or person represented by the applicant not to be financially responsible, the license may be granted upon the execution of a bond in a penal sum not to exceed $5,000.00 and containing such other reasonable terms and conditions as the city manager may prescribe. (Ord. 54-1, § 4. 1987 Code, § 5-104, as amended by Ord. #96-8, Sept. 1996)

9-105. Exhibition of license. Upon demand, the salesman, solicitor, representative, or peddler shall exhibit his license to any police officer of the city and to any person approached by him for the purpose of making a sale or obtaining an order. (Ord. 54-1, § 5. 1987 Code, § 5-105, as amended by Ord. #96-8, Sept. 1996)

9-106. Suspension or revocation of license. In event it shall appear to the satisfaction of the city manager that any of the information provided in the permit application was false, or that in the exercise of the permit trespass or violations of any other ordinances or statutes have been committed, or that the principal has become insolvent, or that fraud and imposition has been practiced upon any of the people of the city by any salesman, solicitor, representative, or peddler or by his principal, or that any salesman, solicitor, representative, or peddler no longer represents his principal, the city manager may immediately suspend such license, and after due notice and a hearing thereon before the city manager, may revoke the license of such salesman,
solicitor, representative, or peddler. (Ord. 54-1, § 6. 1987 Code, § 5-106, as amended by Ord. #96-8, Sept. 1996)

9-107. **Appeals.** Any person aggrieved by the action of the city manager in granting, denying or revoking a license may appeal such action of the city manager to the board of commissioners which shall review the entire proceeding, by giving notice to the city attorney. The board of commissioners shall hear the appeal within forty-five (45) days of receipt of notice of appeal by the city attorney. (Ord. 54-1, § 7. 1987 Code, § 5-107, as amended by Ord. #96-8, Sept. 1996)
CHAPTER 2

CHARITABLE SOLICITORS

SECTION
9-201. Permit required.
9-202. Prerequisites for a permit.
9-203. Denial of a permit.
9-204. Exhibition of permit.

9-201. **Permit required.** No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the city manager authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1987 Code, § 5-201)

9-202. **Prerequisites for a permit.** The city manager shall, upon application, issue a permit authorizing charitable or religious solicitations when, after a reasonable investigation, he finds the following facts to exist:

1. The applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer or agent of the applicant has a good character or reputation for honesty and integrity.
2. The control and supervision of the solicitation will be under responsible and reliable persons.
3. The applicant has not engaged in any fraudulent transaction or enterprise.
4. The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose.
5. The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1987 Code, § 5-202)

9-203. **Denial of a permit.** Any applicant for a permit to make charitable or religious solicitations may appeal to the board of commissioners if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1987 Code, § 5-203)

9-204. **Exhibition of permit.** Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1987 Code, § 5-204)
TITLE 10

ANIMAL CONTROL

CHAPTER
1. IN GENERAL.
2. DOGS.

CHAPTER 1

IN GENERAL

SECTION
10-102. Keeping certain animals prohibited.
10-103. Pen or enclosure to be kept clean.
10-104. Adequate food, water, and shelter, etc., to be provided.
10-105. Keeping in such manner as to become a nuisance prohibited.
10-106. Cruel treatment prohibited.
10-107. Seizure and disposition of animals.
10-108. Inspections of premises.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1987 Code, § 3-101)

10-102. Keeping certain animals prohibited. The keeping within the City of Belle Meade of horses, ponies, mules, cattle, sheep, goats, swine, or any other animal not elsewhere permitted under this code, is hereby prohibited. (1987 Code, § 3-102, as replaced by ord. 89-6)

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1987 Code, § 3-103)

10-104. Adequate food, water, and shelter, etc., to be provided. No animal or fowl shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health and safety.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1987 Code, § 3-104)
10-105. **Keeping in such manner as to become a nuisance prohibited.** No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1987 Code, § 3-105)

10-106. **Cruel treatment prohibited.** It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1987 Code, § 3-106)

10-107. **Seizure and disposition of animals.** Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health officer of by any police officer and confined in a pound provided or designated by the board of commissioners. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the board of commissioners.

The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the board of commissioners, to cover the costs of impoundment and maintenance. (1987 Code, § 3-107)

10-108. **Inspections of premises.** For the purpose of making inspections to insure compliance with the provisions of this chapter, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1987 Code, § 3-108)
CHAPTER 2

DOGS

SECTION
10-201. Rabies vaccination and registration required.
10-203. Running at large prohibited.
10-204. Vicious dogs to be securely restrained.
10-205. Noisy dogs prohibited.
10-207. Seizure and disposition of dogs.

10-201. **Rabies vaccination and registration required.** It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-114) or other applicable law. (1987 Code, § 3-201)

10-202. **Dogs to wear tags.** It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1987 Code, § 3-202)

10-203. **Running at large prohibited.** It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits. (1987 Code, § 3-203)

10-204. **Vicious dogs to be securely restrained.** It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (1987 Code, § 3-204)

10-205. **Noisy dogs prohibited.** No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, disturbs the peace and quiet of any neighborhood. (1987 Code, § 3-205)

10-206. **Confinement of dogs suspected of being rabid.** If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the health officer or chief of

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1State law reference
police may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (1987 Code, § 3-206)

10-207. Seizure and disposition of dogs. Any dog found running at large may be seized by the health officer or any police officer and placed in a pound provided or designated by the board of commissioners. If said dog is wearing a tag the owner shall be notified in person, by telephone, or by a postcard addressed to his last-known mailing address to appear within five (5) days and redeem his dog by paying a reasonable pound fee, in accordance with a schedule approved by the board of commissioners, or the dog will be humanely destroyed or sold. If said dog is not wearing a tag it shall be humanely destroyed or sold unless legally claimed by the owner within two (2) days. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and had a tag evidencing such vaccination placed on its collar.

When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by the health officer or any policeman.1 (1987 Code, § 3-207)

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1State law reference

For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see Darnell v. Shapard, 156 Tenn. 544, 3 S.W.2d 661 (1928).
TITLE 11

MUNICIPAL OFFENSES

CHAPTER
1. GENERALLY.
2. ALCOHOL.
3. OFFENSES AGAINST THE PERSON.
4. OFFENSES AGAINST THE PEACE AND QUIET.
5. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
6. FIREARMS, WEAPONS AND MISSILES.
7. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
8. MISCELLANEOUS.

CHAPTER 1

GENERALLY

SECTION

11-101. **Misdemeanors of the State of Tennessee adopted.** All offenses against the State of Tennessee which are committed within the corporate limits of Belle Meade and which are defined by the state law to be misdemeanors are hereby designated and declared to be offenses against the City of Belle Meade, as well. Any violation of any such law within the corporate limits is also a violation of this section. (Ord. 71-6, § 1.01. 1987 Code, § 10-101)

1Municipal code references
   Animals and fowls: title 10.
   Fireworks and explosives: title 7.
   Traffic offenses: title 15.
   Streets and sidewalks (non-traffic): title 16.
CHAPTER 2

ALCOHOL

SECTION
11-201. Public drunkenness.
11-202. Drinking beer or alcoholic beverages on the streets, etc.
11-203. Minors in beer places.


11-202. Drinking beer or alcoholic beverages on the streets, etc. It shall be unlawful for any person to drink or consume, or have an open can, bottle, or glass of beer or any alcoholic beverages as defined by the laws of Tennessee in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place. (Ord. 71-6, § 2.26. 1987 Code, § 10-226)

11-203. Minors in beer places. No minor under twenty-one (21) years of age shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (Ord. 71-6, § 2.20. 1987 Code, § 10-220, modified)

1 Municipal code reference
   Sale of alcoholic beverages, including beer: title 8.
State law reference
   See Tennessee Code Annotated, § 33-8-203, (Arrest for Public Intoxication, cities may not pass separate legislation).
CHAPTER 3
OFFENSES AGAINST THE PERSON

SECTION
11-301. Assault and battery.

11-301. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery upon any person. (Ord. 71-6, § 2.01. 1987 Code, § 10-201)
CHAPTER 4

OFFENSES AGAINST THE PEACE AND QUIET

SECTION
11-401. Disturbing the peace.
11-402. Disorderly houses.
11-403. Immoral conduct.
11-404. Obscene literature, etc.
11-405. Indecent or improper exposure or dress.
11-406. Window peeping.
11-407. Profanity, etc.
11-408. Anti-noise regulations.

11-401. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (Ord. 71-6, § 2.02. 1987 Code, § 10-202)

11-402. Disorderly houses. It shall be unlawful for any person to keep a disorderly house or house of ill fame for the purpose of prostitution or lewdness or where drunkenness, quarrelling, fighting, or other breaches of the peace are carried on or permitted to the disturbance of others. Furthermore, it shall be unlawful for any person knowingly to visit any such house for the purpose of engaging in such activities. (Ord. 71-6, § 2.03, modified. 1987 Code, § 10-203)

11-403. Immoral conduct. No person shall commit, offer, or agree to commit, nor shall any person secure or offer another for the purpose of committing, a lewd or adulterous act or an act of prostitution or moral perversion; nor shall any person knowingly transport or direct or offer to transport or direct any person to any place or building for the purpose of committing any lewd act or act of prostitution or moral perversion; nor shall any person knowingly receive, or offer or agree to receive any person into any place or building for the purpose of performing a lewd act, or an act of prostitution or moral perversion, or knowingly permit any person to remain in any place or building for any such purpose. (Ord. 71-6, § 2.04. 1987 Code, § 10-204)

11-404. Obscene literature, etc. It shall be unlawful for any person to publish, sell, exhibit, distribute, or possess for the purpose of lending, selling, or otherwise circulating or exhibiting, any book, pamphlet, ballad, movie film, filmstrip, phonograph record, or other written, printed, or filmed matter
containing obscene language, prints, pictures, or descriptions manifestly intended to corrupt the morals. (Ord. 71-6, § 2.05. 1987 Code, § 10-205)

11-405. **Indecent or improper exposure or dress.** It shall be unlawful for any person publicly to appear naked or in any dress not appropriate to his or her sex, or in any indecent or lewd dress, or otherwise to make any indecent exposure of his or her person. (Ord. 71-6, § 2.06. 1987 Code, § 10-206)

11-406. **Window peeping.** No person shall spy, peer, or peep into any window of any residence or dwelling premise that he does not occupy, nor shall he loiter around or within view of any such window with the intent of watching or looking through it. (Ord. 71-6, § 2.07. 1987 Code, § 10-207)

11-407. **Profanity, etc.** No person shall use any profane, vulgar, or indecent language in or near any public street or other public place or in or around any place of business open to the use of the public in general. (Ord. 71-6, § 2.08. 1987 Code, § 10-208)

11-408. **Anti-noise regulations.** (1) **Definitions.** (a) "Noise level" shall mean the "A" weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of twenty micronewtons per square meter. The unit of measurement shall be designated as dB(A).

(b) "Person" shall mean a person, firm, association, co-partnership, joint venture, corporation or any entity, public or private in nature.

(c) "Sound level meter" shall mean an instrument meeting American National Standard Institute's Standard S1.4-1971 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

(d) "Turf fan" shall mean a fan designed or used to cool or reduce heat stress on natural turf, including a golf green, tennis court or other similar surface.

(2) Noise of such character, intensity, and/or duration as to be unreasonably loud and disturbing or in disturbance of the public peace and welfare, wherever and by whomever committed, is hereby prohibited and declared to be a nuisance.

(3) It is also specifically prohibited and hereby declared to be a nuisance for any person at any location within the City of Belle Meade to create such noise as above described, on property owned, leased, occupied, or otherwise controlled by such person. Where the resulting noise level, when measured on any other property within the city, exceeds the noise standards listed below, this in and of itself shall constitute violation of this subsection. Sound level meter
evidence, however, is not required in order to show violation, which may also be established by other evidence.
NOISE STANDARDS

<table>
<thead>
<tr>
<th>Noise Level</th>
<th>Time Period</th>
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<tbody>
<tr>
<td>55dB(A)</td>
<td>Sunday thru Thursday</td>
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<tr>
<td>55dB(A)</td>
<td>07:00 A.M. - 10:00 P.M.</td>
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<tr>
<td>55dB(A)</td>
<td>Friday and Saturday</td>
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<tr>
<td>55dB(A)</td>
<td>07:00 A.M. - 11:00 P.M.</td>
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<tr>
<td>50dB(A)</td>
<td>Sunday thru Thursday</td>
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<tr>
<td>50dB(A)</td>
<td>10:00 P.M. - 07:00 A.M.</td>
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</tr>
<tr>
<td>50dB(A)</td>
<td>11:00 P.M. - 07:00 A.M.</td>
</tr>
</tbody>
</table>

(4) Exemptions. The following activities shall be exempted from the provisions of this section:

(a) (i) Municipal vehicles. Any vehicle of the City of Belle Meade while engaged upon necessary public business.

(ii) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways, by or on behalf of the City of Belle Meade, the county, or the state. Such work may be performed between the hours of 7:00 P.M. and 7:00 A.M. only when the public welfare and convenience renders it impossible to perform such work during the day.

(b) Activities conducted on any park or playground, provided such park or playground is owned and operated by a public entity.

(c) Any mechanical device, apparatus or equipment used, related to or connected with emergency machinery, vehicle or work.

(d) Noise sources associated with construction, repair, remodeling, or grading of any real property, provided said activities only take place between the hours of:

(i) On weekdays, between 7:00 A.M. and 7:00 P.M. of the weekday; and

(ii) On Saturdays, between 8:00 A.M. and 5:00 P.M.

(iii) Otherwise and on Sundays and federal holidays, noise from such activities shall be subject to the general prohibitions of these anti-noise regulations.

(e) Noise sources associated with the maintenance of real property, provided said activities take place between 7:00 A.M. and 7:00 P.M. on any day.

(5) Turf fans. Turf fans located within two hundred feet (200') of any residence shall be subject to the noise standards in sub-section (2) and, in addition, may only be operated between the hours of 7:00 A.M. and 5:00 P.M. Monday through Saturday and not on Sundays. (Ord. 71-6, § 2.31. 1987 Code, § 10-231, as amended by Ord. #93-11, § 1, Dec. 1993, Ord. #2015-1, April 2015, Ord. #2016-3, April 2016 Ch7_6-26-19, and Ord. #2019-4, June 2019 Ch7_6-26-19)
CHAPTER 5

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION
11-501. Escape from custody or confinement.
11-502. Impersonating a government officer or employee.
11-503. False emergency alarms.
11-504. Resisting or interfering with a police officer.
11-505. Coercing people not to work.

11-501. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the City of Belle Meade to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (Ord. 71-6, § 2.09. 1987 Code, § 10-209)

11-502. Impersonating a government officer or employee. No person other than an official police officer of the City of Belle Meade shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the City of Belle Meade. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (Ord. 71-6, § 2.11. 1987 Code, § 10-211)

11-503. False emergency alarms. It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (Ord. 71-6, § 2.16. 1987 Code, § 10-216)

11-504. Resisting or interfering with a police officer. It shall be unlawful for any person to resist or in any way interfere with or attempt to interfere with any police officer while the latter is in the discharge or apparent discharge of his duty. (Ord. 71-6, § 2.10. 1987 Code, § 10-210)

11-505. Coercing people not to work. It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (Ord. 71-6, § 2.28. 1987 Code, § 10-228)
CHAPTER 6

FIREARMS, WEAPONS AND MISSILES

SECTION
11-601. Throwing missiles.
11-602. [Deleted.]

11-601. **Throwing missiles.** It shall be unlawful for any person maliciously to throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (Ord. 71-6, § 2.13. 1987 Code, § 10-213)

11-602. **[Deleted.]** (Ord. 71-6, § 2.12. 1987 Code, § 10-212, as deleted by Ord. #2010-7, Sept. 2010)
CHAPTER 7
TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

SECTION
11-701. Malicious mischief.
11-702. Interference with traffic.

11-701. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, or wantonly to damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (Ord. 71-6, § 2.23. 1987 Code, § 10-223)

11-702. 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 unreasonably with the free passage of pedestrian or vehicular traffic thereon. (Ord. 71-6, § 2.29. 1987 Code, § 10-230)
CHAPTER 8

MISCELLANEOUS

SECTION

11-801. 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. (Ord. 71-6, § 2.21. 1987 Code, § 10-221)

11-802. 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. (Ord. 71-6, § 2.29. 1987 Code, § 10-229)

11-803. Posting notices, etc.

No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (Ord. 71-6, § 2.24. 1987 Code, § 10-224)

11-804. Curfew for minors.

It shall be unlawful for any minor under the age of eighteen (18) years, to be abroad at night after 12:00 midnight unless or upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor. (Ord. 71-6, § 2.22. 1987 Code, § 10-222)
11-805. **False burglary/robbery alarms.** (1) Definitions. (a) "Alarm systems" means any mechanical or electrical/electronic or radio controlled device which is designed to be used for the detection of any fire or unauthorized entry into a building or structure, or for alerting others of fire or of the commission of an unlawful act within a building or structure, which emits a sound or transmits a signal or message when activated. Alarm systems include, but are not limited to, direct dial telephone devices, audible alarms and monitored alarms. Excluded from the definition of alarm systems are auxiliary devices installed by telephone companies to protect telephone systems from damage or disruption of service; and self-contained smoke detectors.

(b) "False alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence or intentional misuse by the owner or lessee of an alarm system or by his employees, servants or agents; or any other activation of the alarm system not caused by a fire or a forced entry or attempted forced entry or robbery or attempted robbery; such terminology does not include alarms caused by acts of nature such as hurricanes, tornadoes, other severe weather conditions, or alarms caused by telephone line trouble, or other alarms caused by utility company personnel, or other conditions which are clearly beyond the control of the alarm user. A maximum of five (5) false burglar alarms; three (3) false robber/panic alarms; and three (3) false fire alarms, will be granted per alarm device within a fiscal permit year. All false subsequent activation will be considered chargeable violations.

(c) "Activate" means to "set off" an alarm system indicating in any manner an incidence of burglary, robbery, fire, etc.

(2) Violations. (a) It shall be a violation of this section when any Belle Meade Police Department officer responds to a false alarm after the allowable false alarms set out in subsection (1)(b) hereof.

(b) Any person who owns, operates, or leases an alarm system and who shall knowingly and purposefully fail to respond to his premises within one (1) hour after notification by Belle Meade police personnel of alarm activation, whether false or not, shall be deemed to have violated this section.

(c) Any non-compliance with the requirements of this section shall constitute a violation and each incidence of non-compliance shall constitute a separate violation, punishable as provided in Belle Meade Ord. #87-5, § 5.

(3) Response to false alarms. (a) Responsibility for a false alarm shall be borne by the owner or lessee of the alarm system or his/her employee, servant or agent occupying and/or controlling the premises at the time of the occurrence of the false alarm.
(b) A response to an alarm shall result when any Belle Meade police department officer is dispatched to or otherwise learns of the activation of any alarm system. If the user calls or the authorized agent calls the dispatcher back within five minutes of the original call, it will not be considered a false alarm. No violation, fine, or recourse will take place in the above time interval unless the responding Belle Meade officer has already arrived before the second call has been made, to cancel. If Belle Meade police department has not arrived on the scene within 30 minutes of the original notification, it will not be chargeable response or fine of any sort. (1987 Code, § 10-232, as added by Ord. 90-3, § 1)

11-806. Gambling. It shall be unlawful for any person to play at any game of hazard or change for money or other valuable thing or to make or accept any bet or wager for money or other valuable thing. (Ord. 71-6, § 2.14. 1987 Code, § 10-214)

11-807. Promotion of gambling. It shall be unlawful for any person to encourage, promote, aid, or assist the playing at any game or the making of any bet or wager for money or other valuable thing, or to possess, keep, or exhibit for the purpose of gambling, any gaming table, device, ticket, or any other gambling paraphernalia. (Ord. 71-6, § 2.15. 1987 Code, § 10-215)

11-808. Loitering. It shall be unlawful for any person without legitimate business or purpose to loaf, loiter, wander, or idle in, upon, or about any way or place customarily open to public use. (Ord. 71-6, § 2.17. 1987 Code, § 10-217)

11-809. Prowling. It shall be unlawful for any person to prowl or wander about the streets, alleys, or other public or private ways or places, or be found abroad at night, between midnight and 5:00 a.m., without any visible or lawful business and when unable to give a satisfactory account of himself. (Ord. 71-6, § 2.18, modified. 1987 Code, § 10-218)

11-810. Vagrancy. It shall be unlawful for any person to beg or solicit alms. (Ord. 71-6, § 2.19. 1987 Code, § 10-219)

11-811. Spitting. It shall be unlawful for any person to spit upon any public street or sidewalk or upon the floors or walks of any public place. (Ord. 71-6, § 2.27. 1987 Code, § 10-227)

11-812. Court costs. A court cost of seventy-five dollars ($75.00) per offense is hereby established for all moving traffic and other criminal offenses in violation of ordinances of the City of Belle Meade, which cost shall be in addition to any fine that may be assessed by the court, or in addition to any fine
that may be due in the form of an appearance bond paid in advance of, and/or in lieu of, a trial. The court cost of one dollar ($1.00) for training fees as authorized by Tennessee Code Annotated, § 16-18-304 shall not be included in the seventy-five dollar ($75.00) court cost, but treated as a separate, additional cost. (1987 Code, § 10-233, as added by Ord. #93-9, § 1, Aug. 1993, amended by Ord. #95-1, § 1, April 1995, and replaced by Ord. #2003-6, Sept. 2003, amended by Ord. #2005-5, Aug. 2005, and replaced by Ord. #2019-2, May 2019 Ch8_01-19-22)

11-813. City of Belle Meade Driver Improvement School. A person ordered to attend the Driver Improvement School of the City of Belle Meade shall be assessed fines and fees for the driver improvement school as follows:

1. The fine to be assessed for a violation of the motor vehicle laws of the City of Belle Meade when a person is ordered to attend the City of Belle Meade Driver Improvement School shall be assessed at fifty dollars ($50.00).

2. The fee for attending the Driving Improvement School for the City of Belle Meade, when a person is ordered by another municipal court to attend a driver improvement school and the person chooses to attend the Belle Meade Driver Improvement School, shall be set at fifty dollars ($50.00).

3. Provided, however, that no one shall be refused admittance for inability to pay, as required by Tennessee Code Annotated, § 55-10-301(2). (as added by Ord. #2011-6, July 2011)

11-814. Dumpsters maintained by the City of Belle Meade. It shall be unlawful for any person to deposit materials in dumpsters maintained by the City of Belle Meade unless:

1. They are citizens and residents of the City of Belle Meade;
2. They have been granted access to the dumpsters by a duly authorized official of the City of Belle Meade; and,
3. They are depositing materials in the dumpsters in accordance with all written directives posted in the area of the dumpsters; provided, moreover, that:

   a. Yard waste and other plant materials shall not be deposited in the dumpsters maintained by the City of Belle Meade; and
   b. Construction debris that cannot fit within the dumpster with the top closed shall not be deposited in the dumpsters maintained by the City of Belle Meade. (as added by Ord. #2007-2, April 2007, and renumbered by Ord. #2011-6, July 2011)
TITLE 12
BUILDING, UTILITY, ETC. CODES

CHAPTER
1. BUILDING REGULATIONS.
2. STORMWATER ORDINANCE.
3. STORMWATER FEE ORDINANCE.
4. FLOOD DAMAGE PREVENTION ORDINANCE.
5. TREE MANAGEMENT AND PROTECTION.

CHAPTER 1
BUILDING REGULATIONS

SECTION
12-102. Regulations for other structures.
12-103. Modifications to dwelling code.
12-104. Board of building code appeals.

12-101. International Residential Code for one and two family dwellings adopted. Two (2) copies of which are on filed in the office of the building and zoning department being marked and designated as the 2015 International Residential Code, including chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 33, 40 and 42 together with appendix chapters F, H, J, and O as published by the International Code Council and is hereby adopted as the Building Code of the City of Belle Meade for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and not more than three (3) stories in height in the City of Belle Meade, and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Residential Code, 2015 edition, published by the International Code Council on file in the

1Chapters 2 "Stormwater Ordinance" and 4 "Flood Damage Prevention Ordinance" have been relocated to this title from title 14 by Ord. #2015-8, Feb. 2015.

2Municipal code reference
Zoning code: title 14.
office of the City of Belle Meade are hereby referred to, adopted and made a part thereof as if fully set out in this section.

(2) Notwithstanding the foregoing, plumbing, electrical and/or gas mechanical construction, inspections and permits are covered by and subject to the provisions of the Building Code of the Metropolitan Government of Nashville and Davidson County, and are administered by the metropolitan department of codes administration.

(3) Each property owner is solely responsible for compliance with any applicable metropolitan government building codes and inspections by the City of Belle Meade do not relieve such owner of this responsibility.

(4) That if any section, subsection, sentence, clause or phrase of this section is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this section. The City of Belle Meade hereby declares that it would have passed the ordinance comprising this section, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

(5) That the building and zoning department is hereby ordered and directed to cause the ordinance comprising this section to be published.

(6) That this section and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect fifteen (15) days from and after the date of its final passage and adoption. (As replaced by ord. 84-13. 1987 Code, § 4-101, as amended by ord. 88-5, § 1; ord. 90-12, § 1; Ord. #94-7, § 1, Sept. 1997; Ord. #97-1, Feb. 1997; and Ord. #2002-12, January 2003, as replaced by Ord. #2007-8, Aug. 2007, and amended by Ord. #2015-7, Aug. 2015, and Ord. #2019-10, Dec. 2019 Ch8_01-19-22)

12-102. Regulations for other structures. With respect to buildings or structures other than one and two family dwellings, applicability of Tennessee Code Annotated, title 68, ch. 120, is hereby recognized, and the Building Inspector of the City of Belle Meade is hereby designated as the municipal building official referred to in Tennessee Code Annotated, § 68-120-106. (As replaced by ord. 84-13. 1987 Code, § 4-102, as amended by Ord. #94-7, § 1, Sept. 1994)

12-103. Modifications to dwelling code. For the purposes of this chapter, the following sections of the International Building Code adopted hereby by reference are deleted, modified or amended to read as indicated:

(1) R-105. Permit required. A permit shall be obtained before beginning construction, alteration, or repairs, other than ordinary repairs, using application forms furnished by the Building Official. Ordinary repairs are nonstructural repairs and do not include addition
to, alteration of, or replacement or relocation of water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring, or mechanical or other work for which other permit may be required.

(a) No permit shall be issued for a building where the site chosen is unsuitable for such use by reason of peculiarities of terrain, flooding or improper drainage, objectional earth and rock formation, or of any other feature harmful to the health and safety of possible residents of the area and the community as a whole. In its determination of unsuitability for any of the reasons stated herein, or otherwise, the Building Official may rely on standards of the stormwater management ordinance of the Metropolitan Government of Davidson County or of other standards set forth in applicable statutes or regulations of the State of Tennessee, the federal government, or the Metropolitan Government, and may require the applicant to provide hydrology reports to assist in this determination.

(1) Fill shall not be used to raise land in areas subject to flood unless the fill proposed does not restrict the flow of water and unduly increase flood heights.

(2) Without in any way limiting the applicability of any other provisions of this ordinance,

(a) The minimum floor elevation of that portion of any structure intended for human occupancy shall be either equal to or higher than three feet (3') above the flood protection elevation. Those portions of such structure not intended for human occupancy, including but not limited to walls, foundations, or building supports of any kind, shall be either equal to or higher than the flood protection level.

(b) Flood protection elevation is defined as one foot (1') above the 100-year flood high water profile for the stream in the drainage area of which the structure is proposed to be located.

(b) Any Building Permit issued pursuant to this provision shall expire two (2) years after the date of issuance.

(1) Once a Building Permit is issued, construction shall proceed continuously until completion. The failure to proceed continuously with construction may result in the revocation of the building permit.

(2) Upon application to the Building Official and for good cause shown, a Building Permit may be extended for a period of one year.
(3) An applicant may appeal the revocation of a building permit or the denial of the extension of a building permit to the Board of Building Code Appeals.
(4) The failure to have a required building permit at any time prior to completion of construction shall be a violation of this code, and subject to such penalties as might be imposed by the Board of Building Code Appeals under this Code.
(5) The failure to proceed continuously with construction until its conclusion is likewise a violation of the Building Code, subject to such additional penalties as might be imposed by the Board of Building Code Appeals under this Code.

(2) **Building materials standards:**

(a) No Building Permit shall be issued for new construction that does not comply with the following building materials standards:

(1) **Roofing Materials.** Asphalt shingles that are not of a minimum weight of at least 300lb per square, and/or that use 3-tab shingles. All metal roofs shall be of a quality to include a 60 year guarantee on finish, and shall not use exposed screws.

(2) **Paint.** Painting of unfinished surfaces shall consist of a minimum of (3) coats, one primer, two finish coats, and only the primer may be applied with sprayer. All paints shall be of a better quality than contractor grade paint.

(3) **Windows.** New construction shall not incorporate storm windows. Windows shall not incorporate vinyl or aluminum frames of contractor grade.

(4) **Front doors.** No front door shall be of steel, aluminum or vinyl.

(5) **Deck Material.** No deck shall be constructed of vinyl clad materials.

(6) **Fascia (Gutter Board) Material.** No fascia board shall consist of wood refaced with vinyl or aluminum.

(7) **Siding Material.** No siding material shall be vinyl, aluminum, or wood refaced with vinyl or aluminum.

(8) **Veneer.** No outside materials shall be thin veneer brick, stone, cultured stone or synthetic stone, unless wrapping an interior chimney flue chase that penetrates the roof.

(9) **Chimneys.** Chimneys located on exterior walls constructed of materials other than masonry or modular masonry (Isokern "type") may not be
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constructed. Chimneys may not be faced with materials described in #7 or #8 above.

(10) Mechanical/Plumbing Vent Stacks. No vents shall be located on the portion of the structure's roof facing to the "front" as defined in the Zoning Code. All vents must be painted to match roof color.

(11) Gutters. No gutter shall have less than a 6 inch opening. Minimum downspouts to be 3x4 inches.

(12) Shutters. No shutters shall be plastic, vinyl or aluminum.

(13) Garage Doors. No garage doors shall be vinyl, fiberglass or aluminum. No steel garage doors shall be less than 24 gage thickness.

(14) Front Porch. No front porch steps visible from the street shall be "Broomed Finished" concrete.

(b) No Use and Occupancy Permit shall be issued if the constructed structure includes any of the materials prohibited by 12-103(2)(a). In such an instance, the Building Official shall issue an order requiring removal of all such materials that have been installed in violation of the terms of the issuance of the Building Permit. (As replaced by Ord. #84-13, and amended by Ord. #87-9. 1987 Code, § 4-103, as amended by Ords. #88-5, § 2; 88-6; 89-2; Ord. #94-7, § 1, Sept. 1994, Ord. #2008-5, Dec. 2008, Ord. #2014-7, Nov. 2014, and Ord. #2015-09, Dec. 2015)

12-104. Board of building code appeals. (1) There is hereby created an administrative board of five (5) members, to be known as the board of building code appeals, which shall have full power and authority to hear appeals and to apply and construe the provisions of this chapter in all matters properly brought before it. The chairman, vice chairman, and two additional members of this board, who shall be qualified by experience and training to pass upon matters pertaining to building construction, shall be appointed, by the mayor, who shall make the appointments in writing and file such written appointments with the city recorder. The remaining member shall be a member of, and elected by, the board of commissioners. Of the four members initially appointed, two shall serve for a term of two years, and two for a term of three years. At the expiration of the terms of initial appointment all re-appointments or new appointment shall be for a term of three years. The term of the elected member shall be concurrent with the term of such member on the board of commissioners. Any vacancy for an unexpired term of an appointed member shall be filled by the mayor, who shall also have the authority at his/her pleasure to remove any appointed member, or to accept the resignation of any such appointed member.
(2) Appeals to the board of building code appeals may be taken by persons adversely affected by any determination made by the building inspector in the enforcement of this chapter, and the board shall at its next regular meeting consider all appeals filed no later than the tenth calendar day prior thereto.

(3) The presence of three (3) members of the board shall constitute a quorum, and the concurring vote of a majority of the board present at any meeting shall be necessary to reverse or modify any order, requirement, or decision of the city building inspector, or to decide in favor of the appellant any matter upon which the board is required or authorized to pass.

(4) In order to assist the board of building code appeals when requested to grant a variance from the City of Belle Meade Stormwater Ordinance, the mayor shall appoint and constitute a special stormwater subcommittee consisting of the chairperson of the board of building code appeals, the city building official, the public works director and such consultants as they deem necessary on a case-by-case basis, to review a request for variance and/or relief, and to advise the board of building code appeals on such matters as may be presented to it in accordance with the stormwater ordinance, § 12-201. After analyzing the request for a variance and assessing the factors it deems important to that analysis, the special stormwater subcommittee of the board of building code appeals shall submit to the board of building code appeals a recommendation as to whether to grant the variance. (1987 Code, § 4-104, as added by ord. #94-7, § 1, Sept. 1994, and amended by Ord. #2015-8, Feb. 2015)
CHAPTER 2

STORMWATER ORDINANCE

SECTION

12-201. General provisions.
12-203. Erosion prevention and sediment control.
12-204. Waivers.
12-205. Stormwater system design: construction and permanent stormwater management.
12-207. Existing locations and ongoing developments.
12-208. Illicit discharges.
12-209. Water quality buffers.
12-211. Penalties.
12-212. Appeals.

12-201. General provisions. (1) Purpose. It is the purpose of this ordinance to:

(a) Protect, maintain, and enhance the environment of the City of Belle Meade, and the public health, safety and the general welfare of the citizens of the city, by controlling discharges of pollutants to the city's stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the city;

(b) Enable the City of Belle Meade to comply with the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations, 40 CFR 122.26 for stormwater discharges;

(c) Allow the City of Belle Meade to exercise the powers granted in Tennessee Code Annotated, § 68-221-1105, which provides that, among other powers cities have with respect to stormwater facilities, is the power by ordinance or resolution to:

(i) Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the city, whether or not owned and operated by the city;

(ii) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;
(iii) Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;

(iv) Review and approve plans and plats for stormwater management in proposed subdivisions or commercial developments, and any proposed land disturbing activities requiring a land disturbance permit;

(v) Issue permits for stormwater discharges, or for the construction, alteration, extension, or repair of stormwater facilities;

(vi) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit;

(vii) Regulate and prohibit discharges into stormwater facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and

(viii) Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private.

(2) Administering entity. The City of Belle Meade shall administer the provisions of this ordinance through the city building official and the public works director.

(3) Stormwater management ordinance. The intended purpose of this ordinance is to safeguard property and public welfare by regulating stormwater drainage and requiring temporary and permanent provisions for its control. It should be used as a planning and engineering implement to facilitate the necessary control of stormwater. (as added by Ord. #2015-8, Feb. 2015)

12-202. Definitions. For the purpose of this ordinance, the following definitions shall apply: Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

(1) "Administrative or civil penalties." Under the authority provided in Tennessee Code Annotated, § 68-221-1106, the city declares that any person violating the provisions of this chapter may be assessed a civil penalty by the city 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.

(2) "Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters
of the state. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(3) "Borrow pit" is an excavation from which erodible material (typically soil) is removed to be fill for another site. There is no processing or separation of erodible material conducted at the site. Given the nature of activity and pollutants present at such excavation, a borrow pit is considered a construction activity for the purpose of this permit.

(4) "Buffer zone" means a setback from the top of water body's bank of undisturbed vegetation, including trees, shrubs and herbaceous vegetation; enhanced or restored vegetation; or the re-establishment of native vegetation bordering streams, ponds, wetlands, reservoirs or lakes, which exists or is established to protect those water bodies. Buffer zones are not primary sediment control measures and should not be relied on as such.

(5) "Channel" means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

(6) "City building official" and/or "public works director" means the City of Belle Meade, city building official working in conjunction with the city public works director, each of whom has authority to enforce the provisions of this stormwater ordinance, title 12, chapter 2 of the code of the City of Belle Meade, and each of whom has the authority to delegate to designated city staff or the staff of the city's designated engineering consultant.

(a) The "city building official" and/or "public works director" shall also act as the "city inspector," as that term is used herein, which means a person that has successfully completed (has a valid certification from) the "Fundamentals of Erosion Prevention and Sediment Control Level I" course or equivalent course.

(i) This person performs inspections on behalf of the city to check compliance with the city's requirements and performs enforcement activities.

(ii) This person does not do the functions of an "inspector" defined below.

(b) As between the city building official and public works director, they shall resolve in conjunction with the city manager primary responsibility for matters addressed by this ordinance. With regard to private property, it is generally understood that the city building official has primary authority and responsibility. With regard to city property such as streets, right-of-ways and other MS4 conveyances, it generally understood that city public works director has primary authority and responsibility.

(7) "Common plan of development or sale" is broadly defined as any announcement or documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) , or physical demarcation (including boundary signs, lot
stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot. A common plan of development or sale identifies a situation in which multiple areas of disturbance are occurring on contiguous areas. This applies because the activities may take place at different times, on different schedules, by different operators.

(8) "Community water" means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the City of Belle Meade. It may be necessary to use methodology from Standard Operating Procedures for Hydrologic Determinations (see rules to implement a certification program for qualified hydrologic professionals, TN Rules chapter 0400-40-17) to identify a community water.

(9) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(10) "Design storm event" means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility. The estimated design rainfall amounts, for any return period interval (i.e., 2-year, 5-year, 25-year, etc.,) in terms of either twenty-four (24) hour depths or intensities for any duration, can be found by accessing the following NOAA National Weather Service Atlas 14 data for Tennessee: http://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=tn. Other data sources may be acceptable with prior written approval by TDEC Water Pollution Control.

(11) "Discharge" means 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.

(12) "Disturb" means to alter the natural or predeveloped ground surface in such a way that the erosion potential of the ground surface is increased.

(13) "Easement" means an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, city or other legal entity has in the land of another.

(14) "Erosion" means 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 human activities or effects.

(15) "Erosion Prevention and Sediment Control Plan (EPSCP)" means a written plan (including drawings or other graphic representations) that is designed to minimize the erosion and sediment runoff at a site during construction activities.

(16) "Hotspot" means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those
typically found in stormwater. The following land uses and activities are deemed stormwater hot spots, but that term is not limited to only these land uses:

(a) Vehicle salvage yards and recycling facilities.
(b) Vehicle service and maintenance facilities.
(c) Vehicle and equipment cleaning facilities.
(d) Fleet storage areas (bus, truck, etc.).
(e) Industrial sites (included on Standard Industrial Classification code list).
(f) Marinas (service and maintenance).
(g) Public works storage areas.
(h) Facilities that generate or store hazardous waste materials.
(i) Commercial container nursery.
(j) Restaurants and food service facilities.
(k) Other land uses and activities as designated by an appropriate review authority.

(17) "Illicit connections" means illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.

(18) "Illicit discharge" means any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under § 12-208(2).

(19) "Improved sinkhole" is a natural surface depression that has been altered in order to direct fluids into the hole opening. Improved sinkhole is a type of injection well regulated under TDEC's Underground Injection Control (UIC) program. Underground injection constitutes an intentional disposal of waste waters in natural depressions, open fractures, and crevices (such as those commonly associated with weathering of limestone).

(20) "Inspector" An inspector is a person that has successfully completed (has a valid certification from) the "Fundamentals of Erosion Prevention and Sediment Control Level I" course or equivalent course. An inspector performs and documents the required inspections, paying particular attention to time-sensitive permit requirements such as stabilization and maintenance activities. An inspector may also have the following responsibilities:

(a) Oversee the requirements of other construction-related permits, such as Aquatic Resources Alteration Permit (ARAP) or Corps of Engineers permit for construction activities in or around waters of the state;
(b) Update field SWPPPs;
(c) Conduct pre-construction inspection to verify that undisturbed areas have been properly marked and initial measures have been installed; and
(d) Inform the permit holder of activities that may be necessary to gain or remain in compliance with the Construction General Permit (CGP) and other environmental permits.

(21) "Land disturbing activity" means 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, redevelopment, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

(22) "Maintenance" means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.

(23) "Maintenance agreement" means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

(24) "Municipal Separate Storm Sewer System (MS4)" means the conveyances owned or operated by the city for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains, and where the context indicates, it means the municipality that owns the separate storm sewer system.

(25) "National Pollutant Discharge Elimination System permit" or a "NPDES permit" means a permit issued pursuant to 33 U.S.C. 1342.

(26) "Off-site facility" means a structural BMP located outside the subject property boundary described in the permit application for land development activity.

(27) "On-site facility" means a structural BMP located within the subject property boundary described in the permit application for land development activity.

(28) "Peak flow" means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

(29) "Person" means 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.

(30) "Record drawings" means drawings depicting conditions as they were actually constructed.

(31) "Runoff" means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate storm sewer system.

(32) "Sediment" means solid material, both inorganic and organic, that is in suspension, is being transported, or has been moved from its site of origin
by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

(33) "Sedimentation" means soil particles suspended in stormwater that can settle in stream beds.

(34) "Soils report" means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees conducting the investigation.

(35) "Stabilization" means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

(36) "Stormwater" means stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.

(37) "Stormwater Control Measure (SCM)" means measures meant to directly affect the flow of stormwater and/or contaminants, and that have defined specifications and standards. These measures have one (1) or both of two (2) parts:

(a) A defined surface management to encourage infiltration and contaminant removal; and/or

(b) A clear protocol defining engineering design, installation, and maintenance.

A measure such as a "good forest" has just a management, a measure such as a manufactured stormwater treatment device has just an engineering protocol, and "bioretention cell" has both.

(38) "Stormwater management" means the programs to maintain quality and quantity of stormwater runoff to pre-development levels.

(39) "Stormwater management facilities" means the drainage structures, conduits, ponds, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.

(40) "Stormwater management plan" means the set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.

(41) "Stormwater Pollution Prevention Plan (SWPPP)" means a written plan that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants. It must be prepared and approved before construction begins. In order to effectively reduce erosion and sedimentation impacts, Best Management Practices (BMPs) must be designed, installed, and maintained during land disturbing activities. The SWPPP should be prepared in accordance with the current Tennessee Erosion and Sediment
Control Handbook. The handbook is intended for use during the design and construction of projects that require erosion prevention and sediment controls to protect waters of the state. It also aids in the development of SWPPPs and other reports, plans, or specifications required when participating in Tennessee's water quality regulations. All SWPPPs shall be prepared and updated in accordance with section 3 of the General NPDES Permit for Discharges of Stormwater Associated with Construction Activities.

(42) "Stormwater runoff" means flow on the surface of the ground, resulting from precipitation.

(43) "Structural BMPs" means facilities that are constructed to provide control of stormwater runoff.

(44) "Surface water" includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.

(45) "Tennessee Department of Environment and Conservation (TDEC) Level I & Level II Trained Individual" means an individual who has successfully completed the Level I Fundamentals course and the Level II Design Principles for Erosion Prevention and Sediment Control at Construction Sites course conducted by the Tennessee Water Resources Research Center.

(46) "Waste site" means an area where waste material from a construction site is deposited. When the material is erodible, such as soil, the site must be treated as a construction site.

(47) "Water quality buffer" - See "buffer."

(48) "Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

(49) "Watershed" means all the land area that contributes runoff to a particular point along a waterway.

(50) "Waters" or "waters of the state" means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters.

(51) "Wetland(s)" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted to life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs, and similar areas.

(52) "Wet weather conveyances" are man-made or natural watercourses, including natural watercourses that have been modified by channelization, that flow only in direct response to precipitation runoff in their immediate locality and whose channels are above the groundwater table and are not suitable for drinking water supplies; and in which hydrological and biological analyses
indicate that, under normal weather conditions, due to naturally occurring ephemeral or low flow, there is not sufficient water to support fish or multiple populations of obligate lotic aquatic organisms whose life cycle includes an aquatic phase of at least two (2) months.\(^1\) (as added by Ord. #2015-8, Feb. 2015)

**12-203. Erosion prevention and sediment control.** (1) All land disturbing activities shall employ adequate erosion prevention and sediment control measures to minimize erosion and prevent off-site sedimentation in conformance with the provisions of this ordinance and guidance materials referenced herein. Land disturbing or construction activities that do not employ erosion prevention and sediment controls in conformance with this ordinance and that cause off-site sedimentation or sediment discharges to waters of the state or onto adjacent properties shall be in violation of this ordinance.

(2) All previously disturbed areas shall be permanently stabilized with groundcover sufficient to restrain erosion. (as added by Ord. #2015-8, Feb. 2015)

**12-204. Waivers.** (1) General. No waivers will be granted for any construction or site work project. All construction and site work shall provide for stormwater management as required by this ordinance. However, alternatives to the 2010 NPDES general permit for discharges from small municipal separate storm sewer systems primary requirement for on-site permanent stormwater management may be considered, if:

(a) Management measures cannot be designed, built and maintained to infiltrate, evapotranspire, harvest and/or use, at a minimum, the first inch of every rainfall event preceded by seventy-two (72) hours of no measurable precipitation. This first inch of rainfall must be one hundred percent (100%) managed with no discharge to surface waters.

(b) It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this ordinance. Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the city.

(2) Downstream damage, etc. prohibited. In order to receive consideration, the applicant must demonstrate to the satisfaction of the city building official and/or public works director that the proposed alternative will not lead to any of the following conditions downstream:

(a) Deterioration of existing culverts, bridges, darns, and other structures;

(b) Degradation of biological functions or habitat;

\(^1\)Rules and Regulations of the State of Tennessee, chapter 1200-4-3-.04(3).
(c) Accelerated streambank or streambed erosion or siltation;
(d) Increased threat of flood damage to public health, life or property.

(3) Land disturbance permit not to be issued where alternatives requested. No land disturbance permit shall be issued where an alternative has been requested until the alternative is approved. If no alternative is approved, the plans must be resubmitted with a stormwater management plan that meets the primary requirement for on-site stormwater management. (as added by Ord. #2015-8, Feb. 2015)

12-205. **Stormwater system design: construction and permanent stormwater management.** (1) MS4 stormwater design or BMP manuals.

(a) Adoption. The city adopts as its MS4 stormwater design and best management practices (BMP) manuals for stormwater management, construction and permanent, the following publications, which are incorporated by reference in this ordinance as if fully set out herein:


(iii) A collection of MS4 approved BMPs developed or collected by the MS4 that comply with the goals of the MS4 permit and/or the CGP.

(b) The city’s BMP manual(s) include a list of acceptable BMPs including the specific design performance criteria and operation and maintenance requirements for each stormwater practice. These include city approved BMPs for permanent stormwater management including green infrastructure BMPs.

(c) The city manual(s) may be updated and expanded from time to time, at the discretion of the governing body of the city, upon the recommendation of the City of Belle Meade, based on improvements in engineering, science, monitoring and local maintenance experience, or changes in federal or state law or regulation. Stormwater facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.

(2) **Land development.** This section shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, and land disturbance applications. These standards apply to any new development or redevelopment site according to Table 1 below:
<table>
<thead>
<tr>
<th>Total Disturbed area</th>
<th>LDP Required?</th>
<th>City forms/checklists to complete</th>
<th>Stormwater Management Plan required?</th>
<th>Construction General Permit (CGP) coverage required?</th>
<th>Water Quality Buffer Required?</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;10,000 ft</td>
<td>No</td>
<td>None</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>10,000 ft² - 0.99 acre</td>
<td>Yes</td>
<td>General, Checklist 1-3</td>
<td>Yes; See Checklist 3 and Table 2</td>
<td>No</td>
<td>See Table 3</td>
</tr>
<tr>
<td>1 acre or more</td>
<td>Yes</td>
<td>General, Checklist 1-3</td>
<td>Yes; See Checklist 3 and Table 2</td>
<td>Yes</td>
<td>See Table 4</td>
</tr>
</tbody>
</table>

(a) A land disturbance permit may also be required if one of the following conditions apply:

(i) The City of Belle Meade has determined that the stormwater discharge from a site is causing, contributing to, or is likely to contribute to a violation of a state water quality standard;

(ii) The City of Belle Meade has determined that the stormwater discharge is, or is likely to be a significant contributor of pollutants to waters of the state;

(iii) Changes in state or federal rules require sites of less than one (1) acre that are not part of a larger common plan of development or sale, or otherwise require construction, to obtain a land disturbance permit;

(iv) Any new development or redevelopment, regardless of size, that is defined by the City of Belle Meade to be a hotspot land use;

(v) Development and redevelopment within the floodplain;

(vi) New development or redevelopment that involves land development activity of one acre or more if such activities are part of a larger common plan of development, even multiple activities, that is part of a separate and distinct land development activity that may take place at different times on different schedules; or

(vii) A permit may also be required for other comparable activities as determined by the city building official and/or public works director (e.g. swimming pool construction, increased impervious area).
(b) Land disturbance permit applications shall not be approved unless the following conditions are met:

(i) For residential and non-residential developments disturbing ten thousand (10,000) square feet or more of land, an erosion prevention and sediment control plan and a stormwater management plan shall be required. Forms provided in Appendix A of this ordinance must be completed and submitted with the land disturbance permit application. These forms may be altered as deemed necessary by the city building official and/or public works director to modify the information required to be provided by the applicant provided that such modification preserves the intent of this ordinance and do not alter the design criteria or the water quality standards contained therein.

(3) Building permit. No building permit shall be issued until the applicant has obtained a land disturbance permit where the same is required by this ordinance.

(4) Review and approval of application. (a) The City of Belle Meade, acting through its city building official and/or public works director, and as needed its designated consultant, shall review each application for a land disturbance permit to determine its conformance with the provisions of this ordinance. Within fifteen (15) days after receiving an application, the City of Belle shall provide one of the following responses in writing:

(i) Approval of the permit application;

(ii) Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance, and issue the permit subject to these conditions; or

(iii) Denial of the permit application, indicating the reason(s) for the denial.

(b) If the City of Belle Meade has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by the City of Belle Meade within the time frame designated in the conditional approval. However, the applicant shall be allowed to proceed with his land disturbing activity so long as it conforms to conditions established by the City of Belle Meade.

(c) No development activities shall be released until the land disturbance permit has been approved.

(5) Permit duration. Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within one hundred eighty (180) calendar days of issuance, or is not

\[\text{[1]Appendix A is available in the office of the recorder.}\]
complete within eighteen (18) months from the date of the commencement of construction. Permit extension requests may be made in writing to the city.

(6) **Notice of construction.** After obtaining a permit, the applicant must notify the City of Belle Meade ten (10) working days in advance of the commencement of construction.

(7) **Inspections and maintenance.** (a) The city building official and/or its public works director may enter upon any property which discharges or contributes, or is believed to discharge or contribute, to stormwater runoff or the stormwater system, stream(s), natural drainageway(s) or via any other private or public stormwater management system during all reasonable hours to monitor, remove foreign objects or blockages, and to inspect for compliance with the provisions of this ordinance.

(b) **EPSC inspections.** The land disturbance permit holder shall perform routine inspections as follows:
   
   (i) Disturbed areas shall be inspected in conformance with the conditions of the Tennessee construction general permit.
   
   (ii) Inspections shall be documented and the documentation provided to the City of Belle Meade when requested.

   (iii) All erosion prevention and sediment control measures shall be inspected to ensure that they are functioning as designed.

   (c) **All erosion prevention and sediment control measures shall be maintained by the land disturbance permit holder to ensure that they are functioning as designed. Failure to maintain measures constitutes a violation of this ordinance.**

   (d) **Permanent stormwater management facilities inspections.** Permanent stormwater management facilities shall be inspected by the land disturbance permit holder on a regular basis during construction and by the landowner after construction has been completed to ensure that they are functioning as designed.

   (i) Inspections shall be documented and documentation provided to the City of Belle Meade when requested.

   (ii) Permanent stormwater facilities shall be maintained by the land disturbance permit holder during construction and by the landowner after construction has been completed to ensure that they are functioning as designed.

   (iii) In addition to those sanctions provided herein, the maintenance of a permanent stormwater facility is subject the property maintenance regulations, title 13, code of the City of Belle Meade.

(8) **Performance bonds.** (a) The City of Belle Meade may, at its discretion, require the submittal of a performance security or performance bond prior to issuance of a permit in order to ensure that the stormwater practices are installed by the permit holder as required by
the approved stormwater management plan. The amount of the installation performance security or performance bond shall be the total estimated construction cost of the structural BMPs approved under the permit plus any reasonably foreseeable additional related costs, e.g., for damages or enforcement. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan. The applicant shall provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment or rejection by the City of Belle Meade. Alternatively the City of Belle Meade shall have the right to calculate the cost of construction cost estimates.

(b) The performance security or performance bond shall be released in full only upon submission of as-built plans and written certification by a registered professional engineer licensed to practice in Tennessee that the structural BMP(s) have been installed in accordance with the approved plan and other applicable provisions of this ordinance. The City of Belle Meade will make a final inspection of the structural BMP(s) to ensure that they are in compliance with the approved plan and the provisions of this ordinance. Provisions for a partial pro-rata release of the performance security or performance bond based on the completion of various development stages can be made at the discretion of the City of Belle Meade.

(9) Erosion prevention and sediment control plan requirements. The Erosion Prevention and Sediment Control (EPSC) plan shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage.

The plan shall be prepared by an individual who has successfully completed the IDEC Level I training course or a Certified Professional in Erosion and Sediment Control (CPESC). The plan shall address all items on the EPSC Plan checklist. Failure to fully complete the EPSC checklist could be considered an incomplete submittal and result in plan disapproval.

(10) Submittal of a copy of the NOC, SWPPP and NOT to the local MS4. Permittees that were required to obtain coverage under the construction general permit who discharge stormwater through an NPDES-permitted municipal separate storm sewer system (MS4) who are not exempted in section 1.4.5 (permit coverage through qualifying local program) of the Construction General Permit (CGP) must provide proof of coverage under the Construction General Permit (CGP); submit a copy of the Stormwater Pollution Prevention Plan (SWPPP); and at project completion, a copy of the signed Notice of Termination (NOT) to the City of Belle Meade.
Copies of additional applicable local, state or federal permits (i.e.: ARAP, etc.) must also be provided upon request. If requested, these permits must be provided before the issuance of any land disturbance permit or the equivalent. Note: Any discharge of stormwater or other fluid to an improved sinkhole or other injection well, as defined, must be authorized by permit or rule as a Class V underground injection well under the provisions of Tennessee Department of Environment and Conservation (TDEC) Rules, chapter 1200-4-6.

(11) Stormwater Pollution Prevention Plan (SWPPP) for construction stormwater management. The applicant must prepare a stormwater pollution prevention plan for all construction activities that complies with subsection (12) below. The purpose of this plan is to identify construction/contractor activities that could cause pollutants in the stormwater, and to describe measures or practices to control these pollutants during project construction.

(12) Stormwater pollution prevention plan requirements. The erosion prevention and sediment control plan component of the SWPPP shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. If necessary, the plan shall be staged so that changes to the site during construction that alter drainage patterns or characteristics will be addressed by an appropriate stage of the plan. The plan shall be sealed by a registered professional engineer or landscape architect licensed in the State of Tennessee. The plan shall also conform to the requirements found in the MS4 BMP manual, and shall include at least the following:

(a) Project description - briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.

(b) A topographic map with contour intervals of two feet (2') or less showing present conditions and proposed contours resulting from land disturbing activity.

(c) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or floodplains.

(d) A general description of existing land cover. Individual trees and shrubs do not need to be identified.

(e) Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans
may be submitted separately. The plan must include the sequence of implementation for tree protection measures.

(f) Approximate limits of proposed clearing, grading and filling.

(g) Approximate flows of existing stormwater leaving any portion of the site.

(h) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.

(i) Location, size and layout of proposed stormwater and sedimentation control improvements.

(j) Existing and proposed drainage network.

(k) Proposed drain tile or waterway sizes.

(l) Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting stormwater offsite; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.

(m) The projected sequence of work represented by the grading, drainage and erosion prevention and sediment control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention/detention facilities or any other structural BMPs.

(n) Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.

(o) Specific details for: the construction of stabilized construction entrance/exits, concrete washouts, and sediment basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the city. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day to the satisfaction of the city. Failure to remove the sediment, soil or debris shall be deemed a violation of this ordinance.

(p) Proposed structures: location and identification of any proposed additional buildings, structures or development on the site.
(q) A description of on-site measures to be taken to recharge surface water into the ground water system through runoff reduction practices.

(r) Specific details for construction waste management. Construction site operators shall control waste such as discarded building materials, concrete truck washout, petroleum products and petroleum related products, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality. When the material is erodible, such as soil, the site must be treated as a construction site.

(13) General design performance criteria for permanent stormwater management. Permanent stormwater management requirements for new development and redevelopment are summarized in Table 2 below:

<table>
<thead>
<tr>
<th>Total Disturbed area</th>
<th>Stormwater Runoff Quantity Requirements</th>
<th>Stormwater Runoff Quality Requirements</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 10,000 ft²</td>
<td>None unless deemed necessary by the city building official and/or public works director due to an increase in impervious area</td>
<td>None unless deemed necessary by the city building official and/or public works director due to an increase in impervious area</td>
<td>Allowing runoff from impervious surfaces to flow over pervious surfaces (e.g. driveway runoff allowed to sheet flow across yard) is encouraged.</td>
</tr>
<tr>
<td>10,000 ft² - 0.99 acre</td>
<td>See Checklist 3 - Stormwater Management Plan and § 12-205(15) below.</td>
<td>One non-structural water quality improvement</td>
<td>Examples include disconnected roof drains, sheet flow of impervious surfaces runoff, or vegetated filter strips.</td>
</tr>
<tr>
<td>1 acre or more</td>
<td>See Checklist 3 - Stormwater Management Plan and § 12-205(15) below.</td>
<td>Runoff reduction (See § 12-205(14) below)</td>
<td></td>
</tr>
</tbody>
</table>

(14) Performance criteria. The following performance criteria shall be addressed for permanent stormwater management at all development sites that disturb one (1) acre or more of land:

(a) Site design standards for all new and redevelopment require, in combination or alone, management measures that are designed, built and maintained to infiltrate, evapotranspire, harvest and/or use, at a minimum, the first inch of every rainfall event preceded
by seventy-two (72) hours of no measurable precipitation. This first inch of rainfall must be one hundred percent (100%) managed with no discharge to surface waters or the public storm sewer system.

(b) Limitations to the application of runoff reduction requirements include, but are not limited to:

(i) Where a potential for introducing pollutants into the groundwater exists, unless pretreatment is provided;
(ii) Where pre-existing soil contamination is present in areas subject to contact with infiltrated runoff;
(iii) Presence of sinkholes or other karst features.

(c) Pre-development infiltrative capacity of soils at the site must be taken into account in selection of runoff reduction management measures.

(d) Incentive standards for re-developed sites: a ten percent (10%) reduction in the volume of rainfall to be managed for any of the following types of development. Such credits are additive such that a maximum reduction of fifty percent (50%) of the standard in the paragraph above is possible for a project that meets all five (5) criteria:

(i) Redevelopment;
(ii) Brownfield redevelopment;
(iii) High density (>7 units per acre);
(iv) Vertical density, (Floor to Area Ratio (FAR) of 2 or > 18 units per acre); and
(v) Mixed use and Transit Oriented Development (within one half (1/2) mile of transit).

(e) For projects that cannot meet one hundred percent (100%) of the runoff reduction requirement unless subject to the incentive standards, the remainder of the stipulated amount of rainfall must be treated prior to discharge with a technology documented to remove eighty percent (80%) Total Suspended Solids (TSS) unless an alternative provided under this ordinance is approved. The treatment technology must be designed, installed and maintained to continue to meet this performance standard.

(f) To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the MS4 BMP manual.

(g) Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.

(h) Stormwater discharges into streams impaired by sediment or into streams with an approved TMDL may be subject to additional performance criteria.
(i) Stormwater discharges from hot spots may require the application of specific structural BMPs and pollution prevention practices. In addition, stormwater from a hot spot land use may not be infiltrated.

(j) Prior to or during the site design process, applicants for land disturbance permits shall consult with the City of Belle Meade to determine if they are subject to additional stormwater design requirements.

(k) The calculations for determining peak flows as found in the MS4 BMP manual shall be used for sizing all stormwater facilities. Other hydrological methods of determining peak runoff may be substituted; however, they will be subject to the City of Belle Meade's engineering consultant's review for appropriateness.

(15) Minimum volume control requirements. In accordance with § 12-201(1)(c)(iii) the City of Belle Meade establishes the following standards to regulate the quantity of stormwater discharged, therefore:

(a) All site designs requiring a stormwater management plan or as otherwise required by the City of Belle Meade shall control the peak flow rates of stormwater discharge associated with design storms specified in the MS4 BMP manual or this ordinance and reduce the generation of post construction (or permanent) stormwater runoff to pre-construction levels. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.

(b) Stormwater designs shall meet the multi-stage storm frequency storage requirements as identified in the MS4 BMP manual and Appendix A of this ordinance\(^1\) unless the City of Belle Meade has granted the applicant a full or partial waiver for a particular BMP under §12-204.

(c) The maximum distance that a roof downspout may extend perpendicular from a structure is ten feet (10'). Up to three (3) separate roof downspouts may be collected into a single collector pipe to be discharged the maximum perpendicular distance of ten feet (10') from the structure. A maximum ten feet (10') of roof drainage piping may be buried before the pipe outlets. The city building official's and/or public works director's discretion may be used in the enforcement of the requirements of this § 12-205(15)(c). Additionally, a plan prepared by a Tennessee registered professional engineer or landscape architect that does not meet the requirements of § 12-205(15)(c) but otherwise complies with the

\(^{1}\) Appendix A is available in the office of the recorder.
requirements of a land disturbance permit may be accepted by the city building official and/or public works director at his/her discretion.

(d) If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the City of Belle Meade may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

(16) Permanent stormwater management plan requirements. The stormwater management plan shall include sufficient information to allow the City of Belle Meade to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. To accomplish this goal the stormwater management plan shall address all items on the stormwater management plan checklist. Failure to fully complete the stormwater management plan checklist will be considered an incomplete submittal and result in plan disapproval.

(a) Topographic base map: Topographic base map of the site which extends a minimum of one hundred feet (100') beyond the limits of the proposed development and indicates:

(i) Existing surface water drainage including streams, ponds, culverts, ditches, sinkholes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;

(ii) Current land use including all existing structures, locations of utilities, roads, and easements;

(iii) All other existing significant natural and artificial features;

(iv) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading.

(b) Proposed structural and non-structural BMPs;

(c) A written description of the site plan and justification of proposed changes in natural conditions may also be required;

(d) Calculations: Hydrologic and hydraulic design calculations for the predevelopment and post-development conditions for the design storms specified in the MS4 BMP manual. These calculations must show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this chapter and the guidelines of the MS4 BMP manual. Such calculations shall include:

(i) A description of the design storm frequency, duration, and intensity where applicable;

(ii) Time of concentration;
(iii) Soil curve numbers or runoff coefficients including assumed soil moisture conditions;
(iv) Peak runoff rates and total runoff volumes for each watershed area;
(v) Infiltration rates, where applicable;
(vi) Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;
(vii) Flow velocities;
(viii) Data on the increase in rate and volume of runoff for the design storms referenced in the MS4 BMP manual; and
(ix) Documentation of sources for all computation methods and field test results.
(e) Soils information: If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.

17) Maintenance and repair plan. The design and planning of all permanent stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. (as added by Ord. #2015-8, Feb. 2015)

12-206. Permanent stormwater management: operation, maintenance, and inspection. (1) Record drawings. All applicants are required to submit record drawings for any structures located on-site after final construction is completed. The drawing(s) must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer licensed to practice in Tennessee. A final inspection by the City of Belle Meade is required before any performance security or performance bond will be released. The City of Belle Meade shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMPs have been made and accepted by the City of Belle Meade.

(2) Landscaping and stabilization requirements. (a) Any area of land from which the natural vegetative cover has been either partially or
wholly cleared by development activities shall stabilize. Stabilization measures shall be initiated as soon as possible in portions of the site where construction activities have temporarily or permanently ceased. Temporary or permanent soil stabilization at the construction site (or a phase of the project) must be completed not later than fourteen (14) days after the construction activity in that portion of the site has temporarily or permanently ceased (seven (7) days for slopes of thirty-five percent (35%) or steeper). In the following situations, temporary stabilization measures are not required:

(i) Where the initiation of stabilization measures is precluded by snow cover or frozen ground conditions or adverse soggy ground conditions, stabilization measures shall be initiated as soon as practicable; or

(ii) Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within fourteen (14) days.

(b) Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable. Unpacked gravel containing fines (silt and clay sized particles) or crusher runs will not be considered a non-eroding surface.

(c) The following criteria shall apply to revegetation efforts:

(i) Re seeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.

(ii) Re planting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.

(iii) Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.

(iv) Prior to releasing the performance bond, a permanent ground cover must be established over the entire site.

(v) In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not
only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.

(vi) In addition the remedies and sanctions provided herein, the enforcement of these provisions shall also be subject to the property maintenance regulations, title 13, code of the City of Belle Meade.

(3) Inspection of stormwater management facilities. Periodic inspections of facilities shall be performed, documented, and reported in accordance with this chapter, as detailed in § 12-206.

(4) Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least three (3) years. These records shall be made available to the City of Belle Meade during inspection of the facility and at other reasonable times upon request.

(5) Failure to meet or maintain design or maintenance standards. If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this ordinance, the City of Belle Meade, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the City of Belle Meade shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have ten (10) days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the City of Belle Meade may take necessary corrective action. The cost of any action by the City of Belle Meade under this section shall be charged to the responsible party.

(6) Failure to meet or maintain design or maintenance standards as a violation of the property maintenance regulations. The failure to comply with the provisions of this title and chapter shall be a violation of title 13 of the code of the City of Belle Meade, the property maintenance regulations. (as added by Ord. #2015-8, Feb. 2015)

12-207. Existing locations and ongoing developments. (1) Right of entry. The city building official and/or the public works director may enter upon any property which discharges or contributes, or is believed to discharge or contribute, to stormwater runoff or the stormwater system, stream(s), natural drainageway(s) or via any other private or public stormwater management
system during all reasonable hours to monitor, remove foreign objects or blockages, and to inspect for compliance with the provisions of this ordinance.

(2) On-site stormwater management facilities maintenance agreement.

(a) Where the stormwater facility is located on property that is subject to a development agreement, and the development agreement provides for a permanent stormwater maintenance agreement that runs with the land, the owners of property must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owners and all subsequent property owners and their lessees and assigns, including but not limited to, homeowner associations or other groups or entities.

(i) The responsibility for, and costs of, preparing and recording the inspection and maintenance agreement to assure that it is of record within the chain of title at the register's office of Davidson County shall be borne by the property owner.

(ii) The inspection and maintenance agreement shall expressly reference this code section as well as the property maintenance regulations, title 13, code of the City of Belle Meade.

(b) The maintenance agreement shall:

(i) Assign responsibility for the maintenance and repair of the stormwater facility to the owners of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.

(ii) Provide for a periodic inspection by the property owners in accordance with the requirements of subsection § 12-207(2)(b)(v) below for the purpose of documenting maintenance and repair needs and to ensure compliance with the requirements of this ordinance. The property owners will arrange for this inspection to be conducted by a registered professional engineer licensed to practice in the State of Tennessee, who will submit a signed written report of the inspection to the City of Belle Meade, and that the cost of such inspection shall be paid by the property owner. It shall also grant permission to the city and its agents to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.

(iii) Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter and other debris, the cutting of grass, cutting and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owners shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the MS4 BMP manual.
(iv) Provide that maintenance needs must be addressed in a timely manner, on a schedule subject to the review and/or amendment by the City of Belle Meade.

(v) Provide that if the property is not maintained or repaired within the prescribed schedule, the City of Belle Meade shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the City of Belle Meade's cost of performing the maintenance shall be a lien against the property.

(3) Existing problem locations - no maintenance agreement. (a) The City of Belle Meade, acting through its city building official and/or public works director, shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problems affecting or caused by such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance. Discharges from existing BMPs that have not been maintained and/or inspected in accordance with this ordinance shall be regarded as illicit.

(b) Inspection of existing facilities. The City of Belle Meade acting through its city building official and/or public works director, may, to the extent authorized by state and federal law, enter and inspect private property for the purpose of determining if there are illicit non-stormwater discharges, and to establish inspection programs to verify that all stormwater management facilities are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the city's NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

(4) Owner/operator inspections - generally. The owners and/or the operators of stormwater management practices shall:

(a) Perform routine inspections to ensure that the BMPs are properly functioning. These inspections shall be conducted on an annual basis, at a minimum. These inspections shall be conducted by a person familiar with control measures implemented at a site. Owners or
operators shall maintain documentation of these inspections. The City of Belle Meade requires submittal of this documentation by July 1 each year.

(b) Perform comprehensive inspections of all stormwater management facilities and practices. These inspections shall be conducted once every five (5) years, at a minimum. Such inspections must be conducted by either a professional engineer or landscape architect, licensed in the State of Tennessee. Complete inspection reports for these five (5) year inspections shall include:
   (i) Facility type,
   (ii) Inspection date,
   (iii) Latitude and longitude and nearest street address,
   (iv) BMP owner information (e.g. name, address, phone number, fax, and email),
   (v) A description of BMP condition including: vegetation and soils; inlet and outlet channels and structures; embankments, slopes, and safety benches; spillways, weirs, and other control structures; and any sediment and debris accumulation,
   (vi) Photographic documentation of BMPs, and
   (vii) Specific maintenance items or violations that need to be corrected by the BMP owner along with deadlines and reinspection dates.

(c) Owners or operators shall maintain documentation of these inspections. The City of Belle Meade requires submittal of this documentation by July 1 each year.

(5) Requirements for all existing locations and ongoing developments. The following requirements shall apply to all locations and development at which land disturbing activities have occurred previous to the enactment of this ordinance:

(a) Denuded areas must be vegetated or covered under the standards and guidelines specified in § 12-206(2)(c)(i), (ii), (iii) and on a schedule acceptable to the City of Belle Meade.
   (b) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.
   (c) Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.
   (d) Trash, junk, rubbish, etc. shall be cleared from drainage ways.
   (e) Stormwater runoff shall, at the discretion of the City of Belle Meade be controlled to the maximum extent practicable to prevent its pollution. Such control measures may include, but are not limited to, the following:
      (i) Ponds
         (A) Detention pond
(B) Extended detention pond
(C) Wet pond
(D) Alternative storage measures

(ii) Constructed wetlands
(iii) Infiltration systems
(A) Infiltration/percolation trench
(B) Infiltration basin
(C) Drainage (recharge) well
(D) Porous pavement

(iv) Filtering systems
(A) Catch basin inserts/media filter
(B) Sand filter
(C) Filter/absorption bed
(D) Filter and buffer strips

(v) Open channel
(A) Swale

(6) Corrections of problems subject to appeal. Corrective measures imposed by the city building official and/or public works director under this section are subject to appeal under § 2-212 of this chapter. (as added by Ord. #2015-8, Feb. 2015)

12-208. Illicit discharges. (1) Scope. This section shall apply to all water generated on developed or undeveloped land entering the city's separate storm sewer system.

(2) Prohibition of illicit discharges. No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater or any discharge that flows from stormwater facility that is not inspected in accordance with section § 12-207 shall be an illicit discharge. Non-stormwater discharges shall include, but shall not be limited to, sanitary wastewater, car wash wastewater, radiator flushing disposal, spills from roadway accidents, carpet cleaning wastewater, effluent from septic tanks, improper oil disposal, laundry wastewater/gray water, improper disposal of auto and household toxics. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

(a) Uncontaminated discharges from the following sources:
   (i) Water line flushing or other potable water sources;
   (ii) Landscape irrigation or lawn watering with potable water;
   (iii) Diverted stream flows;
   (iv) Rising ground water;
   (v) Groundwater infiltration to storm drains;
   (vi) Pumped groundwater;
   (vii) Foundation or footing drains;
(viii) Crawl space pumps;
(ix) Air conditioning condensation;
(x) Springs;
(xi) Non-commercial washing of vehicles;
(xii) Natural riparian habitat or wetland flows;
(xiii) Swimming pools (if dechlorinated - typically less than
one (1) PPM chlorine, or desalinated for salt water pools);
(xiv) Firefighting activities;
(xv) Individual residential car washing (only if water is
directed to flow across vegetated area);
(xvi) Discharges within the constraints of an NPDES
permit from the Tennessee Department of Environment and
Conservation (TDEC);
(xvii) Any other uncontaminated water source.

(b) Discharges specified in writing by the City of Belle Meade
as being necessary to protect public health and safety.

(c) Dye testing is an allowable discharge if the City of Belle
Meade has so specified in writing.

(d) Discharges authorized by the Construction General Permit
(COP), which comply with section 3.5.9 of the same:
   (i) Dewatering of work areas of collected stormwater and
       ground water (filtering or chemical treatment may be necessary
       prior to discharge);
   (ii) Waters used to wash vehicles (of dust and soil, not
       process materials such as oils, asphalt or concrete) where
       detergents are not used and detention and/or filtering is provided
       before the water leaves site;
   (iii) Water used to control dust in accordance with COP
       section 3.5.5;
   (iv) Potable water sources including waterline flushings
       from which chlorine has been removed to the maximum extent
       practicable;
   (v) Routine external building washdown that does not
       use detergents or other chemicals;
   (vi) Uncontaminated groundwater or spring water; and
   (vii) Foundation or footing drains where flows are not
       contaminated with pollutants (process materials such as solvents,
       heavy metals, etc.).

(3) Prohibition of illicit connections. The construction, use,
maintenance or continued existence of illicit connections to the municipal
separate storm sewer system is prohibited. This prohibition expressly includes,
without limitation, illicit connections made in the past, regardless of whether
the connection was permissible under law or practices applicable or prevailing
at the time of connection.
(4) Reduction of stormwater pollutants by the use of best management practices. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section. Discharges from existing BMPs that have not been maintained and/or inspected in accordance with this ordinance shall be regarded as illicit.

(5) Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, the person shall notify the City of Belle Meade in person or by telephone, fax, or email, no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the city within three (3) business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

(6) No illegal dumping allowed. No person shall dump or otherwise deposit outside an authorized landfill, convenience center or other authorized garbage or trash collection point, any trash or garbage of any kind or description on any private or public property, occupied or unoccupied, inside the city. (as added by Ord. #2015-8, Feb. 2015)

12-209. Water quality buffers. (1) Scope. A water quality buffer shall be established, protected, and maintained along all community waters in areas of new development and redevelopment for which a land disturbance permit, as defined in § 12-205, is required in accordance with Table 3 or Table 4 below, as applicable. The goal of the water quality buffer is to preserve undisturbed vegetation that is native to the streamside habitat in the area of the project. Vegetated, preferably native, water quality buffers protect water bodies by providing structural integrity and canopy cover, as well as stormwater infiltration, filtration and evapotranspiration.
Table 3 - Water Quality Buffer Requirements for Sites That Disturb <1 acre (no CGP coverage required)

<table>
<thead>
<tr>
<th>Community water characteristics</th>
<th>Permanent buffer</th>
<th>During construction (temporary) buffer</th>
</tr>
</thead>
<tbody>
<tr>
<td>All community waters</td>
<td>20-feet (City-approved buffer enhancement plan required for temporary buffer encroachment)</td>
<td>20-feet (City-approved buffer enhancement plan required for temporary buffer encroachment)</td>
</tr>
</tbody>
</table>

Table 4 - Water Quality Buffer Requirements for Sites That Require CGP Coverage

<table>
<thead>
<tr>
<th>Community water characteristics</th>
<th>Permanent buffer</th>
<th>During construction (temporary) buffer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community water drainage area &lt;1 square mile and not designated as impaired or an Exceptional Tennessee Water (ETW)</td>
<td>30-feet</td>
<td>30-feet (Can be established on an average basis as long as minimum is 15-feet. City approved buffer enhancement plan required for CGP-allowable, temporary buffer encroachment.)</td>
</tr>
<tr>
<td>Community water drainage area &lt;1 square mile and designated as impaired or an Exceptional Tennessee Water (ETW)</td>
<td>30-feet</td>
<td>60-feet (Can be established on an average basis as long as minimum is 30-feet.)</td>
</tr>
<tr>
<td>Community water drainage area &gt;1 square mile and not designated as impaired or an Exceptional Tennessee Water (ETW)</td>
<td>60-feet (Can be established on an average basis as long as minimum is 30-feet.)</td>
<td>30-feet (Can be established on an average basis as long as minimum is 15-feet. City approved buffer enhancement plan required for CGP-allowable, temporary buffer encroachment.)</td>
</tr>
<tr>
<td>Community water drainage area &gt;1 square mile and designated as impaired or an Exceptional Tennessee Water (ETW)</td>
<td>60-feet (Can be established on an average basis as long as minimum is 30-feet.)</td>
<td>60-feet (Can be established on an average basis as long as minimum is 30-feet.)</td>
</tr>
</tbody>
</table>

Note: "Impaired" refers to community water that is impaired for siltation and habitat alteration.
(a) The buffer width shall be measured perpendicular from the top of bank on each side of the community water channel; around the perimeter of a pond or lake identified as a community water measured as perpendicular to the contour at which normal pool is located around; and around the perimeter of a wetland identified as a community water.

(b) The water quality buffer is to remain undisturbed except for the following disturbances which are allowed subject to approval by the city building official and/or public works director including the approval of an erosion prevention and sediment control plan:

(i) Limited disturbances to remove and/or plant trees or vegetation, as required to maintain the overall health of vegetation in the buffer area. This includes the removal of invasive exotic plants and the establishment of native vegetation, and/or other practices to restore the ecological integrity of the buffer.

(ii) Removal of individual trees that are in danger of falling, causing damage to dwellings or other structures, are dead or diseased, or have been heavily damaged by storms. The root wad or stump should be left in place, where feasible, to maintain soil stability.

(iii) Disturbances necessary for the construction of utility access areas and approved stream crossings as long as the crossings are perpendicular or as near to perpendicular as possible to the channel.

(iv) Disturbances as required to establish and/or restore buffer areas in accordance with an approved buffer enhancement plan.

(v) Passive recreation, pervious footpaths, and boardwalks to approach the water resource as approved by the city building official and/or public works director.

(vi) Biking or hiking paths and greenways, but no closer than thirty feet (30') at any measured location. View corridors shall be allowed along greenways as approved by the city building official and/or public works director. Paths and greenways shall be designed to prevent the channelization of stormwater runoff, and should be constructed of pervious and/or permeable materials. There shall be no other permanent structures with the exception of paths.

(vii) Stormwater channels as approved by the city building official and/or public works director.

(viii) Cut and fill for floodplain compensations as approved by the city building official and/or public works director.

(c) A determination that standards cannot be met may not be based solely on the difficulty or cost associated with implementation. Every attempt should be made for development and redevelopment
activities not to take place within the buffer zone. A determination that water quality buffer widths cannot be met on site may not be based solely on the difficulty or cost of implementing measures, but must include multiple criteria, such as: type of project, existing land use and physical conditions that preclude use of these practices.

(d) Any approved disturbance of the water quality buffer shall be revegetated in kind and/or enhanced subject to the requirements of § 12-206 of this ordinance and approval of the acting through its city building official and/or public works director. The vegetative target for the inner zone is mature, moderately dense forest (i.e., trees) with woody shrubs and understory vegetation. Where forest vegetation has the potential to impact traffic safety or limit access, areas immediately surrounding approved stream crossings and utility access areas may be vegetated with dense grasses.

(e) For any proposed development and/or construction activity within or adjacent to a water quality buffer, the following shall be required.

(i) The parameters of the water quality buffer shall be delineated by the applicant and boundaries shall be clearly indicated and labeled on all plats, plans, permits and official maps.

(ii) Include a note on plans to reference protective covenants governing all water quality buffer areas, labeled as: "Any water quality buffer is subject to protective covenants recorded in the Register of Deeds (Davidson County). Disturbance and use of these areas is restricted; severe penalties apply."

(iii) Water quality buffers shall be protected during construction activities by a combination of fencing and flagging to prevent entry of construction equipment, storage and stockpiling. Buffer boundaries shall be marked during construction activities.

12-210. Enforcement. (1) Enforcement authority. The city building official and/or public works director shall have the authority to issue notices of violation and citations, to issue cease and desist orders, and to impose the civil penalties provided in this section. Each day of noncompliance is considered a separate offense; and nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation, including application for injunctive relief. If the person, property or facility has or is required to have a stormwater discharge permit from TDEC, the city shall alert the appropriate state authorities of the violation. Measures authorized include:

(a) Verbal warnings - at a minimum, verbal warnings must specify the nature of the violation and required corrective action. Verbal warnings will be documented by the city.
(b) Written notices - written notices must stipulate the nature of the violation and the required corrective action, with deadlines for taking such action.

(c) Citations with administrative penalties - the MS4 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 MS4's own approval process affecting the facility's ability to discharge to the MS4 can be used to abate the violation.

Additional measures - the MS4 may also use other escalated measures provided under local legal authorities. The MS4 may perform work necessary to improve erosion control measures and collect the 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.

(2) Notification of violation. (a) Verbal warning. Verbal warning may be given at the discretion of the inspector when it appears the condition can be corrected by the violator within a reasonable time, which time shall be approved by the inspector.

(b) Written notice. Whenever the City of Belle Meade, acting through its city building official and/or public works director, finds that any permittee or any other person discharging stormwater has violated or is violating this ordinance or a permit or order issued hereunder, the city may serve upon such person written notice of the violation. All written notices will be documented and delivered by personal service or by registered or certified mail (return receipt requested) to the person that has violated or is violating this ordinance. Within ten (10) days of this notice or shorter period as may be prescribed in the 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 city building official and/or public works director. 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.

(c) Consent orders. The city building official and/or public works director 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 (d) and (e) below.

(d) Show cause hearing. The city, acting through its city building official and/or public works director, may order any person who violates this ordinance or permit or order issued hereunder, to show why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.

(e) Compliance order. When the city, acting through its city building official and/or public works director, finds that any person has violated or continues to violate this ordinance or a permit or order issued thereunder, he 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.

(f) Cease and desist and stop work orders. When the city, acting through its city building official and/or public works director, finds that any person has violated or continues to violate this ordinance or any permit or order issued hereunder, the stormwater program manager or his designee may issue a stop work order or 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 except for terminating the discharge and installing appropriate control measures.

(g) Suspension, revocation or modification of permit. The City of Belle Meade, acting through its city building official and/or public works director, 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 city. 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 city may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
(h) Conflicting standards. Whenever there is a conflict between any standard contained in this ordinance and in the BMP manual adopted by the city under this ordinance, the strictest standard shall prevail. (as added by Ord. #2015-8, Feb. 2015)

12-211. Penalties. (1) Violations. Any person who shall commit any act declared unlawful under this ordinance, who violates any provision of this ordinance, who violates the provisions of any permit issued pursuant to this ordinance, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the City of Belle Meade, shall be guilty of a civil offense.

(2) Penalties. Under the authority provided in Tennessee Code Annotated, §§ 68-221-1106, the city declares that any person violating the provisions of this ordinance may be assessed a civil penalty by the City of Belle Meade of not less than fifty dollars ($50.00) and not more than five thousand dollars ($5,000.00) or such lesser amount as may be allowed by law per day for each day of violation. Each day of violation shall constitute a separate violation.

(3) Measuring civil penalties. In assessing a civil penalty, the board of building code appeals may consider:
   (a) The harm done to the public health or the environment;
   (b) The duration and gravity of the violation(s);
   (c) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
   (d) The economic benefit gained by the violator;
   (e) The amount of effort put forth by the violator to remedy this violation;
   (f) Whether the violation(s) was committed intentionally;
   (g) The prior record of the violator in complying or failing to comply with the stormwater management program;
   (h) Any unusual or extraordinary enforcement costs incurred by the city;
   (i) The amount of penalty established by ordinance or resolution for specific categories of violations; and
   (j) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(4) Recovery of damages and costs. In addition to the civil penalty in subsection (2) above, the board of building code appeals may recover:
   (a) All damages proximately caused by the violator to the city, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this ordinance, or any other actual damages caused by the violation.
   (b) The costs of the city's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this ordinance.
(5) **Referral to TDEC.** Where the city has used progressive enforcement to achieve compliance with this ordinance, and in the judgment of the city has not been successful, the city 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 (2) warning letters or notices of violation, and any response from the owner or operator.

(6) **Other remedies.** The city may bring legal action to enjoin the continuing violation of this ordinance, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

(7) **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.  (as added by Ord. #2015-8, Feb. 2015)

12-212. **Appeals.** Pursuant to Tennessee Code Annotated, § 68-221-1106(d), any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this ordinance may appeal said penalty or damage assessment to the commissioners.

(1) **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.

(2) **Public hearing.** Upon receipt of an appeal, the commissioners 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 or within the city’s monthly newsletter or on the city's website. 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 commissioners shall be final.

(3) **Appealing decisions of the commissioners.** Any alleged violator may appeal a decision of the commissioners pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8.  (as added by Ord. #2015-8, Feb. 2015)
CHAPTER 3

STORMWATER FEE ORDINANCE

SECTION
12-301. City of Belle Meade stormwater fee ordinance.
12-302. Stormwater user fee adopted.

12-301. City of Belle Meade stormwater fee ordinance. The City of Belle Meade stormwater fee ordinance, Ord. # 2004-6, September 15, 2004 has been added to this section of its municipal code as chapter 3. (as added by Ord. #2015-8, Feb. 2015)

12-302. Stormwater user fee adopted. In order to facilitate compliance with the Water Quality Act of 1977, pursuant to authority granted by Tennessee Code Annotated, §§ 68-221-1101 through 68-221-1113, and for the purpose of providing stormwater management operations and establishing a stormwater user fee within the City of Belle Meade, the "stormwater user fee ordinance," is hereby adopted.

(1) Findings. The commissioners of the City of Belle Meade make the following additional findings:

(a) The Water Quality Act of 1977 imposes upon municipalities certain obligations that require the expenditure of city funds.

(b) An equitable approach to funding stormwater management services and facilities can be provided by adopting a schedule of service charges upon properties that is related to the burden of stormwater quantity and quality control service requirements and costs posed by properties throughout the city.

(c) Such schedule of service charges can be complemented by other funding methods that address specific needs, including, but not limited to, allocations of local option sales taxes to stormwater drainage improvement projects, collection of fees for special services including, but not limited to, plans review and inspections, and establishment of a capital recovery fee or fees consistent with state law.

(d) A service charge credit is an appropriate means of adjusting service charges in recognition that private stormwater systems and/or actions can effectively reduce or eliminate the burden of stormwater quantity and quality control service requirements and costs that a property or properties pose for the city.

(e) Impervious area is the most important factor influencing stormwater service requirements and costs posed by properties throughout the city, and therefore is an appropriate parameter for calculating stormwater service charges and associated credits.
(f) The Belle Meade Level of Service and Maintenance Policies for Stormwater Infrastructure will be the guide for prioritizing stormwater infrastructure maintenance and capital improvement projects.

(2) **Definitions.** As used in this chapter § 12-302, unless the context clearly indicates otherwise, the following definitions apply:

(a) "Credit" shall mean a conditional reduction in the stormwater service charge amount to an individual property based on the provision and continuing presence of an effectively maintained and operational on-site stormwater system or facility or the provision of a service or activity by the property owner, which system, facility, service, or activity reduces the stormwater utility's cost of providing stormwater services and facilities. Credits for on-site stormwater systems shall be generally proportional to the affect that such systems have on the peak rate of runoff from the individual property. Credits shall be defined and implemented in the City of Belle Meade Stormwater Credit Policy Manual.

(b) "Customers of the stormwater utility" shall include all persons, properties, and entities served by and/or benefiting from the city’s acquisition, management, maintenance, extension, and improvement of the stormwater management programs, systems, and facilities and regulation of public and private stormwater systems, facilities, and activities related thereto, and persons, properties, and entities which will ultimately be served or benefited as a result of the stormwater management program.

(c) "Detached dwelling unit" shall mean developed land containing one structure which is not attached to another dwelling and which contains one (1) or more rooms with a bathroom and kitchen facilities designed for occupancy by one (1) family. Detached dwelling units may include houses, manufactured homes, and mobile homes located on one (1) or more individual lots or parcels of land. Developed land may be classified as a detached dwelling unit despite the presence of incidental structures associated with residential uses such as garages, carports, or small storage buildings. Detached dwelling unit can also include developed land that has a non-residential use of a dwelling unit designed for occupancy for one (1) family so long as such use does not result in additional impervious areas, such as parking spaces, impervious surfaced playgrounds, or structures or additions to the building which are used as offices, storage facilities, meeting rooms, classrooms, houses of worship, or similar nonresidential uses. Detached dwelling unit shall not include developed land containing: manufactured homes and mobile homes located within manufactured home or mobile home parks where the land is owned by others than the owners of the manufactured homes or mobile homes: or multiple-unit residential properties.
(d) "Developed land" shall mean property altered from a natural state by construction or installation of more than two hundred (200) square feet of impervious surfaces as defined in this chapter. Impervious area installed by a public utility within an easement on an undeveloped parcel does not count against the total impervious area on that parcel.

(e) "Duplexes and triplexes" shall mean developed land containing two (2) (duplex) or three (3) (triplex) attached residential dwelling units located on one (1) or more parcel(s) of land.

(f) "Equivalent Residential Unit (ERU)" of impervious area shall mean the median impervious coverage of detached dwelling unit properties in the City of Belle Meade as determined by the city, and shall be used as the basis for determining stormwater service charges to detached dwelling unit properties or classes of detached dwelling unit properties and other properties. Twelve thousand two hundred (12,200) square feet of impervious area shall be one equivalent residential unit (ERU).

(g) "Flood control facilities" shall mean all natural and manmade conveyances and structures for which the partial or full purpose or use is to convey surface flood runoff water within the jurisdictional boundaries of the City of Belle Meade. This includes all natural conveyances for which the city has assumed a level of maintenance responsibility, to which the city has made improvements, against the flooding of which the city must make provision to protect public and private property, or for which the city is accountable under federal or state regulations for protecting the water quality within its jurisdictional boundaries.

(h) "Impervious surfaces" shall mean those areas which prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Common impervious areas include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings.

(i) "Multiple dwelling unit residential properties" shall mean developed land whereon four (4) or more attached residential dwelling units are located and shall include, but not be limited to, apartment houses, condominiums, townhomes, attached single-family homes, boarding houses, group homes, hotels and motels, retirement centers, and other structures in which four (4) or more family groups commonly and normally reside or could reside. In the application of stormwater service charge rates, multiple dwelling unit properties shall be treated as other developed lands. However, multiple dwelling unit residential properties where individual residential dwelling units are owned independently, such as residential condominiums, may be treated as detached dwelling unit properties in the application of stormwater service charge rates.
(j) "Other developed land" shall mean, but shall not be limited to, multiple dwelling unit residential properties, manufactured home and mobile home parks, commercial and office buildings, public buildings and structures, churches, temples, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, parks, recreation properties, public and private schools and universities, research stations, hospitals and convalescent centers, airports, agricultural uses covered by impervious surfaces, water reservoirs, and water and wastewater treatment plants.

(k) "Stormwater" shall mean stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration (other than infiltration contaminated by seepage from sanitary sewers or by other discharges) and drainage.

(l) "Stormwater user fee" shall mean the stormwater management service charge or charges applicable to a parcel of developed land, which charge shall be reflective of the City of Belle Meade's cost of providing stormwater management services and facilities.

(m) "Stormwater management facilities" shall mean those natural and man-made drainage structures, conveyances, conduits, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.

(3) Determination and modification of stormwater user fee. Stormwater user fees may be determined and modified from time to time by the commissioners of the City of Belle Meade so that the total revenue generated by said fees and any other sources of revenue that may be made available to the stormwater utility will be sufficient to meet the cost of services and facilities, including, but not limited to, the payment of principal and interest on debt incurred for stormwater management purposes, the creation of reserves for the replacement of permanent improvements for stormwater management, and such other expenses reasonably necessary or convenient in the acquisition, construction, operation, maintenance, education, and regulation of the stormwater system and of properties affecting the stormwater system. These fees shall be reasonable in amount and used exclusively by the municipality for purposes set forth in this part. Such a graduated stormwater user's fee shall be based on actual or estimated use of the stormwater and/or flood control facilities of the municipality, and each user or user class shall only be required to pay its proportionate share of the construction, administration, operation and maintenance, including replacement costs, of such facilities based on the user's actual or estimated proportionate contribution to the total stormwater runoff from all users or user classes. To ensure a proportionate distribution of all costs to each user or user class, the user's contribution shall be based on the amount of impervious area utilized by the user. Stormwater service charges may also include special charges to individual customers for services or facilities related
to stormwater management, including, but not limited to, charges for development plan review, inspection of development projects and on-site stormwater control systems, and enhanced levels of stormwater services above those normally provided by the city.

(4) **Effective date of stormwater user fee.** Stormwater user fees shall accrue beginning January 1, 2011 and shall be billed periodically thereafter to customers except as specific exemptions and adjustments may apply.

(5) **Stormwater user fee.** In order to supplement the cost of providing stormwater services and facilities while fairly and reasonably apportioning the cost among developed properties throughout the city, the following stormwater rates shall apply.

(a) Detached dwelling units. Detached dwelling units shall be charged according to the table below based upon the ERU as specified below in § 2-302(5)(e) or as specified in or as amended by ordinance in the future.

<table>
<thead>
<tr>
<th>Total area of parcel (square feet)</th>
<th>Factor x ERU</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-40,000</td>
<td>0.5 x ERU</td>
</tr>
<tr>
<td>40,001-70,000</td>
<td>1.0 x ERU</td>
</tr>
<tr>
<td>&gt; 70,000</td>
<td>2.0 x ERU</td>
</tr>
</tbody>
</table>

(b) Churches and schools, historic homes or sites, country clubs and other commercial properties. Churches and schools, historic homes or sites, country clubs and other commercial properties shall be charged according to the table below based upon the ERU as specified below in subsection (5)(e) or as specified in or as amended by ordinance in the future.

<table>
<thead>
<tr>
<th>Total area of parcel (square feet)</th>
<th>Factor x ERU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Churches and schools</td>
<td>F x ERU</td>
</tr>
<tr>
<td>Historic home or site</td>
<td>F x ERU</td>
</tr>
<tr>
<td>Country Clubs</td>
<td>F x ERU</td>
</tr>
<tr>
<td>Commercial properties</td>
<td>F x ERU</td>
</tr>
</tbody>
</table>

(c) Other developed lands. Other developed lands are subject to special regulation under the appendices of the zoning code.

(d) For the purpose of calculating the stormwater fee for churches and schools, a historic home or site, country clubs or commercial
properties, the factor "F" shall be calculated as the total square footage of impermeable surfaces on the parcel divided by twelve thousand two hundred (12,200) square feet.

(e) The stormwater user fee rate per equivalent residential unit (ERU), as defined in this chapter, shall be seven dollars and forty-seven cents ($7.47) per month until and unless the user fee rate is changed by the commissioners of the City of Belle Meade.

(2) Exemptions and credits applicable to stormwater user fee. Except as provided in this section, no public or private property shall be exempt from stormwater utility service charges or receive a credit or offset against such service charges. No exemption, credit, offset, or other reduction in stormwater service charges shall be granted based on the age, tax, or economic status, race, or religion of the customer, or other condition unrelated to the stormwater utility's cost of providing stormwater services and facilities.

(a) The following exemptions from stormwater service charges shall be allowed:

   (i) Undeveloped land as defined by this chapter shall be exempt from stormwater charges.

   (ii) Railroad tracks shall be exempt from stormwater service charges. However, railroad stations, maintenance buildings, or other developed land uses for railroad purposes shall not be exempt from stormwater charges.

   (iii) Improved public road rights-of-way of federal, state, or local governments that are available for vehicular transportation by the general public are exempt from stormwater service charges. Platted private roads and platted private rights-of-way are further exempt from stormwater charges.

(b) Stormwater user fee credits shall be allowed for the following activities/occurrences and shall be effective when initiated at the discretion of the City of Belle Meade and in accordance with a credit manual described subsequently:

   (i) Other developed lands that have, and maintain in proper working order, on-site stormwater detention and retention systems that reduce the peak rate of stormwater discharge.

   (ii) Other developed lands that have, and maintain in proper working order, on-site stormwater best management practices that reduce the impact of stormwater runoff or water quality in accordance with water quality standards set forth by the City of Belle Meade.

(c) A stormwater user fee credit manual shall be prepared by the City of Belle Meade specifying the design and performance standards of on-site systems, facilities, activities, and services which qualify for application of a service charge credit, and how such credits shall be calculated.
(d) The stormwater user fee credit shall be determined based on the technical requirements and standards contained in the stormwater service charge credit manual. The stormwater service charge credit may be up to fifty percent (50%) of the service charge applicable to a property, and shall be proportional to the extent that on-site systems, facilities, services, and activities provided, operated, and maintained by the property owner reduce or mitigate the stormwater utility's cost of providing services and facilities.

(e) Groups of detached dwelling units represented by a homeowners' association providing on-site systems or facilities that reduce or mitigate the stormwater utility's cost of providing stormwater management services and facilities may receive a stormwater service charge credit.

(f) Any credit allowed against the stormwater service charge is conditioned on continuing compliance with the city's design and performance standards as stated in the stormwater service charge credit manual and/or upon continuing provision of the systems, facilities, services, and activities provided, operated, and maintained by the property owner or owners upon which the credit is based. A credit may be revoked by the city at any time for noncompliance. Thirty (30) days notice of a non-complying condition and intent to revoke a stormwater service charge credit shall be provided to the stormwater service charge customer receiving a credit before the credit is revoked thereby allowing the customer the opportunity to attain compliance.

(3) Stormwater user fee billing, delinquencies, and collections. A stormwater user fee bill may be sent through the United States mail or by alternative means, notifying all customers of the amount of the bill, the date the payment is due, and the date when past due. Failure to receive a bill is not justification for non-payment. Regardless of the status of the party to whom the bill is initially directed, the owner of each parcel of developed land shall be ultimately obligated to pay the stormwater service fee. If a customer is under-billed or if no bill is sent for developed land, the city may backbill for a period of up to ten (10) years, but shall not assess penalties for any delinquency. A late charge will be based upon the unpaid balance in accordance with the City of Belle Meade Customer Service Policy Manual.

(4) Application of stormwater user fee billed in common. The City of Belle Meade shall bill the stormwater user fee when the annual property tax is billed.

(5) Removal or cessation of utility services. The City of Belle Meade may remove or cease to provide any utility services as it determines necessary to enforce the payment of all city utility service charges.

(6) Appeals. Any stormwater utility service customer who believes the provisions of this article have been applied in error may appeal in the following manner:
(a) An appeal must be filed in writing with the City of Belle Meade City Manager. In the case of service charge appeals, the appeal shall include a survey prepared by a registered land surveyor or professional engineer containing information on the total property area, the impervious surface area, and any other features or conditions which influence the hydrologic response of the property to rainfall events.

(b) Using the information provided by the appellant, the city manager and appropriate staff will conduct a technical review of the conditions on the property and respond to the appeal in writing within thirty (30) days.

(c) In response to an appeal, the city manager may adjust the stormwater service charge applicable to a property in conformance with the general purpose and intent of the article.

(d) A decision of the city manager which is adverse to an appellant may be further appealed to the board of commissioners within thirty (30) days of the adverse decision. Notice of the appeal shall be delivered to the board of commissioners by the appellant, stating the grounds for the further appeal. The board of commissioners shall issue a decision on the appeal within thirty (30) days. All decisions of the board of commissioners shall be served on the customer personally or by registered or certified mail. Service shall be based upon the service charge billing address of the customer.

(e) The appeal process contained in this section shall not prevent an appellant from seeking relief in the approved manner and form from a court of competent jurisdiction.

(7) The City of Belle Meade, Tennessee Stormwater User Fee Credit Manual for Stormwater Fees. The City of Belle Meade, Tennessee Stormwater Utility Credit Manual for Stormwater Fees will be prepared and attached hereto as Exhibit A once it is completed. (as added by Ord. #2015-8, Feb. 2015)

________________________________________

1Exhibit A is of record in the office of the recorder.
CHAPTER 4

MUNICIPAL FLOODPLAIN ZONING ORDINANCE

SECTION 12-401. City of Belle Meade Floodplain Zoning Ordinance.  The City of Belle Meade municipal floodplain zoning ordinance, Ord. #2003-5 as amended by Ord #2004-7, has been added to this municipal code as chapter 4 pursuant to ordinance 2015-8. (as added by Ord. #2015-8, Feb. 2015)

12-402. Municipal floodplain zoning ordinance. In order to minimize danger to life and property due to flooding within the City of Belle Meade, and to maintain eligibility for participation in the National Flood Insurance Program (NFIP), the "municipal floodplain zoning ordinance," is hereby adopted. (as added by Ord. #2015-8, Feb. 2015)

12-403. Statutory authorization, findings of fact, purpose and objectives.  (1) Statutory authorization. The legislature of the State of Tennessee has, in Tennessee Code Annotated, §§ 13-7-201 through 13-7-210, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore the City of Belle Meade, Tennessee, mayor and city commission, do ordain as follows:

(2) Findings of fact. (a) The City of Belle Meade, Tennessee, mayor and its city commission, wishes to meet the NFIP regulations found in title 44 of the Code of Federal Regulations (CFR), ch. 1, section 60.3.

(b) Areas of the City of Belle Meade, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

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

(3) **Statement of purpose.** It is the purpose of this 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 flooding or
erosion hazards, or which result in damaging increases in erosion, flood
heights, or velocities.

(b) Require that uses vulnerable to floods, including community
facilities, be protected against flood damage at the time of initial
construction.

(c) Control the alteration of natural floodplains, stream
channels, and natural protective barriers which are involved in the
accommodation of floodwaters.

(d) Control filling, grading, dredging and other development
which may increase flood damage or erosion.

(e) Prevent or regulate the construction of flood barriers which
will unnaturally divert flood waters or which may increase flood hazards
to other lands.

(4) **Objectives.** The objectives of this ordinance are:

(a) To protect human life, health, safety and property.

(b) To minimize the need for rescue and relief efforts associated
with flooding and generally undertaken at the expense of the general
public.

(c) To minimize prolonged business interruptions.

(d) To minimize damage to public facilities and utilities such as
water and gas mains, electric, telephone and sewer lines, streets and
bridges located in floodprone areas.

(e) To help maintain a stable tax base by providing for the
sound use and development of floodprone areas to minimize blight in
flood areas.

(f) To ensure that potential homebuyers are notified that
property is in a floodprone area.

(g) To maintain eligibility for participation in the NFIP. (as
added by Ord. #2015-8, Feb. 2015)

**12-404. Definitions.** Unless specifically defined below, words or phrases
used in this ordinance shall be interpreted so 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 title 12, chapter 4, 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.
(f) "Accessory structure" is a subset of the "accessory user" and "accessory building" defined at § 14-202(1)(b).

(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 structure in which the addition is connected by a common load bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall 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 sub grade (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
   (a) Built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), and
   (b) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.

   In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

(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 this ordinance.

(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 this ordinance.

(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).
"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; or
(b) The unusual and rapid accumulation or runoff of surface waters from, any source.

"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.

"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.

"Flood Hazard Boundary Map (FHB M)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood related erosion areas having special hazards have been designated as Zone A, M, and/or E.

"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.

"Flood proofing" 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 an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

(32) "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.

(33) "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.

(34) "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) "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.

(36) "Floorboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Floorboard" 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.

(37) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(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 the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; and
(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:

   (i) By an approved state program as determined by the Secretary of the Interior, or

   (ii) 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" means 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.

(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
   (d) 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, AC, 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 its 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 reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage," regardless of the actual repair work performed. 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 identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, 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" are 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.
"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. #2015-8, Feb. 2015)

12-405. General provisions. (1) Application. This ordinance shall apply to all areas within the incorporated area of the City of Belle Meade, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the City of Belle Meade, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) dated April 5, 2017 and Flood Insurance Rate Map (FIRM), Community 470408, Panel Numbers 47037C0351H, 47037C0352H and 47037C0353H dated April 5, 2017, 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 land, 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 easements, covenants, deed restrictions or other applicable provisions of the code of the City of Belle Meade. However, where this ordinance conflicts or overlaps with another regulatory instrument, 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 Tennessee 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.

(a) This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages.
(b) This ordinance shall not create liability on the part of the City of Belle Meade, 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.
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, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Belle Meade, Tennessee from taking such other lawful actions to prevent or remedy any violation. (as added by Ord. #2015-8, Feb. 2015, as amended by Ord. #2017-2, March 2017 Ch7_6-26-19)

12-406. Administration. (1) Designation of ordinance administrator. The city building official is hereby appointed as the administrator to implement the provisions of this ordinance.

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

(ii) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(iii) A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in § 12-407(1) and (2).

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

(b) Construction stage. Within AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by, or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential
building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

(3) Duties and responsibilities of the administrator/city building official. Duties of the administrator shall include, but not be limited to, the following:

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

(b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(c) Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the letter of map revision process.

(e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(f) Record the elevation, in relation to mean sea level or highest adjacent grade, where applicable, of the lowest floor (including basement)
of all new or substantially improved buildings, in accordance with § 12-407(2).

(g) Record the actual elevation, in relation to mean sea level or highest adjacent grade, where applicable, to which the new or substantially improved buildings have been floodproofed, in accordance with § 12-407(2).

(h) When floodproofing is utilized for a non-residential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with § 12-407(2).

(i) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.

(j) When base flood elevation data and floodway data have not been provided by FEMA, obtain, review and reasonably utilize any base flood elevation and floodway data available from federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Belle Meade, Tennessee FIRM meet the requirements of this ordinance.

(k) Maintain all records pertaining to the provisions of this ordinance in the office of the administrator/city building official 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. #2015-8, Feb. 2015)

12-407. Provisions for flood hazard reduction. (1) General standards. In all areas of special flood hazard, the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(b) Manufactured homes shall installed using methods and practices that minimize flood damage. They must 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 requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.

(e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of 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 that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.

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

(k) All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334.

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 12-407(2).

(m) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction.

(n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 12-407(1), are required:

(a) Residential structures. In AE Zones where base flood elevation data is available, new construction and substantial
improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than two feet (2') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "enclosures."

(b) Non-residential structures. In AE Zones, where base flood elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated to no lower than one foot (1') above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "enclosures."

(c) Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(i) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.

(A) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.

(B) The bottom of all openings shall be no higher than one foot (1') above the finished grade.

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(ii) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of § 12-407(2).

(d) Standards for manufactured homes and recreational vehicles.

(i) The City of Belle Meade regulates elsewhere in this code certain improvements to real property including the prohibition of manufactured homes and the parking of recreational
vehicles. Without modification of, and consistent with, the other provisions of this code, the city hereby adopts the following additional provisions;

(ii) All manufactured homes placed, or substantially improved, on:

(A) Individual lots or parcels,
(B) In expansions to existing manufactured home parks or subdivisions, or
(C) In new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

(iii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that: In AE Zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than four feet (4') above the level of the base flood elevation.

(iv) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 12-407(1) and (2).

(v) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(vi) All recreational vehicles placed in an identified special flood hazard area must either:

(A) Be on the site for fewer than one hundred eighty (180) consecutive days, unless a shorter period of time is proscribed elsewhere in this code;

(B) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

(C) The recreational vehicle must meet all the requirements for new construction.

(e) Standards for subdivisions and other proposed new development proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonable safe from flooding.

(i) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

(ii) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer,
gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(iii) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 12-405(2), are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the base flood elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective flood insurance study for the City of Belle Meade, Tennessee and certification thereof.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 12-407(1) and (2).

(c) All floodplain alterations that result in the filling or elimination of floodplain storage shall provide compensating storage capacity by excavating out at least an equal amount (1:1) of volume as occupied by fill. All excavated or cut materials shall be removed from the site before fill materials can be delivered, unless all fill material is generated onsite. Excavated or cut volumes below the lower of the top of bank or elevation of the two (2) year storm event shall not be included in the compensating storage calculations. Every effort shall be made to preserve natural flow lines.

(4) Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 12-405(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

(a) No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special
flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when the water surface elevation of the base flood more than one-tenth (0.1) foot 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 and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 12-407(1) and (2).

(c) All floodplain alterations that result in the filling or elimination of floodplain storage shall provide compensating storage capacity by excavating out at least an equal amount (1:1) of volume as occupied by fill. All excavated or cut materials shall be removed from the site before fill materials can be delivered, unless all fill material is generated onsite. Excavated or cut volumes below the lower of the top of bank or elevation 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.

(5) Standard for unmapped streams. Located within the City of Belle Meade, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

(a) No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-tenth (0.1) foot at any point within the Belle Meade.

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with § 12-406 and 12-407.

(c) All floodplain alterations that result in the filling or elimination of floodplain storage shall provide compensating storage capacity by excavating out at least an equal amount (1:1) of volume as occupied by fill. All excavated or cut materials shall be removed from the site before fill materials can be delivered, unless all fill material is generated onsite. Excavated or cut volumes below the lower of the top of bank or elevation 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. (as added by Ord. #2015-8, Feb. 2015, and amended by Ord. #2020-3, June 2020 Ch8_01-19-22)
12-408. Variance procedures. (1) Municipal board of building code appeals. (a) Authority. The City of Belle Meade, Board of Building Code Appeals, shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(b) Procedure. Meetings of the board of building code appeals shall be held at such times as the board shall determine. All meetings of the board of building code appeals shall be open to the public. The board of building code appeals shall adopt rules of procedure and shall keep records of applications and actions thereon, which shall be a public record. Compensation of the members of the board of building code appeals, if any, shall be set by the commissioners.

(c) Appeals: how taken. An appeal to the board of building code appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the board of building code appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of one hundred dollars ($100.00) for the cost of publishing a notice of such hearings shall be paid by the appellant. The city building official shall transmit to the board of building code appeals all papers constituting the record upon which the appeal action was taken. The board of building code appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest, and decide the same within a reasonable time which shall not be more than fourteen (14) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers. The board of building code appeals shall have the following powers:

(i) Administrative review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the city building official or other administrative official in the carrying out or enforcement of any provisions of this ordinance.

(ii) Variance procedures. In the case of a request for a variance, the following shall apply:

(A) The City of Belle Meade, Board of Building Code Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(B) Variances may be issued for the repair or rehabilitation of historic structures as defined herein upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a
historic structure and the variance is the minimum necessary deviation from the requirements of this ordinance to preserve the historic character and design of the structure.

(C) In passing upon such applications, the board of building code appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

(1) The danger that materials may be swept onto other property to the injury of others;
(2) The danger to life and property due to flooding or erosion;
(3) The susceptibility of the proposed facility and its contents to flood damage;
(4) The importance of the services provided by the proposed facility to the community;
(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;
(9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(D) Upon consideration of the factors listed above, and the purposes of this title and chapter, the board of building code appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this ordinance.

(E) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
(iii) Imposition of penalties. The city declares that any person violating the provisions of this ordinance may be assessed a civil penalty by the City of Belle Meade of not more than fifty dollars ($50.00). Each day of violation shall constitute a separate violation.

(A) Measuring civil penalties. In assessing a civil penalty, the board of building code appeals may consider:
   (1) The harm done to the public health or the environment;
   (2) The duration and gravity of the violation(s);
   (3) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
   (4) The economic benefit gained by the violator;
   (5) The amount of effort put forth by the violator to remedy this violation;
   (6) Whether the violation(s) was committed intentionally;
   (7) The prior record of the violator in complying or failing to comply with the floodwater management program;
   (8) Any unusual or extraordinary enforcement costs incurred by the city;
   (9) The amount of penalty established by ordinance or resolution for specific categories of violations; and
   (10) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(iv) Recovery of damages and costs. In addition to the civil penalty in subsection (2) above, the board of building code appeals may recover:

(A) All damages proximately caused by the violator to the city, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this ordinance, or any other actual damages caused by the violation.

(B) The costs of the city's maintenance of floodwater facilities when the user of such facilities fails to maintain them as required by this ordinance.
(2) **Conditions for variances.** (a) Variances shall be issued upon a
determination that the variance is the minimum relief necessary,
considering the flood hazard and the factors listed in § 12-408(1).

(b) Variances shall only be issued upon

(i) A showing of good and sufficient cause;

(ii) A determination that failure to grant the variance

would result in exceptional hardship; or

(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 from
flood insurance, and that such construction below the base flood level
increases risks to life and property.

(d) The city building official shall maintain the records of all
appeal actions and report any variances to FEMA upon request.  (as
added by Ord. #2015-8, Feb. 2015)

12-409. **Legal status provisions.** (1) **Conflict with other ordinances.**
In case of conflict between this title and chapter or any part thereof, and the
whole or part of any existing or future ordinance of the City of Belle Meade,
Tennessee, the most restrictive shall in all cases apply.

(2) **Severability.** If any section, clause, provision, or portion of this title
and chapter shall be held to be invalid or unconstitutional by any court of
competent jurisdiction, such holding shall not affect any other section, clause,
provision, or portion of this title and chapter which is not of itself invalid or
unconstitutional.

(3) **Effective date.** This ordinance shall become effective immediately
after its passage on second reading in accordance with the Charter of the City
of Belle Meade, Tennessee, and the public welfare demanding it.  (as added by
Ord. #2015-8, Feb. 2015)
CHAPTER 5

TREE MANAGEMENT

SECTION
12-501. Tree removal permit required.
12-503. Tree management and protection standards.
12-504. Exemptions.
12-505. Authority of building official.
12-506. Permits.
12-507. Appeals.
12-508. Technical standards.
12-509. Development standards.
12-511. Arborist report.
12-512. Tree removal in cases where no building permit is required.
12-513. Penalties.

12-501. Tree removal permit required. Whenever new construction, demolition, or any land disturbance activity is proposed which requires a permit from the City of Belle Meade, unless exempted in accordance with § 12-504, the permit applicant and all other persons with a legal interest in the real property shall also obtain a tree removal permit as provided in this chapter. (as added by Ord. #2019-11, May 2020 Ch8_01-19-22)

12-502. Applicability. The standards of this chapter shall apply jointly and severally to:
   (1) Each and every person owning a legal interest in the real property located in the City of Belle Meade while under construction and/or until construction is completed;
   (2) Each and every permit applicant, including, but not limited to the contractor who has been issued a tree removal permit;
   (3) Each and every permit applicant, including but not limited to the contractor who has been issued a building permit;
   (4) Any permit holder who has been issued a permit from the City of Belle Meade for land disturbance activities at the site, and (5) all subcontractors working for a permit holder unless otherwise exempt. (as added by Ord. #2019-11, May 2020 Ch8_01-19-22)

12-503. Tree management and protection standards. (1) Removal of existing trees shall not occur on a lot subject to the terms of this section until such time as a tree removal permit has been issued.
(2) No construction or land disturbance activities may commence until all protective measures have been properly installed to protect any and all existing or planted trees from being damaged during construction or land disturbance activities in accordance with the tree protective barrier requirements described herein.

(3) Barricades shall be at least three feet (3') in height and installed a minimum of ten feet (10') from a protected tree or at the designated protected root zone as shown on the approved site plan that will meet or exceed the example on the city's website. The building official may allow minor modifications to the standard based upon specific site configuration issues.

(4) All construction activities may be stopped at the sole discretion of the city's building official and/or the city's designee, until such time as appropriate tree protection barriers have been promulgated to the City of Belle Meade.

(5) No changes to the predevelopment conditions within the approved protected root zone area allowed during the construction process, but a barricade may be temporarily relocated to accommodate a construction issue if advance notice has been provided to and approval obtained from the building official. 

12-504. Exemptions. The following development or construction activities and types of vegetation are exempt from the standards of this chapter:

(1) The removal of dead, fatally diseased, or naturally fallen trees or vegetation.

(2) The selective and limited removal of trees necessary to obtain clear visibility at driveways or intersections.

(3) The actions of public and private utility companies within their utility easements.


(5) Removal of trees causing damage to public facilities or improvements to the subject property. 

12-505. Authority of building official. The building official and/or his/her designee shall have all necessary authority to supervise and inspect all work done pursuant to a permit issued in accordance with terms of this chapter and otherwise administer the provisions hereof.

12-506. Permits. No person shall plant, cut or remove, above or below ground, any tree during construction activities which requires a building permit, or any other type of permit from the City of Belle Meade, without first filing an application and procuring a tree removal permit from the city. The application
and permit shall be on forms developed and provided by the building official. The tree removal permit application shall include a stamped report from a certified arborist (furnished by the land owner or their representative) addressing all required components of this chapter, a site plan showing tree caliper for all trees on the property, and any other information reasonably required by the building official. Any and all persons receiving a permit or who have an interest in the real property are jointly and severally liable and shall abide by the specifications and standards of practice adopted per this chapter. The building official shall have the authority to require an as-built "arborist report" before the certificate of occupancy shall be issued. (as added by Ord. #2019-11, May 2020 Ch8_01-19-22)

12-507. Appeals. The grant or denial of a tree removal permit may be appealed by the applicant or other interested party to the board of building codes appeals. (as added by Ord. #2019-11, May 2020 Ch8_01-19-22)

12-508. Technical standards. The following technical standards establish the tree replacement standards on all projects requiring a permit:

<table>
<thead>
<tr>
<th>EXISTING TREE SIZE</th>
<th>REQUIRED REPLACEMENT CALIPER MINIMUM</th>
<th>RATIO OF REPLACEMENT TREES TO REMOVED TREES</th>
</tr>
</thead>
<tbody>
<tr>
<td>4&quot; - 15&quot; D.B.H.</td>
<td>3&quot;</td>
<td>2:1</td>
</tr>
<tr>
<td>16&quot; - 30&quot; D.B.H.</td>
<td></td>
<td>4:1</td>
</tr>
</tbody>
</table>

Any tree greater than thirty inches (30") in caliper shall be considered a "monarch tree," as defined in § 12-510(2), and shall not be removed under any circumstances, except when it is a clear threat to public safety. (as added by Ord. #2019-11, May 2020 Ch8_01-19-22)

   (a) During development, construction or land disturbance activities, no clear-cutting of any lot is permissible. Clear-cutting is defined as removal of trees outside of the approved building area which includes the building envelope, the area approved for a driveway and any area authorized by the board of zoning appeals or the planning commission. No trees may be removed outside of the above described areas. Where trees are to be removed due to the layout of driveways, every effort will be given to redirect the drive to save trees.
   (b) Historical or monarch trees are to be identified by a certified arborist and shall be protected and preserved. Historical or monarch trees shall be protected by a more substantial barrier such as chain link fencing placed at the drip line of tree.
(c) During development, construction, or land disturbance activities, the applicant shall be responsible for the erection of barriers necessary to protect any existing or installed trees from damage.

(d) Barricades shall be installed a minimum of ten feet (10') from a protected tree or at the drip line as shown on the approved site plan. The building official may allow minor modifications to this standard based upon specific site configuration issues.

(e) No changes to the predevelopment conditions within the approved protected root zone are allowed during the construction process, but a barricade may be temporarily relocated to accommodate a construction issue if advance notice has been provided to and approval obtained from the building official.

(f) No excess soil, sediment, fill, vehicles, dumpsters, equipment, construction materials, liquid waste, solid waste, special waste, solvents and/or demolition or construction debris shall be placed within six feet (6') of the protective barrier area surrounding a tree while construction activities, including preparation of the site, are ongoing.

(g) The disposal of "wet" construction materials should be handled in the washout area. This includes paint, stucco and concrete. Use of a berm with an impervious liner to contain the wet materials and prevent runoff shall be required.

(h) The provisions of this section shall not apply in the event the building official determines a protected tree is creating an imminent safety hazard.

(2) Removal and replacement of trees. In the event one (1) or more trees are removed or damaged due to land disturbance or construction activities subject to a permit issued by the city, the following shall apply:

(a) Prior to and during land clearing, including grubbing, all trees to be removed shall be clearly marked with ribbons at thirty-six to forty-eight inches (36" to 48") above grade. All trees to be removed shall be marked with an orange plastic ribbon tied around the trunk of each tree prior to the onsite inspection of the city's building official. If the orange ribbon is not placed around each tree at the time of inspection by the city building official, the inspection shall be rejected and a re-inspection fee of fifty dollars ($50.00) shall be charged to the applicant.

(b) The applicant or any person owning a legal interest in real property for which a permit has been issued shall be solely responsible for replacing any newly planted or transplanted trees on such property used to meet the minimum requirements as outlined in the technical standards which die or become so unhealthy so as to lose their aesthetic or functional purpose after the construction on such property has been completed.

(c) All original or replanted trees as required herein shall survive for at least one (1) year from the date of final inspection. Any
replanted tree that does not survive the full one-year requirement, shall be replanted at the current real property owner's sole expense. All transplanted trees on the site shall be maintained using acceptable horticultural practices.

(d) Any person(s) owning any legal interest in real property for which a tree removal permit has been issued shall replace each newly planted or transplanted tree on said property which have died or become so unhealthy that it is the opinion of the building official that the tree(s) have lost their aesthetic or functional purpose since the time the activities on the property were completed per the requirements detailed in part (c) above.

(e) All transplanted trees on the site shall be maintained using acceptable horticultural practices or best management practices. (as added by Ord. #2019-11, May 2020 Ch8_01-19-22)

12-510. Acceptable trees. The following trees have been identified as species that are suitable in this geographic region and are acceptable by the City of Belle Meade.

(1) Large or canopy trees, defined as a tree that normally achieves an over-all height at maturity of thirty (30') feet or more.

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Botanical Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acer rubrum</td>
<td>Red Maple</td>
<td>Platanum occidentalis</td>
<td>Sycamore</td>
</tr>
<tr>
<td>Acer saccharum</td>
<td>Sugar Maple</td>
<td>Prunus serotine</td>
<td>Black Cherry</td>
</tr>
<tr>
<td>Aesculus spp</td>
<td>Buckeye</td>
<td>Quercus alba</td>
<td>White Oak</td>
</tr>
<tr>
<td>Betula nigra</td>
<td>River Birch</td>
<td>Q. coccinea</td>
<td>Scarlet Oak</td>
</tr>
<tr>
<td>Carya illinoensis</td>
<td>Pecan</td>
<td>Q. falcata</td>
<td>Southern Red Oak</td>
</tr>
<tr>
<td>Carya spp</td>
<td>Hickories</td>
<td>Q. lyrate</td>
<td>Overcup Oak</td>
</tr>
<tr>
<td>Catalpa speciose</td>
<td>Northern Catalpa</td>
<td>Q. macrocarpa</td>
<td>Bur Oak</td>
</tr>
<tr>
<td>Diospyros virginiana</td>
<td>Persimmon</td>
<td>Q. michauxii</td>
<td>Swamp</td>
</tr>
<tr>
<td>Fagus grandifolia</td>
<td>American Beech</td>
<td>Q. muehlenbergii</td>
<td>Chestnut Oak</td>
</tr>
<tr>
<td>Gymnocladus dioicus</td>
<td>Kentucky</td>
<td>Q. nigra</td>
<td>Chinkapin Oak</td>
</tr>
<tr>
<td>Halesia Carolina</td>
<td>Coffeetree</td>
<td></td>
<td>Water Oak</td>
</tr>
<tr>
<td>Juglans nigra</td>
<td>Silverbell</td>
<td>Q. nuttalli</td>
<td>Nuttall Oak</td>
</tr>
<tr>
<td>Juniperus virginiana</td>
<td>Black Walnut</td>
<td>Q. pagoda</td>
<td>Cherrybark Oak</td>
</tr>
<tr>
<td>Liquidambar styraciflua</td>
<td>Eastern Red-Cedar</td>
<td>Q. phellos</td>
<td>Willow Oak</td>
</tr>
<tr>
<td>Liriodendron tulipifera</td>
<td>Sweetgum</td>
<td>Q. prinus</td>
<td>Chestnut Oak</td>
</tr>
<tr>
<td>Magnolia acuminate</td>
<td>Yellow-Poplar</td>
<td>Q. rubra</td>
<td>Northern Red Oak</td>
</tr>
<tr>
<td></td>
<td>Cucumbertree</td>
<td>Q. shumardii</td>
<td>Shumard Oak</td>
</tr>
<tr>
<td>Botanical Name</td>
<td>Common Name</td>
<td>Botanical Name</td>
<td>Common Name</td>
</tr>
<tr>
<td>---------------------</td>
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</tr>
<tr>
<td>Acer pensylvanicum</td>
<td>Striped Maple</td>
<td>Cornus florida</td>
<td>Dogwood</td>
</tr>
<tr>
<td>Acer spicatum</td>
<td>Mountain Maple</td>
<td>Cotinus obavatus</td>
<td>Smoketree</td>
</tr>
<tr>
<td>Aesculus pavia</td>
<td>Red Buckeye</td>
<td>Crateagus spp.</td>
<td>Hawthorn</td>
</tr>
<tr>
<td>Alnus serrulate</td>
<td>Alder</td>
<td>Hamamelis virginiana</td>
<td>Witch Hazel</td>
</tr>
<tr>
<td>Amelanchier arborea</td>
<td>Serviceberry</td>
<td>Ilex opaca</td>
<td>American</td>
</tr>
<tr>
<td>Amorpha fruticose</td>
<td>False Indigo</td>
<td>Magnolia virginiana</td>
<td>Holly</td>
</tr>
<tr>
<td>Aralia spinosa</td>
<td>Devil's Walking Stick</td>
<td>Ostrya virginiana</td>
<td>Sweetbay</td>
</tr>
<tr>
<td>Asimina triloba</td>
<td>Pawpaw</td>
<td>Oxydendron arboretum</td>
<td>Sourwood</td>
</tr>
<tr>
<td>Bumelia lycioides</td>
<td>Buckthorn</td>
<td>Rhamnus caroliniana</td>
<td>Carolina Buckthorn</td>
</tr>
<tr>
<td>Carpinus caroliniana</td>
<td>Hornbeam</td>
<td>Rhus copallina</td>
<td>Shining Sumac</td>
</tr>
<tr>
<td>Castanea pumila</td>
<td>Allegheny</td>
<td>Rhus glabra</td>
<td>Smooth Sumac</td>
</tr>
<tr>
<td>Cercis canadensis</td>
<td>Chinkapin</td>
<td>Rhus typhina</td>
<td>Staghorn Sumac</td>
</tr>
<tr>
<td>Chionanthus virginicus</td>
<td>Fringetree</td>
<td>Styras spp.</td>
<td>Snowbell</td>
</tr>
<tr>
<td>Cladrastis lutea</td>
<td>Yellowwood</td>
<td>Cornus Kousa Cercis</td>
<td>Sumac</td>
</tr>
</tbody>
</table>

Submittals by a certified arborist as replacement trees may also be considered. (as added by Ord. #2019-11, May 2020 Ch8_01-19-22)

12-511. Arborist report. All permit applications for any land disturbance project in the City of Belle Meade shall include a report prepared by a certified arborist outlining how the applicant will comply with all components of this ordinance including, but not limited to, the following: tree protection plan, tree removal plan, tree transplant plan and a tree replacement
plan, tree types, sizes and quantities. In the event no trees will be affected, the
plan submittals shall contain a written note certifying the plans as submitted
shall not affect any trees. (as added by Ord.#2019-11, May 2020 \textit{Ch8_01-19-22})

12-512. \textbf{Tree removal in cases where no building permit is required.} In addition to those cases in which a tree removal permit is required as an incident to the issuance of a building permit or land disturbance permit, and subject to the exceptions in § 12-504, no property owner or other person with an interest in the property may engage in clear-cutting, as defined in § 12-509(a) or remove any acceptable tree as defined in § 12-510, of fifteen inches (15") in caliper, unless such owner within a reasonable time thereafter, as determined by the building official, replaces said tree with four (4) replacement trees of acceptable caliper, as defined in the technical standards in § 12-508. In such cases, the building official may also require an arborist's report. (as added by Ord. #2019-11, May 2020 \textit{Ch8_01-19-22})

12-513. \textbf{Penalties.} Any person, firm, corporation, or other legal entity, violating or failing to comply with any of the provisions of this ordinance and removes a viable tree shall replace tree or trees with like calipers and shall be subject to a civil penalty of fifty dollars ($50.00) per day and all other remedies provided herein. (as added by Ord. #2019-11, May 2020 \textit{Ch8_01-19-22})
13-1

TITLE 13

PROPERTY MAINTENANCE REGULATIONS\(^1\)

CHAPTER
1. MISCELLANEOUS.
2. UNSAFE BUILDINGS.
3. MAINTENANCE CODE.

CHAPTER 1

MISCELLANEOUS

SECTION
13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the city manager shall appoint or designate to administer and enforce health and sanitation regulations within the city. (1987 Code, § 8-101)

13-102. Adulterated food, drugs, and cosmetics. It shall be unlawful and a violation of this section for any person to violate within the city any provisions of the state food, drug, and cosmetic laws. (1987 Code, § 8-102)

13-103. Communicable diseases. When there exists or is suspected to exist in any household a communicable disease other than a venereal disease or a common childhood disease, it shall be the duty of any attending physician and the head or other responsible person in such household possessing knowledge of the facts to notify immediately the health officer. The health officer shall thereupon make such investigation and issue such quarantine

\(^1\)Municipal code references
Littering streets, etc.: § 16-107.
orders as may reasonably be necessary to protect the public health. It shall be unlawful for any person to violate any such orders of the health officer. (1987 Code, § 8-103)

13-104. 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 or business. (1987 Code, § 8-105)

13-105. 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. (1987 Code, § 8-106)

13-106. Weeds, trees, trash, etc. (1) The following actions or inactions by any person within the City of Belle Meade are hereby declared to be unlawful and nuisances:

(a) For any person to permit or suffer weeds, trees, and/or other vegetation to grow or to allow trash to accumulate on his properties to such an extent that such growth or accumulation is injurious to or likely to imperil the health, safety, and welfare of the residents of the City of Belle Meade and the general public.

(b) For any person to permit or suffer any substance, animal, or thing to accumulate on his property, which substance is or is likely to become a public nuisance, or which is likely to imperil the life, health, or safety of any persons, or which, through the giving off of odors or noises is or is likely to become offensive or injurious to the comfort or safety of the residents and the general public.

(c) For any person to permit the residence or any other buildings or structures on his property to become so dilapidated, or neglected in appearance, as to become offensive or injurious to the senses, comfort, or safety of the residents and the general public.

(2) The city manager of the City of Belle Meade is hereby directed to make regular inspections of all property within the City of Belle Meade, to determine if a violation of subsection (1) exists. In the event he shall find any such violation, he shall cause notice to be forwarded to the last known address of all owners of such property as are shown upon the tax books of the city, which notice shall be forwarded by registered or certified mail, return receipt requested, to such owners, and such notice shall advise the owners of the existence of the condition that is in violation of subsection (1) hereof, and shall further advise that, in the event compliance is not effected within fifteen (15) calendar days from the date of mailing such notice, the City of Belle Meade will
cause such cutting and/or removal to be accomplished, and the expense thereof charged to the property and the owners thereof as shown by said tax books.

(3) The city manager is authorized and directed to prepare and send all such notices as are provided for in subsection (2) hereinabove, and, in the event the cutting and/or removal required by this section shall not have been accomplished in the time allowed in such notice, then the city manager is further authorized and directed to cause such cutting and/or removal to be done at the expense of the City of Belle Meade and to cause an account therefor to be made for each tract or parcel of property upon which such cutting and/or removal is done. The city manager shall then notify the owners of the property of the amount of such expense, in the same manner as provided in subsection (2), and shall further notify such owners that the reimbursement of such expense is required within thirty days from the date of such notice.

(4) All owners of property shall be liable, jointly and severally, for the expense of such cutting and/or removal accomplished by the city upon their property, and the property itself shall be subject to suit or lien for reimbursement of such expenses. In the event the expenses of such cutting and/or removal shall not have been paid within the thirty day period allowed following the notice as hereinabove provided, then the expenses shall be entered upon the tax books of the city as a charge against each such parcel of property whereon such expense was incurred. In the event such expense shall not have been reimbursed by December 1 of the year in which same was incurred, then the city manager shall notify the city attorney of all such amounts so expended, and the city attorney is authorized and directed to institute suits in the name of the City of Belle Meade to recover all sums expended by the city pursuant to the provisions of this section. (Ord. 76-3, §§ 2 - 5. 1987 Code, § 8-108, as amended by ord. 89-8)

13-107. **House trailers.** It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the city and unless a permit therefor shall have been first duly issued by the building official. (1987 Code, § 8-104)

13-108. **Burning leaves, trash, etc.** The burning or setting fire to grassy, or wooded areas, or to accumulations of dead leaves, tree limbs, grass clippings, trash, waste, construction debris, or refuse of any kind, is hereby prohibited. Burning of construction debris in metal drums is not permitted. (Ord. 61-1, § 2. 1987 Code, § 8-109, as replaced by Ord. #2015-2, May 2015)

13-109. **Fire pits, outdoor fireplaces; grills.** Subject to the provisions of the zoning code and such restrictions as might be imposed by the board of zoning appeals:
(1) Burning is permitted of wood only when contained in outdoor fireplaces, firepits, portable firepits or fire rings that are protected by a minimum three foot (3') diameter of noncombustible material on the ground surrounding the structure containing the fire.

(2) Fires are permitted for outdoor cooking where done with equipment or fireplace designed for such purposes and in a manner not offensive to persons in the vicinity.

(3) All fires allowed under this section can only be conducted under the following circumstances:
   (a) The area of the fire must be clear of overhead vegetation;
   (b) The owner of the property and the person responsible for the fire shall have a readily available and approved method to control and immediately extinguish the fire;
   (c) Open fires cannot be conducted in winds greater than fifteen (15) mph. (as added by Ord. #2015-2, May 2015)
13-201. **Unsafe buildings defined, declared nuisance.** All buildings or structures which are unsafe, unsanitary, not provided with adequate egress, which constitute a fire hazard, are otherwise dangerous to human life and property, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment are severally in contemplation of this chapter, unsafe buildings. All such unsafe buildings or structures are hereby declared to be unlawful and constituting a nuisance and shall be abated by repair and rehabilitation or by demolition in accordance with the procedure outlined in this chapter. (1987 Code, § 4-201, as added by ord. 88-2)

13-202. **Notice to abate; abatement by city.** Whenever the city manager finds any building or structure or portion thereof to be unsafe, as defined in this chapter, he shall cause notice to be forwarded to the last known address of all owners, agents, or other person or persons in control of such building or structure, stating the defects thereof. Said notice shall be forwarded by registered or certified mail, return receipt requested, to such owners, agents, or persons in control, and shall further advise that, in the event abatement of the condition is not effected within thirty (30) calendar days from the date of mailing such notice, the City of Belle Meade will cause the specified repairs or improvements to be accomplished, or the building or structure or portion thereof to be demolished and removed, and the expenses thereof charged to the property and the owners thereof as shown by the tax books of the city. (1987 Code, § 4-202, as added by ord. 88-2)

13-203. **Occupancy of unsafe buildings; notice of prohibited occupancy.** If necessary, such notice shall also require the building or structure or portion thereof to be vacated forthwith and not re-occupied until the specific repairs and improvements have been completed and a valid certificate of occupancy has been issued. The city manager shall cause to be posted at each entrance to such building or structure a notice stating: "This building is unsafe
and its use or occupancy has been prohibited by the City Manager of the City of Belle Meade." Such notice shall remain posted until the required repairs are made or until demolition is completed. It shall be unlawful for any person, firm, or corporation, their agents or representatives, to remove such notice without written permission of the city manager, or for any person to enter such building or structure except for the purpose of making the required repairs of or demolishing the same. (1987 Code, § 4-203, as added by ord. 88-2)

13-204. Appeal or hearing. The owner, agent, or person in control of a building or structure shall have the right, except in cases of emergency, to appeal from the decision of the city manager, as hereinafter provided, and to appeal before the board of commissioners at a specified time and place to show cause why he should not comply with said notice. All owners of property contiguous to or affected by the unsafe building or structure shall be afforded notice of said hearing in the manner prescribed herein. (1987 Code, § 4-204, as added by ord. 88-2)

13-205. Failure of owner, etc., to repair. In the event that the owner, agent, or person in control of such building or structure cannot be found by the city manager in the exercise of reasonable diligence or if such owner, agent, or person in control shall fail, neglect, or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove such building or structure or portion thereof, the city manager, after having ascertained the cost, shall cause such building or structure or portion thereof to be demolished, secured, or required to remain vacant. (1987 Code, § 4-205, as added by ord. 88-2)

13-206. Imminent danger situations. The decision of the city manager shall be final in cases of emergency, without notice of the owner, which in the city manager's opinion involve imminent danger to human life or health. The city manager shall immediately cause such building, structure, or portion thereof to be made safe or removed. For this purpose the city manager may enter at once such building or structure or premises upon which the same is located, or abutting land or structures, with such assistance and at such costs as he may deem necessary. The city manager may vacate adjacent structures and protect the public by appropriate barricades or other such means as may be necessary, and for this purpose may close a public or private street, alley, or means of access. (1987 Code, § 4-206, as added by ord. 88-2)

13-207. Expenses to be lien. Any and all expense incurred under the requirements of this chapter shall be charged to the owner of the premises involved as shown by the tax books of the city and shall be a lien against the real property upon which such costs were incurred, until paid. (1987 Code, § 4-207, as added by ord. 88-2)
CHAPTER 3

MAINTENANCE CODE

SECTION
13-301. Preamble.
13-304. Vacant dwellings and structures.
13-305. Maintenance of the premises.
13-308. Notice of violation.
13-309. Hearing before board of building code appeals.
13-310. Remedies for violation.
13-311. Demolition.
13-312. Limitation of liability.

13-301. **Preamble.** The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of their lot, dwelling, other structures and equipment on their lot, collectively referred to herein as the "premises." (as added by Ord. #2011-10, Oct. 2011)

13-302. **Unlawful acts.** The following actions or inactions by any person within the City of Belle Meade are declared to be unlawful:

   (1) It shall be unlawful for a person to be in conflict with or in violation of any of the provisions of title 13, chapter 3 of this code.

   (2) Any person failing to comply with a notice served in accordance with § 13-308 shall be deemed guilty of a misdemeanor. If the notice is not complied with, the city shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the premises in violation of the provisions of the Belle Meade Maintenance Code or of the order or direction made pursuant thereto.

   (3) No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. (as added by Ord. #2011-10, Oct. 2011)

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"Lot" is defined at § 14-201(a)(2)(m) of the Belle Meade Municipal Code and "dwelling" is defined at § 14-201(a)(2)(e) of the Belle Meade Municipal Code.
13-303. **General standard of care.** The owner of the premises shall maintain it in compliance with these requirements, except as otherwise provided for in this code.

(1) A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Both owner and occupants of the premises are responsible for keeping the premises in a clean, sanitary and safe condition.

Premises and/or structures that do not comply with § 13-201, *et seq.* of the Code of the City of Belle Meade are not in a safe condition and do not comply with the requirements of this chapter.

(2) This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare of persons occupying premises insofar as they are affected by the continued occupancy and maintenance of structures and premises.

(3) Existing premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. (as added by Ord. #2011-10, Oct. 2011)

13-304. **Vacant dwellings and structures.** All premises, and all vacant land, dwellings and structures, shall be maintained in a clean, safe, secure and sanitary condition as provided herein and to assure the public health or safety. (as added by Ord. #2011-10, Oct. 2011)

13-305. **Maintenance of the premises.** (1) The premises and all exterior property shall be maintained in a clean, safe and sanitary condition.

(2) All lots shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon, and shall comply with all other provisions of this code.

(3) All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

(4) All premises shall be maintained free from overgrown landscaping, weeds or plant growth in excess of twelve inches (12”).

(a) All noxious weeds shall be prohibited.

(b) Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

(5) Swimming pools, hot tubs and spas, including all fences, covers or other safety features required in connection with swimming pools, hot tubs or spas, shall be maintained in a clean and sanitary condition, and in good repair.

(6) All improvements required by the board of zoning appeals as a condition to the grant of a building permit shall be maintained in good condition and in good repair.
(a) Insofar as landscaping was required by the board of zoning appeals, it shall be installed, maintained and, when necessary, replaced.

(b) The premises shall be maintained in accordance with the applicable building code.

(7) All lots shall be free from any accumulation of rubbish or garbage. As is further described in title 17 of the Code of the City of Belle Meade, every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

(a) "Rubbish" is defined as follows: Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

(b) Every occupant of the lots shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers in accordance with regulations issued by the City of Belle Meade. (as added by Ord. #2011-10, Oct. 2011)

13-306. Maintenance of the exterior of a structure. (1) The exterior of the premises and the exterior of any structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(2) All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(3) All exterior walls shall be free from holes, breaks, and loose or rotting materials, and maintained weatherproof and properly surface coated where required to prevent deterioration.

(4) The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
(5) All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(6) Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

(7) All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

(8) Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(9) Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

(10) All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. (as added by Ord. #2011-10, Oct. 2011)

13-307. Rodent and insect harborage. All premises and exterior property shall be kept free from rodent and insect harborage and infestation. Where rodents or insects are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate harborage and prevent re-infestation. (as added by Ord. #2011-10, Oct. 2011)

13-308. Notice of violation. (1) The City Manager of the City of Belle Meade is hereby directed to cause to be made regular inspections of all premises in the City of Belle Meade to determine if any violation of the Belle Meade Maintenance Code exists.

(2) In the event that the city manager determines that there exists a potential violation of the Belle Meade Maintenance Code, the city manager shall prepare a draft notice of violation ("notice"), prepared in accordance with subsection (3) herein, setting forth the code section of the Belle Meade Maintenance Code that is under review, describing the nature of the violation and appending to the draft notice photographs or other documentation of the violation and, if appropriate, the cost to correct such violation.

(3) Any notice, including the draft notice referenced above, shall be prepared as follows:

(a) Be in writing.

(b) Include a description of the premises and the owner of the premises; additionally, insofar as it is appropriate to the notice, the notice shall identify occupants of the premises.
(c) Include a statement of the violation or violations and why the notice is being issued.
(d) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the premises or structure into compliance with the provisions of this code.
(e) Inform the owner of the right to hearing before the board of building code appeals on a date set forth in the notice.
(f) Include a statement directing the owner to the range of remedies available to the city in accordance with § 13-309.

(4) The draft notice prepared in accordance with subsection (3) herein shall be presented to the board of building code appeals for review along with all supporting information, after which the board of building code appeals shall make a determination how to proceed.

(a) The board of building code appeals may direct any additional investigation that it determines necessary to its decision.
(b) If the board of building code appeals determines that a notice should issue, then it shall finalize the notice.
(c) The final notice as approved by the board of building code appeals prepared in accordance with subsection (3) above shall set a date on which a hearing will be held to ascertain whether there has been compliance with the notice.
(d) Insofar as the board of building code appeals determines that there is a violation of the Belle Meade Maintenance Code that presents an immediate risk of harm to the city or its residents:
   (i) The board of building code appeals may direct that the city file suit in either the City Court of the City of Belle Meade or the Courts of Davidson County to enforce the Belle Meade Maintenance Code; and/or
   (ii) The board of building code appeals may order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the city manager deems necessary to meet such emergency; and direct that city manager employ the necessary labor and materials to perform the required work, including demolition, as expeditiously as possible.
   (A) The costs incurred in the performance of emergency work shall be paid by the City of Belle Meade.
   (B) The city attorney shall institute appropriate action against the owner and/or occupant of the premises for the recovery of such costs. (as added by Ord. #2011-10, Oct. 2011)
13-309. **Hearing before board of building code appeals.** At the hearing scheduled in accordance with § 13-308(4)(c) above, the board of building code appeals may take any of the following actions:

(1) Upon advice by the city manager of compliance with the notice, no further action will be required and any fines that could have been assessed shall be automatically waived;

(2) Upon advice by either the city manager or the owner of a dispute regarding compliance with the notice, a hearing upon whether there has been compliance with the notice, and a judgment that:
   
   (a) There has been compliance with the notice, the city shall waive its right to a fine (as might be assessed in accordance with § 13-310(1) below) and no additional action is required;
   
   (b) There has not been compliance with the notice and that the matter should be referred to the city for prosecution along with a recommendation of the board of building code appeals of the sanction that should be sought by the city; and
   
   (c) If necessary, that the city institute an action in the Courts of Davidson County to order compliance with the actions required by the notice; or
   
   (d) That additional action is required, in which event an amended notice shall issue and a new hearing date scheduled for a hearing on the new notice. (as added by Ord. #2011-10, Oct. 2011)

13-310. **Remedies for violation.** (1) Upon determination of the board of building code appeals as set forth in § 13-309(2)(b) above, any person who fails to comply with the notice, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws.

   (a) Each day that a violation continues after notice has been served shall be deemed a separate offense and subject to a fine.
   
   (b) The fine for each offense may be in an amount up to fifty dollars ($50.00) a day.

(2) The imposition of the remedies herein prescribed shall not preclude the city from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of the premises, or to stop an illegal act, conduct, business or utilization of the premises.

(3) It shall be unlawful for the owner of any dwelling premises who has received a notice to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the notice have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of the notice and shall furnish to the city manager a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice and fully accepting the responsibility without condition for making the corrections or repairs required by such notice.
(4) If the board of building code appeals determines that the owner of the premises fails to comply with the notice, the city shall cause a lien to be placed upon the real estate for all costs incurred by the city in connection with the notice, and the actions required by the notice. (as added by Ord. #2011-10, Oct. 2011)

13-311. Demolition. After notice in accordance with § 13-308 above and hearing in accordance with § 13-309 above, a structure may be ordered demolished and removed subject to the following terms and conditions:

(1) Any premises that is:
   (a) So old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy; and
   (b) Cannot be reasonably repaired shall be ordered demolished and removed by the board of building code appeals.

(2) Any structure on which there has been a cessation of normal construction for a period of more than two (2) years shall be ordered demolished and removed by the board of building code appeals.

(3) Provided, however, if, after hearing in accordance with § 13-309 above, the board of zoning appeals finds that such structure is capable of being made safe by repairs, then the owner, at the owner's option, may elect to demolish and remove the structure, or to repair and make safe and sanitary the structure, on such terms and conditions as may be imposed by the board of building code appeals in its sole discretion.

(4) Any costs incurred by the City of Belle Meade in the enforcement of this provision shall be borne by the owner.
   (a) If the owner fails to comply with an order issued in accordance with this provision, then the City of Belle Meade may enforce the order and incur costs that shall be paid by the City of Belle Meade.
   (b) The city attorney shall institute appropriate action against the owner and/or occupant of the premises for the recovery of such costs.

(4) Any costs incurred by the City of Belle Meade in the enforcement of this provision shall be borne by the owner.

(4) Any costs incurred by the City of Belle Meade in the enforcement of this provision shall be borne by the owner.

13-312. Limitation of liability. (1) The city manager, members of the board of building code appeals, building inspector or employee charged with the enforcement of this code, while acting for the City of Belle Meade, shall not thereby be rendered liable personally, and are hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

(2) Any suit instituted against any officer, employee or board member because of an act performed by that officer, employee or board member in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the City of Belle Meade until the final termination of the proceedings.
(3) The city manager, employee, officer or board member, or any subordinate, shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code, when acting in good faith and without malice, and shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith. (as added by Ord. #2011-10, Oct. 2011)
TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER
1. MUNICIPAL PLANNING COMMISSION.
2. ZONING CODE.
3. - 4. RELOCATED.¹

CHAPTER 1

MUNICIPAL PLANNING COMMISSION ²

SECTION
14-101. Creation, membership, terms, vacancies, quorum, etc.
14-102. Chairman, rules, staff, and finances.
14-103. General plan.
14-104. Adoption of plan.
14-105. Purpose of plan.
14-106. Compensation.
14-107. Receipt of subdivision plans; fee.
14-109. Street and right-of-way width for issuing building permit and approving subdivision plans.
14-110. Creation of "through streets" prohibited.

14-101. Creation, membership, terms, vacancies, quorum, etc.

(1) There is created and established a municipal planning commission, the same to be known as the municipal planning commission of the City of Belle Meade. Such planning commission shall consist of ten members, and one of the said ten members shall be the mayor of the City of Belle Meade and another of the said ten members shall be a commissioner chosen by the board of commissioners. The other eight members shall be appointed by the mayor who shall make the appointment in writing and shall file said written appointment with the city recorder. The terms of the members of the municipal planning commission of the City of Belle Meade shall be as follows: the terms of the

¹Chapters 3 "Flood Damage Prevention Ordinance" and 4 "Stormwater Ordinance" have been removed from this title and placed in title 12.

²Ordinance #2002-9, Oct. 2002 provides:
"The City of Belle Meade elects to opt out of the provisions of Sections 4 and 6 of Chapter 862 of the Public Acts of Tennessee for the year 2002."
mayor and the city commissioner elected to the planning commission shall be concurrent with the term of such commission members on the board of commissioners. The eight members initially appointed by the mayor shall serve until the end of the particular terms established by prior ordinances to which they are appointed hereunder, and upon expiration of these terms, the mayor shall appoint their successors, each of whom shall serve a term of three years so that the terms of two or three members of said commission shall expire each year. Any vacancy in membership shall be filled for the unexpired term by the mayor, who shall also have authority to accept the resignation of any such appointed member. Any member of the municipal planning commission may be removed before the expiration of their term by the mayor with the consensus of the board of commissioners. The board of commissioners shall elect the successor to the commissioner members elected by it, such successor likewise to be a commissioner of the city. The board of commissioners shall also have authority to accept his/her resignation.

(2) The presence of five (5) members shall constitute a quorum. Any matter or proposal before the commission may be approved by a majority vote of those present, and failure to receive such approval shall constitute a rejection or denial of such matter or proposal. (1987 Code, § 11-101, as replaced by ord. 87-7, as amended by Ord. #2007-1, Feb. 2007)

14-102. Chairman, rules, staff, and finances. The municipal planning commission shall select its chairman from among its appointed members. The term of chairman shall be one year with eligibility for re-election. The planning commission shall adopt rules for its transactions, findings, and determinations, which record shall be a public record. The planning commission may appoint such employees and staff as it may deem necessary for its work, but shall make no expenditure of money and incur no obligation for the payment of money without specific authorization from the board of commissioners. (Ord. 5, § 2. 1987 Code, § 11-102)

14-103. General plan. It shall be the function and duty of the planning commission to make and adopt an official general plan for the physical development of the city.

(1) The plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the planning commission's recommendations for the said physical development, and may include, among other things, a zoning plan for the regulation of the height, area, bulk, location, and use of private and public structures and premises and of population density; also the general location, character, layout, and extent of community centers and neighborhood units. The commission may from time to time amend, extend, or add to the plan or carry any part or subject matter into greater detail.

(2) Upon application by the owner of a lot that is a corner lot and a determination by the planning commission that the standard provisions of
§ 14-204(1)(h)(ii) make it impractical to construct a dwelling without first specially designating a building envelope that is particular to the applicant's lot, the planning commission may create a building envelope that is specific to the applicant's lot, and, in its discretion:

(a) Designate the orientation of any dwelling to be built on the lot;
(b) Having designated the orientation of the dwelling, designate the front, side and rear setback lines; and
(c) Impose such conditions on the construction of any dwelling within the designated building envelope as it deems necessary to assure that:

(i) Any pre-existing non-conforming use, structure and/or variance from the provisions of the zoning code will not be extended closer to the property line, by reason of the construction of such addition or new structure;
(ii) The proposed dwelling will not be out of harmony with the existing development in the neighborhood, and is so designed and located that the public health, safety and welfare will be protected;
(iii) The designation of a building envelope will not adversely impact abutting properties, including those located across street frontages, or other properties in the immediate area;
(iv) The physical characteristics of the proposed addition or residential structure are architecturally compatible with other properties in the area, including building orientation, landscaping, drainage, access and circulation, bulk, height, scale and other like features; and
(v) The new dwelling will be constructed under such conditions and safeguards as the planning commission may direct to protect the character of the community. (Ord. 5, § 3. 1987 Code, § 11-103, as replaced by Ord. #2016-7, Sept. 2016 Ch7_6-26-19)

14-104. Adoption of plan. The commission may adopt the plan as a whole by a single resolution, or, as the work of making the whole plan progresses, may from time to time adopt a part or parts thereof; any such part to correspond generally with one or more of the functional subdivisions of the subjects-matter of the plan. The adoption of the plan or any part, amendment, or addition shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the planning commission. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the planning commission to form the whole or part of the plan, and the action taken shall be recorded on the adopted plan or part thereof and descriptive matter by the identifying signature of the secretary of the planning
commission, and a copy of the plan or part thereof shall be certified to the board of commissioners. (Ord. 5, § 4. 1987 Code, § 11-104)

14-105. **Purpose of plan.** In the preparation of the plan, the planning commission shall make careful and comprehensive surveys and studies of the existing conditions and future growth of the city and its environs. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the city which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development. (Ord. 5, § 5. 1987 Code, § 11-105)

14-106. **Compensation.** No member of the municipal planning commission shall receive any compensation for his services as such. (Ord. 5, § 6. 1987 Code, § 11-106)

14-107. **Receipt of subdivision plans; fee.** The city building inspector is designated to receive on behalf of the municipal planning commission all plans of subdivisions of property proposed to be developed in the City of Belle Meade. The owner, developer, or other person responsible for presenting such plan shall pay to the city a fee of fifteen dollars ($15.00) for each plan so presented requiring public hearing by the municipal planning commission and notice to all affected property owners. Such fee shall be in addition to expenses of sanitary tests, costs of preparation of maps and plats, and other expenses ordinarily borne by the owner and the developer. (Ord. 5, as amended by ord. 72-3, § 1. 1987 Code, § 11-107)

14-108. **Expert assistance.** The municipal planning commission and the board of zoning appeals are hereby authorized, in the discretion of the chairman of either of said bodies, to engage or employ competent experts and specialists to assist the planning commission or the board in making determinations of facts and in obtaining expert opinions as to the likely effect upon traffic, density of population, changes in natural drainage and flooding resulting therefrom, impact upon established property values, and other questions deemed pertinent by the planning commission or board in deciding or determining any matter presented to either said planning commission or board in the conduct of its affairs, within such limits as shall be established by the board of commissioners, either in appropriations provided by ordinance or otherwise. (Ord. 5, as amended by ord. 72-3, § 2. 1987 Code, § 11-108)

14-109. **Street and right-of-way width for issuing building permits and approving subdivision plans.** No building permit shall be issued and no subdivision or resubdivision plan shall be approved on any lot within the City of Belle Meade unless the lot upon which a building is to be erected and every
lot within the subdivision or resubdivision plan shall have access to a public street of not less than fifty (50) feet.

No subdivision or resubdivision plan shall be approved by the municipal planning commission unless every existing or proposed street or road thereon shall have a dedicated right-of-way of not less than fifty (50) feet. (Ord. 79-11, §§ 1 and 2. 1987 Code, § 11-109)

14-110. Creation of "through streets" prohibited.
(1) Definitions. "Through street." A through street is a street which connects with more than one other street, unless such other street is a tributary of the first and does not itself connect with any other street.
(2) From and after the effective date of this chapter (8-15-89) no through streets shall be created within the City of Belle Meade. (1987 Code, § 11-110, as added by ord. 89-7)
CHAPTER 2

ZONING CODE

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14-201. Definitions. (1) General statement. Certain words, phrases, and terms shall be used hereinafter in this chapter, and in the administration and enforcement hereof. For such purposes, the following definitions and rules of interpretation of certain words, phrases, and terms set out hereinafter are hereby adopted:
   (a) The singular number includes the plural and the plural the singular.
   (b) The word "lot" includes the words "plot" "site" and "building site."
(c) The word "building" includes the word "structure" whether enclosed or unenclosed, temporary or permanent, and shall include, but not be limited to, the following:

(i) Tents, shelters, house trailers and/or mobile homes,
(ii) Garden houses and cabanas,
(iii) Swimming pools and their accessory structures and enclosures,
(iv) Tennis courts and their enclosures,
(v) Towers, poles or other devices required for
   (A) Antennas for television receivers or amateur transmitters and/or
   (B) Lighting for swimming pools and tennis courts.

(2) Terms and definitions. Words in the text of this chapter shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the definition found in the most current edition of Harris, Dictionary of Architecture and Construction, (McGraw-Hill) shall be used.

(a) "Accessory use or building." An accessory use or building is a subordinate use or building customarily incident to and located on the same lot or site with, or inside, the main or principal use or building.

(b) "Addition." Any new construction which increases the height or floor area of an existing building or adds to it.

(c) "Building envelope." The area on a lot available for the construction of a dwelling, or other accessory buildings incidental to the same, enclosed by the front set back line, the rear set back line and the two side set back lines.

(d) "Dog kennel/dog run." A specific area enclosed by a fence or other means (other than the entire fenced back yard), such area intended for the confinement of one or more dogs.

(e) "Dwelling." A building or structure or portion thereof which is occupied or arranged for occupancy as a home, residence, or sleeping place, which also includes sanitary and cooking facilities for one or more persons, either permanently or temporarily.

(f) "Floor area ratio." That ratio that is defined by the numerator of "gross floor area" as divided by the square footage of the lot.

(g) "Front building line." That portion of the dwelling defined by its exterior wall, which is closest to the front lot line.

(h) "Footprint." All ground areas occupied or covered by a dwelling or other structure, whether enclosed or not.

(i) "Front yard." A required area of open space on a lot, unobstructed by man-made buildings or structures, located between the front building line and the front lot line.

(j) "Gazebo." A structure, usually open, used for outdoor entertainment.
(k) "Green space." The undeveloped portion of a lot planted with grass, trees, flowers, shrubs or other vegetation.

(l) "Gross floor area" The total square footage of conditioned space of any building, including such space under a roof that could be used as living space and garage space, whether conditioned or not, as measured to the outside walls as further defined as follows:

(i) The sum of all areas on all floors of a residential structure, including the square footage of the floor in the attic (regardless of whether the attic is accessible) with a clear height of more than five feet and six inches (5' 6"), and including all vertical penetration areas for circulation and shaft areas that connect one floor to another.

(ii) "Gross floor area" is the square footage as computed by physically measuring from the outside face of exterior walls, disregarding cornices, pilaster, buttresses, etc. that extend beyond the exterior wall surfaces.

(A) Gross floor area does not include areas below the natural grade of the lot.

(m) "Hardscape." Any improved area of any lot that is not included in the definition of "gross floor area," including all accessory uses and conditional uses, as well as any element of the residential structure that is not included in the "gross floor area" such as roof overhangs of more than twenty-four inches (24'), covered porches, balconies, decks, patio, pool area (the water surface being included in the "hardscape" but limited as a proportion to the square footage of the lot), exterior walkways, etc.

(n) "Hardscape ratio." The ratio of the square footage of hardscape to the square footage of the lot.

(o) "Height of building." The vertical distance from the average existing undisturbed natural grade, along the front setback line, or the rear building line, as the case may be, to the highest point of the roof surface of such building.

(p) "Immediate family." The owner(s) of a lot, the spouse of an owner, the parents, parents in law, children, children in law and grandchildren of the owner(s).

(q) "Lot, plot or site." One contiguous piece or parcel of land, not divided or separated by property of any third party or by any street, walkway or other public right-of-way, which is occupied or proposed to be occupied by one main or principal building or use and its accessory buildings and uses, and which includes within its boundaries the open spaces required by this chapter, and which is either (i) defined as a single lot on a recorded subdivision plan or plat of record in the Register's Office for Davidson County, Tennessee, or (ii) separately described as a single tract in a property deed recorded in the Register's Office for Davidson
County, Tennessee, prior to the enactment of Ordinance No. 39 on August 16, 1950.

(r) "Living quarters." Accommodations provided by an owner for occupancy from time to time by members of the owner's immediate family, domestic help, nurses or other health care providers whose presence on the premises is required by the owner or other family members.

(s) "Lot lines, property lines, boundary." Lot line, property line, or boundary means a boundary of a lot. Lot line terms used are:

(i) A front lot line is defined as the boundary of the lot contiguous to the right of way of the nearest public street or road; provided, however, if the lot shall be contiguous to more than one street or road, then

(A) If the lot is a corner lot, the primary front lot line shall be the lot line with which the residence is oriented or which the main entrance or front door of the residence faces, and the secondary front line shall be the other lot line contiguous with a street, and

(B) If the lot is not a corner lot, the front lot line shall be the line nearest to the main or front entrance of the building.

(ii) A rear lot line is opposite to, and the most distant from, the front lot line. The rear lot line on any lot of triangular or other irregular shape shall be considered as a line entirely within the lot but not less than ten (10) feet in length and parallel to and most distant from the front lot line.

(iii) A side lot line is a boundary line which is neither a front lot line nor a rear lot line.

(t) "Non conforming use or structure." A use or structure which met the requirements of the zoning code at the time it was commenced or constructed or which was commenced or constructed prior to the enactment of the zoning code, but which does not meet the current requirements of this chapter.

(u) "Pavilion." See "Gazebo."

(v) "Pergola" or "arbor." A garden structure with an open framed roof, often lattices, supported on columns or posts.

(w) "Permanent sign." Any sign that is intended for other than temporary use or a limited period. A permanent sign is generally affixed or attached to a pole or other structure or is characterized by construction materials, a foundation or anchoring indicative of an intent to display the sign for more than a limited period.

(x) "Pool house." A structure constructed in connection with a swimming pool, which may not be used for occupancy as living quarters, but which may contain bathrooms, dressing rooms and cooking facilities.
(y) "Porte cochere." A doorway or archway large enough for a vehicle to pass from street to parking area.

(z) "Rear yard." A required area of open space on a lot, unobstructed by man-made buildings or other structures, not otherwise permitted in this chapter, and located between the rear building line and the rear lot line.

(aa) "Retaining walls." Retaining walls are walls constructed for the purpose of retaining earth.

(bb) "Set back line." A set back line is a line within a lot or site generally parallel to the front, rear or side lot line, between which and such front, rear or side lot line, as the case may be, no buildings, structures, or portions thereof, may be constructed, except as is otherwise herein provided.

(cc) "Short term rental unit." A residential dwelling that is rented wholly or partially for a fee for a period of less than thirty (30) continuous days.

(dd) "Sign." Any device, fixture, placard, or structure that uses color, form, graphic, illumination, symbol, or writing to advertise, announce or identify a person or entity, or to communicate information of any kind.

(ee) "Side yards." Required areas of open space on a lot, unobstructed by man made buildings or other structures, not otherwise permitted in this chapter, and located between the side building lines and the side lot lines. In the case of corner lots, all lot lines which are not contiguous to a street shall be considered side or rear lot lines.

(ff) "Street line." A right of way line.

(gg) "Temporary sign." Any sign constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other materials that appears to be intended for temporary use and display for a limited time period. "Temporary sign" includes a banner and may also mean a sign made of more durable materials such as metal, wood or hard plastic, but lacking a foundation or anchoring indicative of an intent to display the sign for more than a limited period.

(hh) "Yards." Yards are required areas of open space on the same lot or site with the existing or a proposed main building or use, bounded by the adjoining lot lines, open, unoccupied, and unobstructed by man made buildings or structures from ground level to the sky.

(ii) "Zoning map." A map of the City of Belle Meade, Davidson County, Tennessee, prepared by Barge, Cauthen & Associates dated October 24, 2006, as revised by this ordinance. (Ord. #75-6, § 1, as amended by Ord. #84-14, § 2; Ord. #87-1, § 1; and Ord. #87-11. 1987 Code, § 11-201, as replaced by Ord. #97-2, Aug. 1997, amended by Ord. #97-6, Feb. 1998; Ord. #98-7, Jan. 1999; Ord. #2001-5, June 2001, Ord. #2004-8, March 2005; replaced by Ord. #2006-6, Feb. 2006, and

14-202. Uses. No building, structure, premises or site shall be used or arranged to be used except as provided below:

(1) Residential uses. The following residential uses are permitted:

(a) Single family dwellings. A dwelling for one (1) family or one (1) housekeeping unit.

(b) Accessory uses. Accessory uses customarily incident to the above permitted uses, but not including the conduct of a commercial enterprise, business, or industry. Such uses shall include, but not be limited to, the following:

(i) A private garage or carport forming an integral part of the main dwelling or residence to which it is accessory, in which garage no commercial enterprise, business, or industry shall be conducted. All dwellings constructed after September 1, 1997 shall have such a garage or carport for the storage of a minimum of one (1) standard automobile. Garage or carport space may be provided for three (3) motor vehicles on any lot and garage space may be provided for one (1) additional vehicle for each ten thousand (10,000) square feet of lot area by which said lot exceeds the minimum area required for a lot in the district in which said lot lies to a maximum of five (5) total spaces. For purposes of establishing the number of parking spaces provided, one (1) space shall have a maximum width of ten feet (10') and a maximum depth of twenty feet (20'). Not more than one (1) vehicle capable of or designed for transporting more than eight (8) persons or cartage may be stored on any lot, and may be so stored only if garage space is provided for its regular storage. Garages and carports shall have their doors or openings facing to the side or rear of the property.

(ii) Living quarters, whether provided as an integral part of the principle residence or in an accessory building.

(iii) Sleeping quarters for the use and occupancy of servants or employees of the person or persons occupying the main residence. Such sleeping quarters shall be an integral part of the main dwelling or residence, and shall not be equipped with cooking or housekeeping facilities.

(iv) Arbors, pergolas and gazebos not exceeding two hundred fifty (250) square feet of area covered, provided they are to the rear of the dwelling and are at least ten feet (10') from the rear and side lot lines.
(v) Dog houses not to exceed twenty five (25) square feet in area covered, provided they are to the rear of the dwelling and are at least twenty feet (20') from the rear and side lot lines.

(vi) Children's playhouses without a permanent foundation, plumbing or wiring and/or tree houses without plumbing or electrical wiring, not to exceed one hundred (100) square feet in floor space, less than eight feet (8') in height and diminutive in scale and design, and similar children's recreational facilities; provided they are to the rear of the dwelling and are at least ten feet (10') from the rear and side lot lines.

(vii) Ornamental pools located within the building envelope, having a depth of more than eighteen inches (18") and enclosed by a fence or wall not less than six feet (6') in height above the exterior adjoining grade.

(viii) Hot tubs and spas located within the building envelope, constructed with a lockable cover and enclosed by a fence or wall not less than six feet (6') in height above the exterior adjoining grade.

(ix) Business activities. (A) Only the following business activities may be permitted as an accessory use:

(1) Where completely within the residence or completely within any accessory structure, the office of a physician, dentist, musician, lawyer, accountant, architect or other professional persons. No medical or dental practice or other scientific activity that requires laboratory, operating room, etc., shall be permitted. Only consultation and examination normally performed without special equipment found in a "treatment room" or a clinic may be carried on.

(2) Home sales or custom manufacture and sales of goods such as linens, clothing, household articles or decoration, silver, jewelry, paintings, or the like. Such goods and articles may not be "stocked" or warehoused in anticipation of future sales. Such sales and manufacture must be carried on completely within the residence or completely within any accessory structure.

(3) Garage sales, limited strictly to items that:

(a) Were purchased for use of and have in fact been used by residents of the premises at which the sale is being conducted, or members of his/her immediate family,
(b) Have been owned by such resident or members of his/her immediate family for a period of more than ninety (90) days, and

(c) Were not acquired for the purpose of being included in the sale. Such sale may not extend over a period of more than two (2) days, and no more than one (1) such sale may be conducted from the same location in any one (1) calendar year.

The application for permit for a garage sale required in subsection (B)(3), following, must be made in person by the resident/owner of the property to be sold.

(4) Sales of property of a decedent's estate, or other sale under auspices of a court, but only of property owned by the decedent or other person whose property is being liquidated, which property was at the time of the court authorization or order leading to such sale located on the premises at which the sale takes place.

(B) Accessory business activities shall comply with the following:

(1) Except for sales conducted under subsection (A)(4) above, none shall be by auction.

(2) Persons engaged in the activities enumerated in subsections (A)(1) through (A)(2) above, shall have not more than one (1) on premises employee assisting in those activities.

(3) No person shall engage in any of the activities enumerated in this subsection (ix), without first obtaining from the city manager a permit to do so. The city manager shall have the authority to review all applications for permits and issue permits at his/her discretion after considering all the implications of traffic, congestions, noise, etc.

(4) Sales or services provided under subsections (A)(1) and (A)(2) above may be advertised only by mail, email, telephone or other personal contact.

(5) Sales or services provided under subsection (A)(4) above may be advertised only by mail, email, telephone or other personal contact, by legal notices pursuant to court order, or by radio, newspaper, or televisions promotion.
(6) No activity under this subsection (ix), except for those of subsections (A)(3) and (A)(4) above, shall be carried on at any time in such manner as to require on street parking, or special parking arrangements at premises other than the premises of the seller of goods or provider of services.

(7) No person may post any signage advertising or otherwise pertaining to any Business Activity; provided, however, that if a garage sale as defined in § 14-202(1)(b)(ix)(3) or an estate sale as defined in § 14-202(1)(b)(ix)(4) being properly conducted in accordance with all provisions of the code, then the owner of the property on which such sale is being conducted may post a sign of less than eight (8) square feet during the time period permitted for the holding of such sale.

(x) Signs. In addition to the signs permitted in § 14-211, signs, not exceeding eight (8) square feet in area, pertaining to or indicating the lease or sale of the building may be placed upon its premises until the proposed transaction shall be completed, and shall be removed within five (5) days following said completion.

(xi) The property owner may convert the use of an accessory structure to any other permitted accessory use without approval of the board of zoning appeals, and improvements may be made to such structure, so long as they are within the height, set-back, square footage, or other bulk standards for such accessory structures in that zone.

(c) Conditional uses. When permitted by the board of zoning appeals, and subject to:

(i) such conditions and safeguards (specifically including, but not limited to, provisions for vegetative screening and/or lighting) as the board may require to protect the character of the community,

(ii) a finding by the board that the same will not interfere substantially with the use and enjoyment of adjacent property by its owners and occupants, and

(iii) the approval by the board of the size, dimensions and location of the same, the following may be constructed or erected within the building envelope:

(A) Greenhouses,
(B) Potting sheds,
(C) Cabanas,
(D) Swimming pools, together with all mechanical equipment necessary to the operation of the same; provided that:
(1) Every swimming pool shall be completely enclosed, either by the structural wall or walls of the dwelling to which it is an accessory, or by a fence or wall, not less than six feet (6') in height above the exterior adjoining grade, of the type required by the latest edition of the International Residential Code for one (1) and two (2) family dwellings which has been adopted by the City of Belle Meade.

(2) Any opening in said enclosure shall be capable of being closed with lock and key and shall be kept so secured at all times, except when attended by the owner of the property or his authorized representative.

(3) All pool lighting shall be located within the pool itself or no more than twenty four inches (24") above ground level around the pool.

(E) Pool houses.

(F) Tennis courts (including all areas within their enclosures), subject to the following restrictions on lighting:

(1) The illumination of tennis courts, within the primary playing area, shall be as defined by the current United States Tennis Association publication for residential installations.

(2) The number, location, height, mounting, type, construction, and design of tennis court lights, and of the poles and fixtures therefor, shall be as determined by the board of zoning appeals.

(3) Tennis courts may not be illuminated after 10:00 P.M.

(G) Structures for the housing or storage of tools, vehicles, machinery and/or equipment.

(H) Shuffleboard and bocce ball courts, provided that such courts are located no closer than twenty feet (20') from any property line.

(I) Arbors, pergolas and gazebos in excess of two hundred fifty (250) square feet of area covered, provided they are to the rear of the dwelling and are at least ten feet (10') from the rear and side lot lines.

(J) Dog houses in excess of twenty five (25) square feet in area covered, provided they are to the rear of the dwelling and are at least twenty feet (20') from the rear and side lot lines.
(K) Any structure other than a single family dwelling and/or permitted accessory use with a permanent foundation or with plumbing or wiring. Additionally, any children's playhouse, regardless of location, that is more than one hundred (100) square feet in floor space, more than eight feet (8') in height, or otherwise is not diminutive in scale and design.

(L) Hot tubs and spas constructed with a lockable cover or enclosed by a fence or wall not less than six feet (6') in height above the exterior adjoining grade and located outside of the building envelope.

(M) Ornamental pools located outside the building envelope, having a depth of more than eighteen inches (18") and enclosed by a fence or wall not less than six feet (6') in height above the exterior adjoining grade.

(N) Solar panels within the building envelope in locations other than those provided in § 14-204(1)(b).

(O) Communication facilities.
   (1) A "communication facility" is defined to be any facility that transmits electromagnetic waves for use by persons other than those occupying the structure on which the facility is located, and includes communication towers.
   (2) At the discretion of the city manager and/or the board of zoning appeals, an applicant seeking permission to install a communication facility may be required to submit:
      (a) Proof that the communication facility does not present a safety hazard in compliance with the Telecommunications Act of 1996, as amended; and
      (b) Proof that there is "gap in service" that requires that the applicant submit proof that there are no feasible commercial sites beyond the city limits of the City of Belle Meade.
   (3) It is the intent of the commissioners that this section be interpreted in connection with, and not in violation of, the Telecommunications Act of 1996.

(P) Communication towers.
   (1) A "communication tower" is defined as any structure that serves the sole purpose of supporting a communication tower and/or on which the antenna or other transmitting devices of a
communication facility are visible to persons other than the property owner.

(2) Construction of a communication tower. Before the construction of any communication tower shall commence:

(a) The property owner shall file for review and approval all technical exhibits required by the building inspector and/or the board of zoning appeals; and a duly licensed engineer possessing valid registration to practice professionally in the State of Tennessee must provide the city with a statement in writing demonstrating and certifying to the reasonable satisfaction of the board of zoning appeals that the communication tower is no higher than absolutely necessary to provide services and coverage to the public from the specific location on the lot.

(b) If the city building official or the board of zoning appeals determines that a review of the engineer's report on the siting of the communication tower is warranted, then the board of zoning appeals may employ, at applicant's expense, an additional duly licensed engineer to review applicant's engineer's report and advise the board of zoning appeals thereon.

(c) The applicant shall provide for review and approval all supplemental technical exhibits required by the building inspector and/or board of zoning appeals.

(d) Any communication tower must be located upon the property in such a manner that in the event of collapse the entire tower or antenna shall fall within the property boundaries. The applicant shall furnish a report from a duly licensed engineer verifying compliance with this requirement.

(e) A duly licensed engineer possessing valid registration to practice professionally in the State of Tennessee must verify the safety of the communication tower itself.
(f) The communication tower shall be located at a minimum of one hundred fifty feet (150') from all property lines, provided, however, that the board of zoning appeals may approve a reduction in this setback requirement for co-location of antennas or other transmitting devices of communication facilities on existing towers or structures or replacement poles which otherwise meet the safety requirements of this section.

(g) All buildings constructed in connection with the communication tower must be harmonious with the surrounding landscape, as determined by the board of zoning appeals, by using natural tones and surfaces, and screening shall be required in all yard areas. Such screening may consist of existing vegetation and landscape features or a combination of new plant materials, berms, and fencing. Screening shall be of solid materials, attractively constructed, and permanently maintained not less than eight feet (8') in height and shall be of plant materials as will provide a permanent evergreen screen. Trees shall be a minimum of six feet (6') in height when planted and shall be located in a minimum of two (2) rows with the plants staggered and spaced ten feet (10') apart. All landscaping and screening requirements shall be set forth on the development plan.

(h) A qualified biologist or wildlife expert shall provide the city with an environmental study demonstrating that the communication tower will not be harmful to birds or other wildlife.

(i) The applicant shall comply with all other provisions of the zoning code and such other conditions as the board of zoning appeals might impose upon the placement, construction and modification of such wireless facilities.

(j) Towers shall not be artificially lighted.
(k) No new communication tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the board of zoning appeals that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed communication tower. An applicant shall submit information requested by the board of zoning appeals related to the availability of suitable existing towers, other structures, or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

(i) No existing towers or structures are located within the geographic area that meet the applicant's engineering requirements;

(ii) Existing towers or structures are of insufficient height to meet applicant's engineering requirements or they have insufficient structural strength to support the applicant's proposed antenna and related equipment;

(iii) The applicant's proposed communication tower or antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;

(iv) The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure, or to adapt an existing tower or structure for sharing, are unreasonable;

(v) Costs exceeding new tower development costs are presumed to be unreasonable;
(vi) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable; and

(vii) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new communication tower development shall not be presumed to render the technology unsuitable.

(l) An applicant for a communication tower shall provide an inventory of existing communication towers or other sites approved for communication facilities that are within the city, and towers outside of the city that serve areas within the city, as well as within the coverage area of the proposed communication tower, whether within the city or outside its jurisdiction, including specific information about the design, height and location of each tower. The board of zoning appeals may share this information, provided that the board of zoning appeals is not, by sharing such information, in any way representing or warranting that these sites are available or suitable for communication tower construction.

(m) In the event the application is for a co-location of an additional antenna upon an existing tower previously approved by the board of zoning appeals, then the applicant shall comply with the notice and other provisions of the zoning code and the application may be limited to a certification as to safety as provided by these provisions of the zoning code which shall include among other things a certification that the actual loading (antennas, mounts, lines and appurtenances)
will not compromise the design loading requirements approved at the initial installation of the tower or any other safety features of the tower submitted to the city prior to initial installation, however, the applicant shall not be required to pay any additional co-location fee or cost reimbursements for these submissions, but prior to construction they shall be received by the city and reviewed and approved by the city manager an/or the board of zoning appeals, with such investigation and expert advice as they might require in their discretion, to be paid for by the applicant.

(3) Communication towers generally.
   (a) In the event any communication tower is no longer used to provide services for which it has been constructed for a period of six (6) consecutive months, the communication tower shall be dismantled and removed from the property. The city, acting through the board of zoning appeals, may require a bond to ensure compliance with this provision.
   (b) Communications towers are to be built and maintained so as to make the antenna and related equipment as visually unobtrusive as possible.
   (c) Communication towers shall be subject to all other provisions of the zoning code and to such other conditions as the board of zoning appeals might impose upon the placement, construction and modification of such wireless facilities.
   (d) It is the intent of the commissioners that this section be interpreted in connection with, and not in violation of, the Telecommunications Act of 1996.

(d) Temporary uses. (i) Temporary uses such as tents, and other shelters without sanitary and cooking facilities may be located within the building envelope and behind an occupied "dwelling" for a period not in excess of six (6) months. Any other location, and any use in excess of six (6) months, may be allowed only with the approval of the board of zoning appeals.
   (ii) Subject to the following conditions, a contractor legally performing services for a resident may place on a lot on
which the construction is being conducted a temporary construction trailer(s), portable toilets, other temporary construction facilities and/or a dumpster.

(A) The size, number and locations of temporary construction trailers, portable toilets, dumpsters and/or other temporary construction facilities shall only be placed at such locations as approved by the city building official deems in his/her sole discretion.

(B) The payment of the building permit fee shall entitle the resident, acting through its contractor, to maintain a temporary construction trailer, dumpsters, portable toilets, and/or other temporary construction facilities for a period of six (6) months. The extension of that permission for additional six (6) months periods is subject to the provisions of (A) above.

(C) The renewal of such permission for additional six (6) month terms is subject to the sole discretion of the city building official.

(2) Non-residential uses.
   (a) Churches and schools. See Appendix A
   (b) Municipal buildings. See Appendix B
   (c) Historic home or site. See Appendix C
   (d) Country clubs. See Appendix D
   (e) Multi-family housing. See Appendix H

(3) Prohibited uses. The following uses and structures are strictly prohibited and the board of zoning appeals shall be without power or authority to grant a variance or special exception for any use of property within the city in conflict with the provisions of this section:
   (a) Rental property. No dwelling, accessory building, living quarters, pool house, or other building, structure, premises or site may be used as a a short term rental unit as herein defined. Any use of property as a short term rental unit prior to the effective date of this ordinance may continue as permitted by state statute, Tennessee Code Annotated, §§ 13-7-601 to 606.
   (b) Basement or cellar. The erection, construction, maintenance, or use of a basement or cellar, except as an integral part of a use, as permitted herein.
   (c) Billboards. The erection, maintenance or use of billboards, or other structures erected solely for advertising purposes, and likewise the posting of any signs, except street and road signs, or other signs specifically permitted in this chapter.
   (d) Open carports. Carports which are open and/or of metal frame, canvas or column construction.
   (e) Trucks. Parking or storage of any truck larger than a pick up truck, except as may be allowed elsewhere in this chapter.
(f) **Duplexes.** The construction of a duplex, or other multi-family dwelling, containing two (2) or more independent housekeeping units on any lot.


14-203. **Boundaries of districts - zoning map.** (1) The zoning map is hereby adopted as the official zoning map of the City of Belle Meade.

(2) As shown on the zoning map the territory of the City of Belle Meade is divided into four (4) districts, namely: Estates A, Estates B, Residence A and Residence B. The location and boundaries of each district are shown on the zoning map and are incorporated in this chapter by reference.

(3) The zoning map shall also reflect any historic overlay districts created by the board of commissioners.

(4) Neighborhood conservation overlay is applied to all four (4) zoning districts in the city and within the boundaries of the entire city. (Ord. #75-6, § 3. 1987 Code, § 11-203, as amended by Ord. #90-13, replaced by Ord. #97-2, Aug. 1997, and Ord. #2006-6, Feb. 2007, and amended Ord. #2019-8, Aug. 2019 Ch8_01-19-22, and Ord. #2019-9, Dec. 2019 Ch8_01-19-22)

14-204. **Area, set back, yard, height and parking requirements.**

(1) **General statement.** Irrespective of the zoning district in which located, the area which may be occupied by buildings or structures on any lot shall be restricted as shown in the accompanying chart (See Appendix E) and as described as follows:

(a) **Number of dwellings.** Not more than one (1) principal dwelling may be erected on any one (1) lot or building site.

(b) **Mechanical equipment location.** All compressors, generators or other equipment necessary to the operation of the heating, ventilating and air conditioning equipment and/or other mechanical systems included in a building or structure shall be located at or below ground level within the building envelope in which such building or structure is also located. Solar panels may be installed upon the roof of a building so long as they are not visible from the street or from any adjoining property.

(c) **Change in elevation.** There shall be no change in the existing elevation of a lot, by excavation, fill, grading, the use of retaining
walls, or combination of the foregoing or otherwise, except in accordance with this sub-section.

(i) A change in elevation of up to two feet (24") shall be permitted for the entire lot.

(ii) Within the building envelope up to a total area of six percent (6%) of the entire square footage of the lot, an additional two feet (24") elevation change shall be permitted.

(iii) An additional one foot (12") of elevation change shall be permitted on an area up to four percent (4%) of the entire square footage of the lot in the area outside the building envelope but not extending into a buffer zone extending twenty feet (20') from the property sidelines, rear property line, and front property line.

(iv) There shall be no restriction whatsoever on grade change within the building footprint.

(v) Application for increase in elevation in excess of these standards shall be appealable to the board of zoning appeals.

(d) Dwelling area as limited by floor area ratio.

(i) The allowable footprint area of a dwelling above the natural grade of the site, plus the area of all garages, shall not exceed eight percent (8%) of the total lot area in Estates "A" district and twelve percent (12%) of the total lot area in all other zoning districts.

(ii) The allowable floor area ratio on a residential structure shall be defined as function of the "gross floor area" divided by the total square footage of the lot, such that the maximum floor area ratio for buildings on a lot shall be:

(A) For lots of more than forty thousand (40,000) square feet, the floor area ratio is .196.

(B) For lots of forty thousand (40,000) square feet or less, the floor area ratio shall be .225.

(C) For lots of less than forty thousand (40,000) square feet, then the allowable volume is the base allowable volume increased by an "allowable increase factor," which shall be is determined as follows:

(1) The "allowable increase factor" is calculated as follows:

(a) \[1 + [(40,000 \text{ square feet} - \text{lot size}) \times .00001]\]

(b) Such that the allowable volume for lot of less than forty thousand (40,000) square feet is the base allowable volume x allowable increase factor.
e.g.: If a lot is twenty-five thousand (25,000) square feet in size, then the allowable footprint as determined by § 14-204(1)(d)(i) is \(0.12 \times 25,000 = 3,000\) square feet, which means that the base allowable volume is:

1. Three thousand (3,000) square feet times eighteen feet (18') = fifty-four thousand (54,000) cubic feet, plus
2. The "allowable increase factor" is 1.15, and is calculated as follows:
   \[1 + \frac{(40,000 \text{ minus } 25,000) \times 0.00001}{1.15}\]
3. Such that the base allowable volume for a lot of twenty-five thousand (25,000) square feet is

\[(3000 \times 18) \times (1.15) = 54,000 \times 1.15 = 62,100\text{ cubic feet}\]

(c) For easy reference regarding the application of this formula to determine the allowable volume as a function of lot size, the table appended as Appendix G (See Appendix G) depicts on the x axis the range of lot sizes and on the y axis the corresponding allowable volume.

(iii) For all dwellings, the roof shall rise from the eave at a slope of not less than 6:12. Roof slopes of less than 6:12 shall be considered a "low slope" roof, and no more than thirty percent (30%) of the total roof area shall be allowed to be a low slope roof.

(iv) No more than twenty-two percent (22%) of the front yard of a dwelling, that area between the front building line and the front lot line, shall be in parking or drive area. The total of all drive and parking areas on any lot shall not exceed twelve (12) percent of the total lot area. A minimum twenty-five (25) feet by twenty-five feet (25') turn around area shall be provided at the garage for entry and exiting the garage. The area for drives and parking shall be measured to the outer boundaries of all such areas to be used for these purposes. No driveway or connecting driveways shall be constructed so as to provide access to more than one street, except in the case of corner lots. No parking of automobiles, or other vehicles, shall be allowed within twenty feet (20') of the front property line.

(v) In no zoning district shall a dwelling, regardless of height, have a gross floor area of less than two thousand (2,000) square feet.

(e) "Gross floor area" versus "hardscape"; exempt lateral projections. (i) The following improvements of a Lot shall not be included in the measurement of the "gross floor area ratio" but shall be included in the measurement of "hardscape":
(A) The lateral projection of uncovered porches or covered but not enclosed porches;
(B) Chimneys not more than two feet (2') beyond the nearest wall of the main building or structure, and
(C) A roof overhang of more than twenty-four inches (24"), covered porches, porte cocheres and other similar areas.

(ii) Steps, not extending more than six feet (6') feet or ten percent (10%) of the distance from the building line to the front lot line, whichever is less, beyond the wall of the main building nearest the street lot line shall be:
(A) Considered as exempt from the provisions regulating side and front yard set-back lines as hereinafter established; provided, however:
(B) Such steps shall be included in the measurement of "hardscape."

(f) Height.

(i) No residential structure shall exceed forty (40') in height as measured at the front setback line. No dwelling shall have a height of less than fifteen feet (15') feet.
(ii) The maximum height of a structure along its sides or rear shall not exceed fifty feet (50') measured from the finished grade.

(iii) Walls extending not more than four feet (4') above and in line with the external walls of the main building, chimneys not extending more than twelve feet (12') above the point at which the chimney penetrates the roof of the main building, and cupolas, domes, and spires, which do not cause the building to which they are attached to exceed the permitted height limits of such building or have been approved by the board of zoning appeals, may be erected and considered as within the height limits for buildings herein established.

(iv) Gazebos shall be limited to a maximum height of eighteen feet (18'), unless otherwise permitted by the board of zoning appeals.

(g) Fences and walls. A fence or wall less than three feet (3') in height may be constructed at any location on a lot, except that multiple retaining walls must be separated by terraces of at least six feet (6') in width, or such lesser distance as shall be approved by the board of zoning appeals (the "minimum terrace requirement"). Walls and fences with changes of grade shall be measured from the finished grade on the lower side thereof. Multiple retaining walls, if separated from each other by more than the minimum terrace requirement, and having an individual height of three feet (3') or less, may be constructed as a matter of right so long as, in whole, they do not alter the average existing grade in excess
of three feet (3'). Multiple retaining walls which alter the average existing grade in excess of three feet (3') will be treated as a single wall and may only be constructed with the approval of the board of zoning appeals. A fence or wall not more than six feet (6') in height with posts or columns that extend up to, but not more than, eight inches (8") above the fence may be located:

(i) Adjoining a rear lot line, or
(ii) Parallel to the front lot line and extending from a side lot line to the rear corner of the dwelling on the premises; provided, however, that the following offsets in the fencing or walls are permitted if, in the opinion of the city building official with the concurrence of the chairman of the board of zoning appeals, it is required to:

(A) Provide a reasonable turning area for automobiles backing out of a garage located inside the rear corner of the dwelling, in which case the applicant may request an offset in the fencing between the rear of the corner of the dwelling and the property line; and/or
(B) Protect existing trees on the property line, provided that such offset is subject to:
   (1) Access through the fence sufficient to assure maintenance of any property between the property line and fence; and
   (2) Landscaping to be maintained in accordance with the property maintenance code of the City of Belle Meade.

(iii) Adjoining a side lot line, in which latter case the side lot line, fence or wall shall extend no closer to the front lot line than its intersection with a line from it to the rear corner of the dwelling, located and/or offset as aforesaid.

Side yards.
(i) (A) Minimum width. The minimum width of any side yard shall be twenty percent (20%) of the lot width at the front building line: provided, however, that the sum of the widths of both side yards shall be at least fifty percent (50%) of the lot width at the front setback line, and provided further that, in the case of a lot having an irregular front lot line, the width of the lot shall be measured at the midpoint of the front setback line. The requirement of fifty percent (50%) of the lot width shall also apply to any nonconforming structure, regardless of whether the proposed addition is within the applicable setback, and therefore shall be subject to review by the board of zoning appeals, as provided in § 14-206 (3)(c)(iv)(B).
(B) Between any driveway and the nearest property line there shall be a minimum five foot (5') "green space," to be devoted to grass or other vegetation.

(i) **Corner lots.** Unless the Municipal Planning Commission otherwise designates a building envelope, for corner lots, the set back from the front lot line with which the residence is oriented or which the main entrance or front door of the residence faces, as designated by the owner, shall be determined as set forth in the front yard provisions applicable to the district in which the lot is located. The set back from the other of the two (2) front lot lines shall be determined by the front yard provisions as set forth herein, or shall be of such lesser distance as may be determined by the board of zoning appeals after taking into consideration the pattern of development of similar corner lots within the city.

On any corner lot, no fence, wall, hedge, or other planting or structure that will materially obstruct vision between the height of two and one half feet and ten feet (10') above the centerline grades of the intersecting streets forming said corner shall be erected, placed, or maintained within the triangular area formed by the front lot or side lot lines at such corner lot and a straight line joining such front lot or side lot line at points which are thirty five (35') feet distant from the intersection of said lines and measured along said lines. In the case of rounded front or side lot lines at the intersecting streets, such measurements shall be made from the point of intersection of the tangents of the curve constituting the rounding.

(j) **Lots split between districts.** If a lot is located partly in one (1) district and partly in another district, the board of zoning appeals shall have the authority to designate which of the two (2) districts shall govern the development of the lot.

(k) **Lot lines.** Each lot or site shall provide a front lot line of at least one hundred twenty five feet (125') and shall also provide a rear lot line and one (1) or more side lot lines. The front lot line length requirement shall apply only to lots created after September 1, 1997.

(l) **Lots with no rear property line.** In the case of a lot having no rear property line, the rear set back line shall be located by extending the side yard set back lines on each side to a line which is parallel to the front set back line and which measures forty feet (40') in length, the location of which line shall provide the minimum rear yard required for those parts of any building which are twenty-five feet (25') in height or less. If it is proposed to construct any parts of a building on such a lot which are in excess of twenty-five feet (25') in height, then the minimum depth of the rear yard for such parts of the building shall be increased by twenty feet (20') for lots located in the Estates "A" or Estates "B" districts,
by thirty feet (30') for lots located in the Residence "A" district and by twenty-five feet (25') for lots located in the Residence "B" district.

(m) Maximum hardscape ratio. Toe square footage of hardscape, which shall include the maximum swimming pool area, as compared to the lot size shall not exceed eight percent (8%) of the lot area.

(i) Maximum swimming pool area ratio. The square footage of the surface area of the water in a swimming pool as compared to the lot size shall not exceed two percent (2%) of lot area.

(ii) Maximum tennis court area. A tennis court shall not exceed nine percent (9%) of lot area.

(iii) Maximum accessory areas. The combination of hardscape and the maximum tennis court area shall not exceed fifteen percent (15%) of lot area.

(n) Parking. Except for vehicles of temporary visitors or guests of residents, and delivery or service vehicles temporarily on the premises, parking or vehicle storage on the dwelling site is restricted as follows:

(i) All automobiles, trucks, trailers, boats, motorcycles, or any vehicles of like or similar nature, whether or not self propelled, must be parked or stored either in a garage, carport or on a surfaced driveway or surfaced parking area.

(ii) All vehicles other than passenger cars, station wagons, passenger mini-vans, sport utility vehicles, pick-up trucks and passenger vans of eight (8) passenger capacity or less, must be parked or stored in an area not visible from the street at any time.

(2) District regulations. (a) Estates "A" district. Within Estates "A" district, no building or structure shall be erected which does not comply with the following requirements:

(i) Lot area. Minimum requirements shall be two hundred thousand (200,000) square feet of lot area.

(ii) Front yards. No building shall be erected, reconstructed, or altered so as to project in any manner in front of a line which is distant from the street line less than eight hundred feet (800').

(iii) Rear yards. There shall be a rear yard on every lot, which shall have a minimum depth of one hundred feet (100') for those parts of any building which are twenty-five feet (25') in height or less and a minimum depth of one hundred twenty feet (120') for those parts of any building which are in excess of twenty-five feet (25') in height.

(b) Estates "B" district. Within Estates "B" district, no building or structure shall be erected which does not comply with the following requirements:
(i) **Lot area.** The minimum requirement shall be seventy five thousand (75,000) square feet of lot area.

(ii) **Front yards.** (A) No dwelling shall be erected, reconstructed, or altered so as to project in any manner beyond a line which is distant from the street line the average distance therefrom of the dwellings fronting on the same side of the street within the block or else same shall conform with the set back line established in the plan for subdivision previously approved by the Municipal Planning Commission of the City of Belle Meade applicable to the building site.

(B) Where no dwelling exists fronting on the same side of the street within a block, no new building shall be erected with the wall nearest the street projecting in any manner beyond the line which is distant from the street line the average distance therefrom of the building on the same side of the street within one thousand feet (1,000') in each direction from the center of the building being constructed.

(C) In cases not otherwise covered, the set back lines in Estates "B" districts shall be one hundred twenty-five feet (125')

(iii) **Rear yards.** There shall be a rear yard on every lot, which rear yard shall have a minimum depth of ninety feet (90') for those parts of any building which are twenty-five feet (25') in height or less and a minimum depth of one hundred feet (100') for those parts of any building which are in excess of twenty-five feet (25') in height.

(c) **Residence "A" district.** Within Residence "A" district, no building or structure shall be erected which does not comply with the following requirements:

(i) **Lot area.** Minimum requirements shall be seventy thousand (70,000) square feet of lot area.

(ii) **Front yards.** (A) No dwelling shall be erected, reconstructed, or altered so as to project in any manner beyond a line which is distant from the street line the average distance therefrom of the dwellings fronting on the same side of the street within the block or else same shall conform with the set back line established in the plan for subdivision previously approved by the Municipal Planning Commission of the City of Belle Meade applicable to the building site.

(B) Where no dwelling exists fronting on the same side of the street within a block, no new building shall be erected with the wall nearest the street projecting in any
manner beyond a line which is distant from the street line the average distance there from of the dwellings fronting on the same side of the street within one thousand feet (1,000') in each direction from the center of the building being constructed. In determining the

(C) In cases not otherwise covered, the set back lines in Residence "A" districts shall be seventy-five feet (75).

(iii) Rear yards. There shall be a rear yard on every lot, which shall have a minimum depth of seventy feet (70') for those parts of any building which are twenty five feet (25') in height or less and a minimum depth of one hundred feet (100') for those parts of any building which are in excess of twenty-five feet (25') in height.

(d) Residence "B" district. Within Residence "B" district, no building or structure shall be erected which does not comply with the following requirements:

(i) Lot area. (A) The minimum requirement shall be forty thousand (40,000) square feet of lot area.

(B) For tracts of land under forty thousand (40,000) square feet, separately described as a single tract in a property deed recorded prior to the date of enactment of Ordinance No. 39, on August 16, 1950, the minimum lot area shall be the area of such tract as described in such deed; provided, however, that this subsection (B) shall not apply to a tract which on November 20, 1996, was held in common ownership with an adjoining tract, the separation from which would result in a side yard, rear yard, or other zoning violation on the tract from which separated, and provided further that the application of this paragraph shall not exempt any lot to which this paragraph may otherwise apply from compliance with all setback requirements of the Residence B classification.

(ii) Front yards. (A) No building shall be erected, reconstructed, or altered so as to project in any manner beyond a line which is distant from the street line the average distance therefrom of the dwelling fronting on the same side of the street within the block, or else same shall conform with the set back line established in the plan of subdivision previously approved by the Municipal Planning Commission of the City of Belle Meade applicable to the building site.

(B) Where no dwelling exists fronting on the same side of the street within a block, no new building shall be
erected with the wall nearest the street projecting in any manner beyond the line which is distant from the street line the average distance therefrom of the building on the same side of the street within one thousand feet (1,000') in each direction from the center of the building being constructed.

(C) In cases not otherwise covered, the set back lines in Residence "B" districts shall be seventy-five feet (75').

(iii) **Rear yards.** There shall be a rear yard on every lot, which rear yard shall have a minimum depth of sixty feet (60') for those parts of any building which are twenty-five feet (25') in height or less and a minimum depth of eighty-five feet (85') for those parts of any building which are in excess of twenty-five feet (25') in height.

(e) Historic overlay districts. (i) Historic overlay district provisions are hereby established to preserve and protect the historical and/or architectural value of buildings, structures, or areas of significant importance; to regulate exterior design, arrangement, texture and materials proposed to be used within the historic districts to insure compatibility; to create an aesthetic appearance which complements the historic or other structures; to stabilize and improve property values; and to foster civic beauty.

(ii) Historic overlay districts shall be of two (2) types: historic preservation and neighborhood conservation. These districts are both defined as geographic areas which possess a significant concentration, linkage or continuity of sites, buildings, or structures that are united by past events or aesthetically by plan or physical development, and that meet one (1) or more of the following criteria:

(A) The district is associated with an event that has made a significant contribution to local, state or national history; or

(B) It includes structures associated with the lives of persons significant in local, state or national history; or

(C) It contains structures or groups of structures that embody the distinctive characteristics of a type, period or method of construction, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(D) It has yielded or may be likely to yield archaeological information important in history or prehistory; or

(E) It is listed or is eligible for listing in the National Register of Historic Places.
(iii) The permitted uses, bulk regulations, and any other regulations or procedures otherwise applicable for any district in which an historic overlay is enacted shall remain unchanged, to the extent not inconsistent with this part.

(iv) The creation of historic overlay districts shall be only in accordance with recommendations of the Historic Zoning Commission ("HZC") and consistent with the review guidelines established for the district by that body.

(v) The creation of historic overlay districts shall be by amendment to the zoning code and also in accordance with all procedures established under the code and state law for zoning ordinance amendments. (Ord. #75-6, § 4, as amended by Ords. #84-9, #84-14, and #85-7, modified. 1987 Code, § 11-204, as amended by Ords. #89-3; #91-4, § 1; #91-7, § 1; Ord. #94-4, § 1, July 1994; replaced by Ord. #97-2, Aug. 1997, amended by Ord. #97-6, Feb. 1998; Ord. #98-7, Jan. 1999; and Ord. #2001-5, June 2001, replaced by Ord. #2006-6, Feb. 2007, and amended by Ord. #2008-5, Dec. 2008, Ord. #2012-5, Jan. 2013, Ord. #2015-3, April 2015, Ord. #2016-7, Sept. 2016 Ch7_6-26-19, Ord. #2016-8, Dec. 2016 Ch7_6-26-19, Ord. #2017-1, Feb 2017 Ch7_6-26-19, 2017-5, Jan. 2018 Ch7_6-26-19, Ord. #2018-5, Jan. 2018 Ch7_6-26-19, and Ord. #2019-8, Aug. 2019 Ch8_01-19-22)

14-205. Non Conforming Uses. See Appendix F (Ord. #75-6, § 5. 1987 Code, § 11-205, as replaced by Ord. #97-2, Aug. 1997, and Ord. #2006-6, Feb. 2007)

14-206. Board of zoning appeals.1 (1) Established in title 2. The board of zoning appeals established in title 2 of the Belle Meade Code shall be governed by the following provisions and have full power and authority to hear appeals and to apply and construe the provisions of this chapter in all matters properly brought before it.

(2) Public hearings. The board of zoning appeals shall take no action in any case until after notice and public hearing. The presence of three (3) members, or alternates, shall constitute a quorum, and the concurring vote of a majority of the board of zoning appeals present at any meeting shall be necessary to reverse or modify any order, requirement, or decision of the city building official or the city manager, or to decide in favor of the appellant any matter upon which the board of zoning appeals is required or authorized to pass, to effect any variation or to grant any special exception. Any person entitled to

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1Municipal code reference
   Boards and commissions: title 2 § 2-101
notice and hearing by the provisions of this chapter may indicate in person or in writing their support for, or opposition to, the relief sought by the property owner involved.

(a) Written notice. Proper notice of a hearing before the board shall be in writing, mailed to the owner or his agent or other appellant at the address given on the appeal and to directly affected property owners or their agents, and the occupants where same is not owner occupied, at least five (5) days prior to the date set for such proposed hearing, in such manner as the board in its rules of procedure may prescribe. The board of zoning appeals may establish by rule measures to provide additional notice to directly affected property owners or their agents, and the occupants where same is not owner occupied.

(b) Posting of sign. A notice of the pending hearing and of the relief sought shall be posted by the city building official on the property affected at least five (5) days before the scheduled hearing.

(3) Powers of the board. (a) General powers, regulations. The board of zoning appeals shall have such duties, powers, and authority as are set forth in the various sections of this chapter. The board of zoning appeals shall and is hereby authorized to adopt such rules and regulations as it may deem necessary and appropriate to carry into effect the provisions of this chapter. It shall hear and decide

(i) Any questions arising from a decision or determination made by city building official or the city manager in the enforcement or application of this chapter or from the refusal, granting or revocation of any permit by the city building official or the city manager under the provisions of this chapter brought before the board of zoning appeals on appeal by any person deeming himself or herself to be adversely affected by such action;

(ii) All applications for special exceptions and all matters referred to it upon which it is required to pass under this chapter. Within its powers, the board of zoning appeals may reverse or affirm, wholly or in part, or modify the zoning requirements, decision, or determination of the city building official as in its opinion ought to be made under the circumstances, and to that end shall have all powers of the officers from whom the appeal is taken, including authority to direct the issuance of a permit. Any order of the board of zoning appeals directing or authorizing the issuance of such permit shall expire and become ineffective at the end of one (1) year after its issuance, or at the end of one (1) year after September 1, 1997, in the case of orders issued by the board of zoning appeals prior to September 1, 1997, which time may be extended by the city building official for reasonable cause.

(iii) Notwithstanding the foregoing, the board of zoning appeals shall have no authority to grant any appeal, application for
special exception or other matter upon which it is required to pass under this chapter if the city building official shall certify to the board of zoning appeals that the property owner seeking relief is in default in its compliance with any prior orders of the board of zoning appeals respecting the property in question, as evidenced by the minutes of the board of zoning appeals and/or plans approved by the board of zoning appeals and on file with the city, unless and until there shall have been full compliance with such orders.

(b) Resolve conflicts. The board of zoning appeals shall have the authority to resolve any conflicts amongst the drawings and chart attached hereto as listed in the appendix, or between such drawings and chart and the provisions of this chapter.

(c) Special exceptions. The board of zoning appeals shall have power and authority to authorize the issuance of permits for special exceptions in the following cases:

(i) A temporary building, or use, incidental to a residential development, which permit may be used for a period of not more than one (1) year.

(ii) The erection and use of

(A) A building, or the use of premises for a telephone exchange, or electric substation, or other structure related to public utilities or a post office,

(B) Any building or structure proposed by the City of Belle Meade which does not comply with the provisions of this chapter as to lot area, side yard, or set back, subject to such conditions and safeguards as will protect the character of the community, and where such building will not be out of harmony with existing development in the neighborhood,

(C) Churches, places of worship and/or school buildings, as described in Appendix A, under such conditions and safeguards as are set forth in such Appendix A, or

(D) Additions to buildings or structures, and the construction of new buildings or structures, on historic sites, as described in Appendix C, under such conditions and safeguards as are set forth in such section.

(E) Additions to buildings, structures or other facilities, and the construction of new buildings, structures or other facilities for country clubs as described in Appendix D, under such conditions and safeguards as are set forth in such section.

(iii) The erection, construction, development, arrangement or use of
(A) Buildings, structures or other uses listed or described in § 14-202(1)(c),
(B) Parking areas and/or driveways in excess of the amounts permitted in § 14-204(1)(d)(iv),
(C) Fences and walls which do not conform to the requirements, as to height or location, of § 14-204(1)(g) and/or other accessory buildings or uses listed and/or described elsewhere in this chapter (collectively, the 'proposed use'); provided that the board shall determine that:

(1) The proposed use will not be out of harmony with the existing development in the neighborhood and is so designed and located that the public health, safety and welfare will be protected;
(2) The granting of this special exception will not adversely impact abutting properties, including those located across street frontages, or other properties in the immediate area;
(3) The physical characteristics of the proposed use or structure are architecturally compatible with other properties in the area, including building orientation, landscaping, drainage, access and circulation, bulk, height, scale and other like features;
(4) The proposed use will be carried out under such conditions and safeguards as the board may direct to protect the character of the community.

(iv) The construction of an addition to an existing residential structure, or the replacement of an existing residential structure with a new residential structure, not otherwise permitted by this chapter, or eligible for consideration by the board under the provisions of § 14-206(1)(d) of this chapter; provided that the board shall first determine that:

(A) The volume does not exceed the allowable volume defined by § 14-204(1)(d) entitled "Dwelling area and allowable volume."
(B) Any pre-existing non-conforming use, structure and/or variance from the provisions of this chapter shall not be extended closer to the property line or otherwise expanded, by reason of the construction of such addition or new structure, unless the owner establishes to the satisfaction of the board that:

(1) There exists good cause for the expansion;
(2) The proposed addition or new residential structure will not be out of harmony with the existing development in the neighborhood, and is so designed and located that the public health, safety and welfare will be protected;

(3) The granting of this special exception will not adversely impact abutting properties, including those located across street frontages, or other properties in the immediate area;

(4) The physical characteristics of the proposed addition or residential structure are architecturally compatible with other properties in the area, including building orientation, landscaping, drainage, access and circulation, bulk, height, scale and other like features;

(5) The addition or new residential structure will be constructed under such conditions and safeguards as the board may direct to protect the character of the community.

(d) Variances. If the property had on August 16, 1950, an extraordinarily unusual shape, size or topographic feature(s) as compared to other properties in the immediate neighborhood, then the BZA may grant a variance if it determines that such variance may be granted without:

(i) Detriment to the public good;

(ii) Substantially impairing the intent and purpose of this ordinance; and,

(iii) The resulting home will not be out of harmony with the other homes in the neighborhood. (Ord. #75-6, § 6, as amended by Ords. #84-12 and 87-1, § 3. 1987 Code, § 11-206, as replaced by Ord. #97-2, Aug. 1997, amended by Ord. #97-6, Feb. 1998; Ord. #98-7, Jan. 1999; Ord. #98-8, Jan. 1999; Ord. #99-4, Nov. 1999; Ord. #2001-5, June 2001; and Ord. #2002-8, Aug. 2002, replaced by Ord. #2006-6, Feb. 2007, and amended by Ord. #2010-1, April 2010, Ord. #2012-5, Jan. 2013, and Ord. #2020-4, Sept. 2020)

14-207. Enforcement. The city building official, under the direction of the city manager, shall administer and enforce the provisions of this chapter and is authorized to stop work that has commenced without obtaining a required permit or is otherwise not in keeping with an approved site plan or building permit. No permit shall be issued for excavation, or for construction or alteration of any building or structure or any part thereof, if the city building official is of the opinion that the plans or specifications for same, or its intended
use, indicate that said building, structure, or use would not conform in all respects either with the provisions of this chapter, or with the provisions of some other ordinance of the City of Belle Meade applicable to the use of property. After a permit has been issued for the renovation of any building, if any portion of the building is removed, razed or demolished other than the portion presented to the board of zoning appeals or the city building official, then any approval obtained from the board of zoning appeals or the city building official shall automatically terminate, and no further work may proceed until such time as a revised plan has been reviewed by the city building official and determined to be consistent with the approval granted by the board of zoning appeals, or if not consistent, the revised plan has been approved by the board of zoning appeals. (Ord. #75-6, § 7. 1987 Code, § 11-207, as replaced by Ord. #97-2, Aug. 1997, and Ord. #2006-6, Feb. 2007)

14-208. Plats and other information to accompany applications for permits. (1) Each application for a building permit shall be accompanied by a plat (the "plat"), drawn to scale of one inch equals thirty feet (1" = 30"), or such larger or smaller scale as the city building official shall, in a given case, deem appropriate, showing

(a) The actual dimensions and square footage of the building site and building envelope, together, in the case of an application for a building permit for the construction of a new house or structure, or an addition to an existing house or structure, with a topographical survey of the site and building envelope,

(b) The location, square footage, gross floor area and floor area ratio of the proposed buildings, including all walls and fences and all driveways, parking areas and other paved surfaces, upon the site,

(c) The location and square footage of all hardscape, including, without limitation, accessory uses and planned conditional uses, the "hardscape ratio" and, insofar as it is relevant, the maximum accessory uses, and

(d) The precise dimensions, floor plans and drawings showing elevations of the proposed buildings on all sides, and such other information as may reasonably be required by the city building official to assure compliance with the provisions of this and all other applicable ordinances. It shall be the responsibility of the applicant to verify all set back lines shown on the plat.

(2) In accordance with the Tennessee Water Quality Act, Tennessee Code Annotated, § 69-3-108, any activity which alters the course or physical character of a stream, defined by a blue line on a seven and one half (7½) minute U.S.G.S. quadrangle, requires an Aquatic Resource Alteration Permit (ARAP.) This permit is required for activities such as stream channelization, stream enlargement, dredging, or diversions in box culverts. To obtain the permit, application must be made to Tennessee Division of Water Pollution Control. (Ord. #75-6, § 8. 1987 Code, § 11-208, as amended by Ord. #88-12, replaced by
14-209. Procedure before the historic zoning commission.

(1) From and after the creation of any historic overlay district by the board of commissioners, any application for construction, repair, alteration, rehabilitation, relocation, or demolition of any building or structure located in, or intended to be located in, any such historic district must first be referred to the HZC for review, and no permit of any kind shall be issued until such a certificate of authority has been issued by the HZC.

(2) The HZC may required detailed construction plans and data pertinent to its review.

(3) The HZC shall act on any application within thirty (30) days of submission of sufficient data or information, and shall grant the certificate of appropriateness with or without conditions or deny the same, and shall state the grounds for any denial in writing.

(4) In making its review the HZC shall rely upon the adopted guidelines for the district and give primary consideration to:

   (a) Historic or architectural value of the present structure;
   
   (b) The relationship of the exterior architectural features of such structure to the rest of the structure, surrounding areas, and to the character of the district;
   
   (c) The general compatibility of exterior design, arrangement, texture, and materials proposed to be used;
   
   (d) Any other factor, including aesthetic, which is reasonably related to the purpose of this part.

(5) Review of any decision of the HZC shall be by writ of certiorari under Tennessee Code Annotated, §§ 27-8-101 et seq. (as added by Ord. #2019-8, Aug. 2019 Ch8_01-19-22)


(1) No undeveloped lot or parcel of land and no building now in existence or hereafter altered or erected shall be occupied or used, in whole or in part, nor shall any owner or tenant of any land or building hereafter change the use classification or enlarge the use in any building or in any premises without a certificate from the city manager stating that the use of the building or premises complies with the provisions of this and all other applicable ordinances.

(2) Application for a certificate of occupancy shall be made with the application for building permits. An application for a certificate of occupancy shall also be made in those instances where a building permit is not required, and the owner or tenant, without making any alteration of the building, proposes to change the use of the building, structure, or premises, or proposes to commence an accessory use or proposes to change the type of accessory use.
(3) A record of all certificates of occupancy shall be kept in the office of the city building official available to the public, and a copy of same shall be furnished on request to any person having a proprietary or tenancy interest in the property affected thereby. (Ord. #75-6, § 9. 1987 Code,§ 11-209, as replaced by Ord. #97-2, Aug. 1997, and Ord. #2006-6, Feb. 2007, and renumbered by Ord. #2019-8, Aug. 2019 Ch8_01-19-22)

14-211. Appendices.
(1) Appendix A. - Churches and schools.
(2) Appendix B. - Municipal buildings.
(3) Appendix C. - Historic home sites.
(5) Appendix E. - Maps and charts. In order to illustrate the provisions of this chapter and their applicability to various situations existing within the City of Belle Meade, the following materials are attached hereto, or incorporated herein by reference:
   (a) Maps. The zoning map, which is incorporated herein by reference.
   (b) Charts. Chart No. 1 illustrates, among other things, the
      (i) applicable set back requirements,
      (ii) allowable square footage and volume provisions,
      (iii) height limitations,
      (iv) maximum allowable driveways and parking areas,
      (v) landscaping requirements,
      (vi) provisions related to walls and fences and
      (vii) permitted accessory buildings, in each zoning classification
   (c) Building envelope - examples:
      (i) Regular lot.
      (ii) Corner lot facing street "A."
      (iii) Corner lot facing street "B."
      (iv) Irregular property lines.
      (v) Lot with no rear property line.
      (vi) Lot on circular street.
      (vii) Lot with stepped property line(s).
      (viii) Lot with existing violation(s).
   (d) Developed plot plan - examples.
      (i) Plot plan - regular lot with garage at rear.
      (ii) Plot plan - regular lot with garage at side.
      (iii) Plot plan - corner lot.
   (e) Permitted roof(s) lines. Mansard and/or flat roofs.
   (f) Vertical illustration of front and rear set backs and allowable heights. Example of front and rear set backs and height limits.
   (g) Examples of wall heights. Wall heights.
14-212. **Temporary signs.** (1) Except as otherwise restricted in this chapter or elsewhere in the municipal code, temporary, freestanding, non-commercial signs may be placed or erected on any lot in any zoning district at any time. This category includes, but is not limited to: real estate signs, political signs, garage sale signs, estate sale signs, baby announcements, lost pet signs, special event signs, banners used for parades, and any other non-commercial messages. Home occupation or contractor signs shall be considered commercial signs and are not allowed in any district.

(2) No temporary sign shall be placed in the public right-of-way.

(3) Temporary signs may not be illuminated and shall not exceed eight (8) square feet in area. (Ord. #75-6, § 11. 1987 Code, § 11-210, replaced by Ord. #97-2, Aug. 1997, and Ord. #2006-6, Feb. 2007, amended by Ord. #2013-4, July 2013, and replaced by Ord. #2019-3, June 2019 Ch7_5-29-19, and renumbered by Ord. #2019-8, Aug. 2019 Ch8_01-19-22)

14-213. **Amendments.** Any owner of property in Belle Meade who wishes to amend this chapter shall submit a written request, in which the substance of his proposed amendment shall be stated. Such request shall be addressed to the municipal planning commission of the city, which shall consider same, and may hold a hearing thereon in its discretion. The commission shall take action to approve or disapprove the request within thirty (30) days following date of its receipt, and shall promptly notify the owner of its decision. The board of commissioners shall hold a public hearing on the proposed amendment, as required by law, before taking action thereon; provided, however, if the municipal planning commission shall have disapproved the proposed amendment by a vote of a majority of the entire membership of such commission, the owner proposing said amendment shall pay in advance to the city the cost of advertising the proposed amendment for consideration by the board of commissioners. (Ord. #97-2, Aug. 1997, as replaced by Ord. #2006-6, Feb. 2007, and renumbered by Ord. #2019-8, Aug. 2019 Ch8_01-19-22)

14-214. **Effective date.** This ordinance shall be effective from and after April 1, 2007 (the "effective date"). All applications for building permits, special exceptions and/or other forms of relief, and all appeals, filed on or prior to March 31, 2007, shall be considered and acted upon on the basis of the laws of the City of Belle Meade in effect prior to the adoption of this ordinance. In turn, all applications for building permits, special exceptions and/or other forms of relief,
and all appeals, filed on or after April 1, 2007 shall be considered and acted upon on the basis of the provisions of this ordinance, taken in conjunction with the provisions of Ordinance No. 8 regulating the construction of buildings and the issuance of building permits, which shall remain in effect. (Ord. #97-2, Aug. 1997, as replaced by Ord. #2006-6, Feb. 2007, and renumbered by Ord. #2019-8, Aug. 2019 Ch8_01-19-22)

14-215. **Penalty for violation.** Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any of the provisions of this chapter shall be subject to a fine of not less than fifty dollars ($50.00). Each day such violation or failure to comply is permitted to exist after notification thereof shall constitute a separate offense. A charge for a violation and request for imposition of penalty may be heard and enforced in the City Court of the City of Belle Meade, upon proof submitted by the city building official, or by complaint made to the courts of the State of Tennessee. The city building official may, in addition to other remedies, institute injunction, mandamus or other appropriate action to correct or abate a violation of this chapter. Where a violation exists, the city building official may request that utility service be curtailed until the violation is corrected or abated. (Ord. #97-2, Aug. 1997, as replaced by Ord. #2006-6, Feb. 2007, and renumbered by Ord. #2019-8, Aug. 2019 Ch8_01-19-22)

14-216. **Ordinances in conflict.** All ordinances and portions of ordinances in conflict with this ordinance are hereby repealed from and after the effective date of this ordinance, save and except Ordinance No. 8, and all amendments thereto, heretofore adopted by the Board of Commissioners of the City of Belle Meade, regulating the construction of buildings and issuance of building permits, which ordinance shall remain in full force and effect, any provision herein to the contrary notwithstanding. (Ord. #97-2, Aug. 1997, as replaced by Ord. #2006-6, Feb. 2007, and renumbered by Ord. #2019-8, Aug. 2019 Ch8_01-19-22)

14-217. **Validity.** It is hereby declared to be the intention of the citizens of the City of Belle Meade that the sections, paragraphs, sentences and words of this ordinance are severable, and if any word or words, clause or clauses, sentence or sentences, paragraph or paragraphs, section or sections of this ordinance shall be declared unconstitutional, or in excess of the powers vested in the board of commissioners by the valid judgment or decrees of any court of competent jurisdiction, such unconstitutionality, or exercise of excess powers, shall not affect any of the remaining words, clauses, sentences, paragraphs, and sections of this ordinance, as the same would have been enacted by the Board of Commissioners of the City of Belle Meade without the incorporation in the ordinance of any such unconstitutional word or words, clause or clauses, sentence or sentences, paragraph or paragraphs, section or sections, or exercise
of such excess powers. (Ord. #97-2, Aug. 1997, as replaced by Ord. #2006-6, Feb. 2007, and renumbered by Ord. #2019-8, Aug. 2019 Ch8_01-19-22)

14-218. Statement of compliance. The Commissioners of the City of Belle Meade hereby certify that Ordinance No. 2006-6 has heretofore been submitted to and approved by the Municipal Planning Commission of the City of Belle Meade, and subsequently a public hearing thereon has been held after at least fifteen (15) days notice of the time and place of said meeting and a public hearing was published in a newspaper of general circulation in the City of Belle Meade, as required by law, and does hereby declare this ordinance duly adopted after second reading in accordance with said provision this 21th day of February, 2007. (as added by Ord. #2001-1, May 2001, amended by Ord. #2006-1, March 2006, and replaced by Ord. #2006-6, Feb. 2007, and renumbered by Ord. #2019-8, Aug. 2019 Ch8_01-19-22)
Appendix A

Churches and Schools

Churches and schools. Churches, or other places of worship, and school buildings, constructed and operated by the State of Tennessee or any of its political subdivisions, or by private or charitable institutions, corporations, or individuals, subject to the following provisions:

(1) The Board of Zoning Appeals of the City of Belle Meade shall have exclusive jurisdiction and authority to grant a permit for the erection of churches and school buildings, including all accessory buildings and structures, parking areas, walkways, entrances, exits and driveways constructed in conjunction therewith. The board shall authorize such a permit only if it is the finding of the board that such proposed use and/or buildings will not impair an adequate supply of light and air to adjacent property, or materially increase the congestion of public streets, or increase the public danger by reason of fire, or impair the public safety, or tend to impair the public health by creating a smoke nuisance, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health safety, comfort, morals, and welfare of the community. The board of zoning appeals may, in addition to the specific requirements of the applicable ordinances, require, as a condition for the approval of a permit, such provisions and safeguards as will preserve the integrity and character of the district, and as will prevent the proposed use from imposing any undue financial burden upon the city. In exercising the foregoing authority, the concurring vote of at least two thirds (2/3rds) of the members of the board of zoning appeals shall be required for the authorization of such permit. [Ord. #75-6, § 8. 1987 code, § 11-208(4), as amended by Ord. #88-12, and replaced by Ord. #2006-6, Feb. 2007]

(2) Where application is made for a permit for the erection or occupancy of a church or other place of worship, or for conversion of an existing building to such use, or where application is made for a permit for the construction of a school, or conversion of an existing building for such use, or for additions, alterations or changes to an existing church or school, such application shall be accompanied by a plat drawn to scale, showing the actual dimensions of the parcel of land to be built upon or used, the size of the building to be erected or converted, the position of the proposed or existing building upon the lot, the position of any future contemplated or projected buildings to constitute a part of said church or school, the position and dimensions of any automobile parking area, immediate or projected in the future, and such other information as may then or thereafter be deemed necessary by the city building official, or by the board of zoning appeals, for consideration of the application. Such application, together with the supporting documents and information so furnished by the applicant, shall be filed with the city building official who shall
transmit the same for consideration to the board of zoning appeals. [as replaced by Ord. #2006-6, Feb. 2007]

(3) Parking areas shall be provided for all premises proposed to be used as a church or other place of worship, school, or any other permitted use whose activities regularly involve the assembly or gathering of more than twenty-five (25) people. In the case of a church, or other place of worship, there shall be provided and constructed, on the lot or site so proposed to be used, available automobile parking space for one (1) automobile for each four (4) seats or seating spaces to be provided for in the main auditorium, sanctuary, or assembly room in such church or other place of worship or existing building proposed to be used as such. A seating space shall be deemed to require ten (10) square feet of floor space in the main auditorium, sanctuary, or assembly room. In the case of a school, parking space shall be provided for each three (3) employees, and such additional space for students, visitors, and others as the board of zoning appeals shall find appropriate, commensurate with the intended use.

(a) Three hundred (300) square feet shall be the minimum gross area required for parking space for each such vehicle. Such parking area or areas shall be subject to the same requirements as to set back from the street, or streets, as the main building or use.

(b) Such parking area or areas shall not exceed twenty-five percent (25%) of the lot area upon which the church, other place of worship, school or other structure requiring parking space is to be constructed or of the total lot area upon which the building proposed to be used as a church, place of worship or school, is situated. [as replaced by Ord. #2006-6, Feb. 2007]

(4) For the erection or use of a building as a church or other place of worship, or for the erection or use of a building as a school, the minimum requirement shall be four hundred thousand (400,000) square feet of lot area; or such lesser area as may be sufficient to insure privacy for all neighboring properties and adequate protection from noise, congestion and other disturbance resulting from the location of a church, place of worship or school on the site. Any prior variances which may have been approved for the site shall not be treated as a factor in the board’s consideration of any request for a reduced lot area. [as replaced by Ord. #2006-6, Feb. 2007]

(5) No building shall be erected, reconstructed, or altered for use as a church or other place of worship, or for use as a school, which is so placed on the lot which it occupies as to be closer than two hundred fifty feet (250’) to the boundary of said lot in any direction, or such shorter distance as may be sufficient to insure privacy for all neighboring properties, and adequate protection from noise, congestion and other disturbance resulting from the location of a church, place of worship or school on the site. Any prior variances which may have been approved for the site shall not be treated as a factor in the
board's consideration of any request for a reduced setback from the boundary of the lot in question.

(6) No building having a height less than fifteen feet (15') shall be used for a church, or other place of worship, or a school. [as replaced by Ord. #2006-6, Feb. 2007]

(7) Signs identifying a school, church or other place of worship may be placed on its premises. No sign allowed by this provision shall exceed eight (8) square feet in area.

(8) Activities:

(a) Prior to the commencement of any new activity on church grounds, a church or place of worship shall request a permit for activities to be conducted on the church grounds during the course of the following twelve month period.

(b) The permit shall be reviewed and resolved by the commissioners at the next scheduled meeting of the board of commissioners for which there has been provided timely notice of the review of the permit.

(c) In reviewing the request for permit, the commissioners shall be provided with such information as they might request to balance the interests of the church in the activity with the rights of the citizens of the City of Belle Meade, including but not limited to:

   (i) A detailed description of the nature of the activities, and the actions required to prepare for and disassemble the activity upon completion;

   (ii) Dates of activities;

   (iii) Hours of operation for activities;

   (iv) Specific location of activities, including whether inside or outside church buildings, and, if outside:

       (A) Specifically where on the church grounds;

       (B) Approximate square footage required for the activity and the approximate number of parking places required by the activity; and

       (D) Such other information as may be necessary to assess the impact on the traffic on the streets of the City of Belle Meade.

   (v) The terms and conditions of any other permitting required for such activities.

   (vi) The name and telephone number of that representative of the church who shall be available at all times during the activity if the City of Belle Meade needs to contact the church about such activity.

   (vii) A description of any signage, including way-finding signage, to be used in connection with each activity.
(A) All signage shall comply with the other provisions of this code.

(d) The church or place of worship shall be subject to all ordinances dealing with sound emissions and other police power functions of the City of Belle Meade, and it shall be responsible for any violations thereof occurring on its premises.

(e) The church or place of worship shall provide on-site parking for all vehicles bringing visitors to the church or place of worship for such activities.

(f) The church or place of worship shall provide insurance for such activities and shall indemnify and hold harmless the City of Belle Meade from any and all liability arising as a result of such activity. [as replaced by Ord. #2006-6, Feb. 2007, and amended by Ord. #2016-1, April 2016 Ch8_01-19-22]
Appendix B

Municipal Buildings

**Municipal buildings.** Buildings erected by the City of Belle Meade for municipal purposes. The provisions of §§ 14-203 through 14-210 of this chapter shall not apply to structures or buildings erected on property owned by the city for municipal purposes, but no such structures or buildings shall be erected by the city without approval of the board of zoning appeals after public hearing. [as replaced by Ord. #2006-6, Feb. 2007]
Appendix C

Historic Home or Site

Historic home or site. An historic home or site shall be designated as such by this Appendix C or amendment thereto. It shall be open to the public and owned and operated by a public or private non profit entity. By this Appendix C, Belle Meade Plantation, located on Harding Road at Leake Avenue, is designated such a home or site.

(1) From and after designation as such, no historic home or site may expand its land area except by amendment to this Appendix C.

(2) Construction and alteration of buildings: No addition to any building or structure on the historic site may be altered or added to, and no new building or structure shall be constructed, without approval by the board of zoning appeals as to its purpose and location, and a finding that it is architecturally compatible with the original buildings or structure on this site. Applications for approval of such new buildings or structure must be accompanied by plans prepared by a registered architect.

(3) Signage: No signs advertising the availability of any such items, including food and beverages, shall be located on the grounds or on the exterior of any of the buildings on the site, other than:

(a) Identifying signs located on individual buildings; and
(b) The historic site sign at the entrance to the property, the size, style and content of each of which shall be subject to the approval of the board of zoning appeals.

(4) Activities:

(a) Prior to the commencement of any activity, a historic home or site shall request a permit for activities to be conducted on the site during the course of the following twelve month period.

(b) The permit shall be reviewed and resolved by the commissioners at the next scheduled meeting of the board of commissioners for which there has been provided timely notice of the review of the permit.

(c) In reviewing the request for permit, is anticipated that the following activities fall within the approved uses of a historic home or site:

(i) Sales of customary gift shop items;
(ii) Sale of food and beverages including the operation of a restaurant facility subject to review and approval of terms and conditions imposed by the board of commissioners in connection with the issuance of a permit for such operations;
(iii) As many as three (3) special "fair or "festival" type fund raising events, sponsored by the site, may be held annually at which food, beverages and merchandise may be sold. Such
events may be held outdoors if desired, with signs on the premises advertising them. Such events may be of no more than three (3) days duration each. For such events, the historic home or site shall provide parking for those attending the event and shall post "no parking" signs on all neighboring streets within the City of Belle Meade;

(iv) Each such historic home or site may rent its premises from time to time for private party social occasions, wedding receptions, concerts, fund raisers for non profit entities or other like events at which food and beverages may be served, and merchandise may be sold, but at which no commercial activities shall be conducted. The sponsors or hosts of all such events shall provide parking for those attending the event and, if requested by police department of the city, shall post "no parking" signs on all neighboring streets within the city.

(e) The historic home or site shall be subject to all ordinances dealing with sound emissions and other police power functions of the City of Belle Meade, and it shall be responsible for any violations thereof occurring on its premises.

(f) The historic home or site shall provide off street parking for all vehicles bringing visitors to the historic home or site and its amenities, including tour buses.

(Ord. #75-6, § 2, as amended by Ords. #79-1, 84-3, 85-1, and 87-1, § 2, and modified. 1987 Code, § 11-202(7), amended by Ords. #88-1, 90-1, §§ 1 and 2, 91-3, § 1; Ord. #93-6, § 1, July 1993, and Ord. #92-8, § 1, April 1994, and replaced by Ord. #2006-6, Feb. 2007, and Ord. #2007-7, Sept. 2007)
APPLICATION FOR ACTIVITY PERMIT
IN ACCORDANCE WITH TITLE 14, CHAPTER 2, APPENDIX C

Applicant ____________________________ (a designated historic home or site in accordance with Appendix C, ____________) hereby applies for a permit to conduct the following activities on Applicant's property for the period of ________________ ___________ through ________________:

A. Hours of Operation for Access to Applicant's Home or Site:

B. Hours of Operation for any amenities provided on site:
   
   Gift Shop Hours of Operation:
   
   Restaurant:
   
   Name:
   
   Hours of Operation:

C. Scheduled Activities:
   
   1. Name of Activity:
      a. Dates of activities:
      b. Hours of Operation:
      c. Planned activities:
   
   2. Name of Activity:
      a. Dates of activities:
      b. Hours of Operation:
      c. Planned activities:
   
   3. Name of Activity:
      a. Dates of activities:
      b. Hours of Operation:
      c. Planned activities:

D. Other activities:
   
   1.

Conditions of Grant of Permit:

Applicant is solely responsible for all permits and licenses required to conduct the activities on its premises, and shall at all times assure compliance with all laws, federal, state and otherwise, that govern the conduct of activities on the premises. Applicant agrees to indemnify and hold harmless the City of Belle Meade from any and all liability of any nature and kind whatsoever arising as a result of the use of the Applicant's property and the activities conducted thereon.
Appendix D

Country Clubs

Country Clubs. Country clubs are subject to the following provisions:

(1) A country club shall be designated as such by this Appendix D or an amendment hereto. To be eligible for such designation, it shall be organized as a private, non-profit, membership entity and shall be operated for the exclusive use and enjoyment of its members and their guests, but not for the general public. It may provide facilities for social, recreational, dining and athletic activities as determined from time to time by its duly elected governing board. By this Appendix D, Belle Meade Country Club, located at 815 Belle Meade Boulevard, is designated such a country club and the property which it occupies at that location is designated as a country club site.

(2) The board of zoning appeals of the City of Belle Meade shall have exclusive jurisdiction and authority to grant a permit for the location and/or construction (excluding interior renovations) of improvements upon a country club site, including the club house and any additions thereto and all accessory buildings and structures, tennis courts, swimming pools, and other athletic facilities (excluding the golf course, which shall be considered a landscaped area, not requiring board approval) parking areas, driveways (exclusive of cart paths), walkways, entrances and exits used and constructed in conjunction therewith (collectively "country club facilities"). The board shall authorize such a permit only if it is the finding of the board that there is a reasonable amount of space for the proposed facility within the area affected by the same so as to avoid nuisances to adjoining landowners. [as replaced by Ord. #2006-6, Feb. 2007]
Appendix E

Zoning Map and Charts
Appendix F

Non Conforming Uses

Non conforming uses. Non conforming uses and structures. Non conforming uses and structures shall be subject to the following restrictions:

1. Continued use. A non conforming use or structure may be continued, but may not be enlarged or extended, unless the enlargement or extension meets all the requirements of this chapter and there is no enlargement or extension of the particular non conformity. Notwithstanding the foregoing, any non conforming use or structure protected by Tennessee Code Annotated, § 13-7-208 shall be subject to the enlargement or extension requirements contained therein. This section shall not be construed to restrict or prohibit a change of use in any non-conforming structure or building, so long as the change of use is from one legally permitted principal or accessory use to another.

2. Reconstruction. A non-conforming structure or improvement may be reconstructed without approval of the board of zoning appeals, regardless of cost of the reconstruction, so long as the footprint or other non-conformity of the structure or improvement are not increased or enlarged. The height may also be increased, but only to a maximum of eighteen feet (18'). In all other cases, reconstruction shall be subject to the approval of the board of zoning appeals.

3. Casualty. Any non conforming structure damaged by fire, explosion, flood, riot, or act of God may be reconstructed and used as before any such calamity provided application for such reconstruction shall be made within six months of the date of its destruction or damage. Notwithstanding the foregoing, any non conforming use or structure protected by Tennessee Code Annotated, § 13-7-208 shall be subject to the applicable period for reconstruction contained therein. (Ord. #75-6, § 5. 1987 Code, § 11-205, as replaced by Ord. #97-2, Aug. 1997, and Ord. #2006-6, Feb. 2007, and amended by Ord. #2010-5, Sept. 2010, and Ord. #2020-4, Sept. 2020 Ch8_01-19-22)
Appendix G

(as added by Ord. #2012-5, Jan. 2013)
Appendix H

Multi-Family Housing

Multi-family housing. Multi-family housing, which is defined to include existing apartments, townhomes and condominiums, shall be subject to the following additional provisions:

1. All external modifications of existing multi-family housing units shall be subject to the provisions of this code.

2. The Board of Zoning Appeals of the City of Belle Meade shall have exclusive jurisdiction and authority to grant a permit for the external modification of multi-family housing, including all accessory buildings and structures, parking areas, walkways, entrances, exits and driveways constructed in conjunction therewith. The board shall authorize such a permit only if it is the finding of the board that such proposed use and/or buildings will not impair an adequate supply of light and air to adjacent property, or materially increase the congestion of public streets, or increase the public danger by reason of fire, or impair the public safety, or tend to impair the public health by creating a smoke nuisance, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, and welfare of the community.

3. The board of zoning appeals may, in addition to the specific requirements of the applicable ordinances, require, as a condition for the approval of a permit, such provisions and safeguards as will preserve the integrity and character of the city, and as will prevent the proposed use from imposing any undue financial burden upon the city. In exercising the foregoing authority, the concurring vote of at least two-thirds (2/3) of the members of the board of zoning appeals shall be required for the authorization of such permit.

4. Where application is made for a permit for external additions, alterations or changes to an existing multi-family structure, such application shall be accompanied by a plat drawn to scale, showing the actual dimensions of the parcel of land to be built upon or used, the size of the building to be erected or converted, the position of the proposed or existing building upon the lot, the position of any future contemplated or projected buildings to constitute a part of said multi-family structure, the position and dimensions of any automobile parking area, immediate or projected in the future, and such other information as may then or thereafter be deemed necessary by the city building official, or by the board of zoning appeals, for consideration of the application. Such application, together with the supporting documents and information so furnished by the applicant, shall be filed with the city building official who shall transmit the same for consideration to the board of zoning appeals.

5. Nothing in this appendix or the adoption of this appendix shall be read to authorize the construction of any new or additional multifamily structures within the city. (as added by Ord. #2014-4, April 2014)
CHAPTERS 3 AND 4

RELOCATED TO TITLE 12
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.

CHAPTER 1
MISCELLANEOUS

SECTION
15-102. Driving on streets closed for repairs, etc.
15-103. Reckless driving.
15-104. Careless driving.
15-105. Unlaned streets.
15-106. Laned streets.
15-107. Yellow lines.
15-109. Miscellaneous traffic-control signs, etc.
15-110. General requirements for traffic-control signs, etc.
15-111. Unauthorized traffic-control signs, etc.
15-112. Presumption with respect to traffic-control signs, etc.
15-113. School safety patrols.

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, § 55-7-116; and drag racing, as prohibited by Tennessee Code Annotated, § 55-10-501.
15-114. Driving through funerals or other processions.
15-118. Projections from the rear of vehicles.
15-120. Vehicles and operators to be licensed.
15-121. Passing.
15-122. Damaging pavements.
15-123. Jogging, bicycling, etc.
15-124. Driving upon or across public ways.
15-125. Classification of streets; weight limit; permits; exceptions; definitions.
15-126. 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 of the City of Belle Meade 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. 71-5, § 1.01. 1987 Code, § 9-101)

15-102. **Driving on streets closed for repairs, etc.** Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (Ord. 71-5, § 1.06. 1987 Code, § 9-106)

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. 71-5, § 1.07. 1987 Code, § 9-107)

15-104. **Careless driving.** Every person operating a vehicle upon the streets within the City of Belle Meade, or upon any private road or driveway or parking area, shall drive the same in a 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. (1987 Code, § 9-108, as replaced by ord. 88-13)

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.

(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. 71-5, § 1.10, modified. 1987 Code, § 9-109)

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, except for Belle Meade Boulevard 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 Belle Meade Boulevard, the proper lane for travel shall be the extreme right-hand lane, and it shall be unlawful to use the lane nearer the median except when lawfully passing another vehicle or when preparing for a left turn. (Ord. 71-5, § 1.11, modified, and amended by ord. 84-6. 1987 Code, § 9-110)

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. 71-5, § 1.12. 1987 Code, § 9-111)

15-108. **Arterial highways.** In order to promote traffic safety within the corporate limits of the City of Belle Meade, certain roads within the city limits may be designated as arterial highways, and traffic on them shall have the right of way over traffic on roads entering and leaving these roads. All of the roads so designated shall be known and considered as arterial highways, and shall be so marked with the proper road signs. (Ord. 16, §§ 1 and 2. 1987 Code, § 9-112)
15-109. Miscellaneous traffic-control signs, etc.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the city. (Ord. 71-5, § 1.13. 1987 Code, § 9-113)

15-110. 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,² 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 city. (Ord. 71-5, § 1.14. 1987 Code, § 9-114)

15-111. 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. (Ord. 71-5, § 1.15. 1987 Code, § 9-115)

15-112. 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 authority. (Ord. 71-5, § 1.16, modified. 1987 Code, § 9-116)

15-113. 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 chief of police or other competent authority 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. 71-5, § 1.17. 1987 Code, § 9-117)

15-114. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while

¹Municipal code references
Stop signs, yield signs, flashing signals, traffic control signals generally: §§ 15-504--15-507.

²This manual may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.
they are in motion and when such vehicles are conspicuously designated. (Ord. 71-5, § 1.18. 1987 Code, § 9-118)

15-115. **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. 71-5, § 1.20. 1987 Code, § 9-121)

15-116. **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. It shall also be unlawful for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place to permit a greater number of persons to ride on or within such vehicle than the seating space provided therein by the manufacturer of such vehicle. 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. 71-5, § 1.21. 1987 Code, § 9-122)

15-117. **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. 71-5, § 1.22. 1987 Code, § 9-123)

15-118. **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. 71-5, § 1.23. 1987 Code, § 9-124)

15-119. **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. 71-5, § 1.24. 1987 Code, § 9-125)

15-120. **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. 71-5, § 1.25. 1987 Code, § 9-126)
15-121. **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.

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. 71-5, § 1.26. 1987 Code, § 9-127)

15-122. **Damaging pavements.** No person shall operate upon any street of the city any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels or track is likely to damage the surface or foundation of the street. (Ord. 71-5, § 1.19. 1987 Code, § 9-119)

15-123. **Jogging, bicycling, etc.** (1) **Reflecting clothing and lights.** No person shall run, walk, jog, cycle on, or otherwise use or occupy any street or roadway within the City of Belle Meade except when wearing clothing, or a device, capable of reflecting light or, in the case of a cyclist, a battery or generator powered lamp emitting a white light on the front visible from a distance of five hundred feet (500') and a red reflector and a red light on the rear visible from all distances from fifty (50') feet to three hundred (300') feet, during the period from one-half (1/2) hour before sunset to one-half (1/2) hour after sunrise and at all other times when vehicles are required to use lighting equipment.

(2) **Portions of street where running allowed.** Every person running, walking, jogging, or otherwise traveling by foot upon a street or roadway other than Belle Meade Boulevard shall travel single file facing approaching vehicular traffic no more than eighteen (18) inches from the left edge of the pavement. Those running, walking, jogging, or otherwise traveling by foot on Belle Meade Boulevard shall travel single file facing approaching vehicular traffic alongside the median no more than eighteen (18) inches from the edge of the pavement alongside the median. In either event those so running, walking, jogging, or
otherwise traveling by foot on streets or roads other than Belle Meade boulevard shall, by moving onto the shoulder of the road or otherwise clearing the pavement, and those so running, walking, jogging or otherwise traveling by foot on Belle Meade Boulevard, shall, by moving onto the median, respectively, yield to approaching traffic legally in the land occupied by such traffic as set forth in §15-106 of this code.

(3) **Bicycles.** Every person operating a bicycle upon a street or roadway, within the City of Belle Meade, shall ride single file, except when
   (i) overtaking and passing another vehicle proceeding in the same direction,
   (ii) preparing for a left turn, or actually turning left, at an intersection or into a private driveway, or
   (iii) when reasonably necessary to avoid road conditions, fixed or moving objects, or other surface hazards that make it unsafe to continue along the right hand edge of the pavement, as close as practicable to, and, in any event within three (3) feet of, the right side of the roadway, moving with vehicular traffic, exercising due care at all times for his or her own safety and the safety of others.

(4) **Permits for races, etc.** Any person or organization desiring to conduct a race, run, or meet upon any street or roadway within the City of Belle Meade shall obtain the permission and approval of the board of commissioners by written application filed with the city manager not less than thirty (30) days prior to the date of the scheduled event. (1987 Code, § 9-128, as replaced by ord. 87-12, and amended by Ord. #2002-1, Jan. 2002)

15-124. **Driving upon or across public ways.** It shall be unlawful for any person to drive upon or across any unpaved portion of the Belle Meade Boulevard median. (As added by ord. 85-4. 1987 Code, § 9-129)

15-125. **Classification of streets; weight limit; permits; exceptions; definitions.** Streets, roads, and alleyways within the city shall be classified by ordinance or resolution as Class A streets or Class B streets, or Class C streets.

   It shall be lawful to operate a vehicle of any weight, not otherwise prohibited by law, over class A streets.

   It shall be unlawful to operate a vehicle whose gross weight, including its load, shall exceed 18,000 pounds, over class B streets, unless a permit shall have been applied for and issued pursuant to this section, and unless such permit shall be in the possession of the driver or operator at the time of such operation over such street. Operation of any truck, tractor, or freight vehicle over such streets, bearing private carrier or public carrier licenses of the State of Tennessee or of any other state, issued for any class other than class 1, 2, or 3, as defined in Tennessee Code Annotated, § 55-4-113, constitute a prima facie violation of this section.
It shall be unlawful to operate any truck or truck tractor over any street in the City of Belle Meade unless the declared maximum gross weight, including motor vehicle and load, shall be painted with durable paint in letters and figures not less than four (4) inches in height on the right side of trucks and truck tractors within five (5) feet of the front wheel.

Upon the filing of a written application signed by the owner of the vehicle for a permit therefor with the city manager, and if it be made to appear to the satisfaction of the city manager from such application that, either

1. the operation of a vehicle in excess of the weight limit over a street or streets of any class is necessary in the furtherance of the construction of any building or structure, including driveways or private roads, within the City of Belle Meade, for which a building permit has already been issued by the City of Belle Meade, or in the maintenance of an existing building; or

2. the point of origin or destination of the vehicle is so located that it cannot be reached without violation of the weight limits stated above and that it is not reasonably possible to divide or transfer the load or cargo of the vehicle so as to place same on vehicles whose gross weight will be in compliance with the weight limits stated above, then, and in either such case, the city manager shall issue a permit to such owner to pass over any designated streets, despite the weight limitations set out above, which permit shall specify the date or dates on which it shall be valid, the approximate loaded weight of such vehicle, and the route to be followed by such vehicle. Provided, that if in the judgment of the city manager the proposed load is of such excessive weight that it is reasonably calculated to damage or injure any culvert or bridge along the proposed route, he may, as a condition of granting the permit, require the applicant to post a bond payable to the city with good and sufficient sureties, in such penal sum as in the judgment of the city manager will adequately indemnify the city against such possible damage.

Nothing herein shall apply to vehicles of any person, firm, or corporation rendering services to the city by contract or agreement with the city, nor to vehicles of any public utility or public body when the same are en route to or from points within the city in connection with the business of the public utility or other public body.

Where the word "vehicle" or "truck" is used herein, all combinations of vehicles or trucks using a single motive power are intended, and the word "vehicle" shall be understood as including all forms of movable transportation, whether self-propelled or not, including equipment used in road building, construction, or excavation of any kind. (Ord. 58-1, §§ 1 -- 8, as amended by ords. 58-8, § 1; 62-3, § 1. 1987 Code, § 9-120, and ord. 91-8, § 1)
15-126. **Compliance with financial responsibility law required.**¹

(1) Every vehicle operated within the corporate limits of the City of Belle Meade 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

(a) **Tennessee Code Annotated**, title 55, chapters 8 and 10, parts 1-5, or chapter 50 or

(b) any provision of title 15 of the Belle Meade Municipal Code; or at the time of an accident for which notice is required under **Tennessee Code Annotated**, § 55-10-106, the arresting, or investigating, officer, as the case may be, 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, issued by the Commissioner of Safety of the State of Tennessee, 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 Tennessee 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

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¹Ord. #2001-2, April 2001 (formerly § 15-126, Baby carriages, strollers and bicycle-drawn carts prohibited on Belle Meade Boulevard) was deleted by Ord. #2011-7, July 2011.
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 so charged may submit evidence of financial responsibility at the time of the violation. If it is the person's first violation of this section and the court is satisfied that the financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility shall be dismissed. Upon the person's second or subsequent violation of this section, if the court is satisfied that the financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. Any charge that is dismissed pursuant to this subsection shall be dismissed without costs to the defendant and no litigation tax shall be due or collected.  (as added by Ord. #2002-2, March 2002, amended by Ord. #2009-2, June 2009, and renumbered by Ord. #2011-7, July 2011)
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 fighting vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police of the City of Belle Meade, by the Metropolitan Government of Nashville and Davidson County, or by other competent authority. (Ord. 71-5, § 1.02. 1987 Code, § 9-102)

15-202. Operation of authorized emergency vehicles.¹ (1) The driver of an authorized emergency vehicle, when responding to an emergency call, 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.

(2) 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.

(3) 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 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 police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the

¹Municipal code reference
Operation of other vehicle upon the approach of emergency vehicles: § 15-501.
consequences of his reckless disregard for the safety of others.  (Ord. 71-5, § 1.03. 1987 Code, § 9-103)

15-203. **Following emergency vehicles.** No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling 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. 71-5, § 1.04. 1987 Code, § 9-104)

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 policeman. (Ord. 71-5, § 1.05. 1987 Code, § 9-105)
CHAPTER 3

SPEED LIMITS

SECTION
15-301. In general.
15-302. At intersections.
15-304. In congested areas.
15-305. Speed limits for trucks.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle other than a truck (as defined in § 15-305(1)) upon any highway, street, or public way in the City of Belle Meade at a rate of speed in excess of thirty (30) miles per hour except where official signs authorized by resolution adopted by the board of commissioners, have been posted indicating other speed limits, in which cases the posted speed limit shall apply.

(1) "Motor vehicle" as used in this code shall not include "truck" as defined by § 15-305(1).

(2) The special, lower speed limits for trucks shall be governed by § 15-305. (Ord. #71-5, § 2.01. 1987 Code, § 9-201, as amended by Ord. #2013-6, Aug. 2013)

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. 71-5, § 2.02. 1987 Code, § 9-202)

15-303. In school zones. Generally, pursuant to Tennessee Code Annotated, § 55-8-152, special speed limits in school zones 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 proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph. Speed limits enacted pursuant to this paragraph shall not apply at school entrances and exists to and from controlled access highways on the system of state highways.

When the board of commissioners has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school or a period of forty (40) 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. 71-5, § 2.03, modified. 1987 Code, § 9-203)

15-304. **In congested areas.** It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the board of commissioners. (Ord. 71-5, § 2.04. 1987 Code, § 9-204)

15-305. **Speed limits for trucks.** It shall be unlawful for any person to operate or drive a "truck" upon any highway, street, or public way in the City of Belle Meade at a rate of speed in excess of twenty (20) miles per hour except where official signs authorized by resolution adopted by the board of commissioners, have been posted indicating other speed limits, in which cases, the posted speed limit shall apply.

(1) For the purposes of this section, "truck" is defined as any motor vehicle of one and one-half (1 1/2) ton rated capacity or more.

(2) Other than the provisions of § 15-301 of this code, all other provisions governing the speed and operation of motor vehicles within the City of Belle Meade shall continue to apply to operations of trucks. (As added by Ord. #2013-6, Aug. 2013)
SECTION
15-401. Signals.  No person operating a motor vehicle shall make any turning movement which might affect the operation of any other vehicle without first signaling his intention so to do in accordance with the requirements of the state law.1  (Ord. 71-5, § 3.01.  1987 Code, § 9-301)

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. 71-5, § 3.02.  1987 Code, § 9-302)

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. 71-5, § 3.03.  1987 Code, § 9-303)

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. 71-5, § 3.04.  1987 Code, § 9-304)

15-405. U-turns.  U-turns are prohibited.  (Ord. 71-5, § 3.05.  1987 Code, § 9-305)

1State law reference
Tennessee Code Annotated, § 55-8-143.
CHAPTER 5

STOPPING AND YIELDING

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

15-501. Upon approach of authorized emergency vehicles. 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, or of a police vehicle properly and lawfully making use of an audible signal only, 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 police officer. (Ord. 71-5, § 4.01. 1987 Code, § 9-401)

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. 71-5, § 4.02. 1987 Code, § 9-402)

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. 71-5, § 4.03. 1987 Code, § 9-403)

1Municipal code reference

Special privileges of emergency vehicles: title 15, chapter 2.
15-504. At "stop" signs. 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. (Ord. 71-5, § 4.05. 1987 Code, § 9-404)

15-505. At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (Ord. 71-5, § 4.06. 1987 Code, § 9-405)

15-506. 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.

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.

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 there is no crosswalk, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that a right turn on a red signal shall be permitted at all intersections within the city, 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 signal. However, said turn will 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 city at intersections which the city decides require no right turns on red in the interest of traffic safety.
   (b) Pedestrians facing such signal shall not enter the roadway.
(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.

(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. 71-5, § 4.07, modified. 1987 Code, § 9-406)

15-507. At flashing traffic-control signals. Whenever an illuminated
    flashing red or yellow signal is used in a traffic sign or signal placed or erected
    by the City of Belle Meade, it shall require obedience by vehicular traffic as
    follows:
    (1) 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.
    (2) 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. (Ord. 71-5, § 4.08, modified.
        1987 Code, § 9-407)

15-508. 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. 71-5, § 4.10. 1987
    Code, § 9-408)

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

PARKING

SECTION 15-601. "Illegal parking" generally.  (1) Every vehicle parked upon a street within the City of Belle Meade shall be so parked that it does not create a hazard to traffic.

(2) Every vehicle parked upon a street within the City of Belle Meade shall be so parked that it does not encroach into a lane of traffic.

(a) Vehicles shall only be parked on the right side of the street and/or lane(s) of traffic.

(b) Any vehicle parked in such a manner to require vehicles passing in the same direction to cross any line that marks a lane of traffic violates the prohibition of subsection (2) above.

(c) It is presumed that any vehicle parked such that its left wheels are within the driving lane encroaches into a lane for traffic.

(i) The "lane for traffic" is the area bounded on the left and right as designating the path for vehicles traveling in that direction.

(ii) On a two-way street, the "lane for traffic" is designated by the center line of the street and the outside, right hand boundary of the street.

(iii) In the case of adjoining lanes on Belle Meade Boulevard, the area between the left hand line and center line, and the area between the center line and line on the outer, right hand side of Belle Meade Boulevard.

(d) Where traffic lanes are not marked, vehicles shall be so parked that vehicles passing them in the same direction are not required to cross the center line of the street into the opposite lane to avoid the parked vehicles.

(e) The actions set forth in subsections (a)--(d) above are not exclusive, as all actions that create a hazard for traffic are prohibited.

(3) The actions prohibited by § 15-605 of this chapter likewise constitute actions that create a hazard for traffic.

(4) Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley for more
than forty-eight (48) consecutive hours without the prior approval of the chief of police.

(5) No person shall stand or park a vehicle upon a street or public way of the city for the principal purpose of displaying it for sale or displaying merchandise for sale on or near such vehicle or making sales of merchandise from such vehicle.

(6) 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. 59-9, § 4; ord. 71-5, § 5.01. 1987 Code, § 9-501, as replaced by Ord. #2011-9, Aug. 2011)

15-602. **Angle parking.** On those streets which have been signed or marked by the City of Belle Meade 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. 71-5, § 5.02. 1987 Code, § 9-502)

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. 71-5, § 5.03. 1987 Code, § 9-503)

15-604. **Gasoline trucks, etc.** It shall be unlawful for any person owning or operating a tank truck, or any other vehicle used for transporting more than fifty gallons of gasoline, kerosene, benzol, naphtha, or other volatile liquids or liquified gases, to leave such vehicle parked on any of the streets or public ways of the city during the hours between sunset and sunrise. (Ord. 59-9, § 6. 1987 Code, § 9-504)

15-605. **Where parking prohibited.** No person shall park a vehicle in violation of any sign placed or erected by the state or city, nor:

(1) On a sidewalk.
(2) In front of a public or private driveway.
(3) Within an intersection or within fifteen (15) feet thereof.
(4) Within fifteen (15) feet of a fire hydrant.
(5) Within a pedestrian or school children's crosswalk.
(6) Within fifty (50) feet of a railroad crossing.
(7) Within twenty (20) feet 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 (75) feet of the entrance.
(8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
(9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(10) Upon any bridge.

(11) Alongside any curb painted yellow or red by the city. (Ord. 71-5, § 5.04, modified. 1987 Code, § 9-505)

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. 71-5, § 5.05. 1987 Code, § 9-506)
CHAPTER 7

ENFORCEMENT

SECTION

15-701. Issuance of traffic citations.
15-702. Failure to obey citation.
15-703. Illegal parking.
15-704. Impoundment of vehicles.
15-706. Storage on private property.
15-707. Deposit of license in lieu of bail.

15-701. **Issuance of traffic citations.** When a patrolman or police officer of the city 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 city court at a specified time. The officer, upon receiving the written promise of the person charged with such violation to answer as specified in the citation, shall release such person from custody. (Ord. 71-5, § 6.02. 1987 Code, § 9-602)

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. 71-5, § 6.03. 1987 Code, § 9-603)

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 title, 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 at the meeting of the city court of the City of Belle Meade on the day and during the hours specified in the citation. In the event the owner shall appear and waive his right to a judicial hearing but before a warrant for his arrest is issued, his fine shall be twenty-five dollars ($25.00); if such appearance shall be made after issuance of warrant but before service of

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1State law reference
same, the fine shall include the cost of issuing the warrant. (Ord. #71-5, § 6.04. 1987 Code, § 9-604, as amended by Ord. #2011-9, Aug. 2011, and Ord. #2012-4, Sept. 2012)

15-704. Impoundment of vehicles. The patrolmen and other members of the police department of the City of Belle Meade are hereby authorized, when reasonably necessary to prevent obstruction of traffic, to remove or cause to be removed from the streets and impound any vehicle whose operator is arrested or any vehicle which is illegally parked, abandoned, or otherwise parked so as to constitute an obstruction or hazard to normal traffic. Any vehicle left parked on any street or alley for more than forty-eight (48) consecutive hours without permission from the chief of police shall be presumed to have been abandoned if the owner cannot be located after a reasonable investigation. In the event a vehicle shall be impounded, same shall be stored until the owner shall claim it, with satisfactory evidence of ownership, and pay all applicable fines and costs, including the actual cost of storage. The fee for impounding a vehicle shall be ten dollars ($10.00) and a storage cost of two dollars ($2.00) per day shall also be charged. (Ord. 71-5, § 6.01. 1987 Code, § 9-601)

15-705. Disposition of abandoned motor vehicles. (1) The police department may take into custody any motor vehicle found abandoned on public or private property. In carrying out this activity, the department may employ its own personnel, equipment, and facilities or hire persons, equipment, and facilities for the purpose of removing, preserving, and storing abandoned motor vehicles.

(2) In the event the police department shall take into custody an abandoned motor vehicle, it shall, within fifteen (15) days thereof, notify, by registered mail, return receipt requested, the last known registered owner of the motor vehicle and all lien holders of record that said vehicle has been taken into custody. Such notice shall describe the year, make, model, and serial number of the abandoned motor vehicle; set forth the location of the facility where the motor vehicle is being held; inform the owner and all lien holders of their right to reclaim the motor vehicle within three (3) weeks after the date of the notice, upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody; and state that the failure of the owner or lien holders to exercise their right to reclaim the vehicle within the time provided shall be deemed a waiver by the owner and all lien holders of all right, title, and interest in the vehicle and consent to the sale of the abandoned motor vehicle at a public auction.

(3) If the identity of the last registered owner cannot be determined, if the registration contains no address for the owner, of if it is impossible to determine with reasonable certainty the identity and addresses of all lien holders, notice by one (1) publication in one (1) newspaper of general circulation in the area where the motor vehicle was abandoned shall be sufficient to meet
all requirements of notice pursuant to this section and the laws of Tennessee. Such notice by publication may contain multiple listings of abandoned vehicles. Any such notice shall be within the time requirements prescribed for notice by registered mail, and shall have the same contents required for a notice by registered mail.

(4) The consequences and the effect of a failure to reclaim an abandoned motor vehicle shall be as set forth in a valid notice given pursuant to Tennessee law and the requirements of this section.

(5) If an abandoned motor vehicle has not been reclaimed as provided for hereinabove, the police department shall sell the abandoned motor vehicle at a public auction. The purchaser of the motor vehicle shall take title to the motor vehicle free and clear of all liens and claims of ownership, shall receive a sales receipt from the police department, and upon presentation of such sales receipt, the state department of revenue shall issue a certificate of title to the purchaser. The sales receipt only shall be sufficient title for purposes of transferring the vehicle to a demolisher for demolition, wrecking, or dismantling, and in such case no further titling of the vehicle shall be necessary.

The proceeds of the sale of an abandoned motor vehicle shall be used for payment of the expenses of the auction, the costs of towing, preserving, and storing the abandoned motor vehicle, and all notice and publication costs incurred pursuant to the requirements of the law and this section. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lien holder for ninety (90) days, and shall then be deposited in a special fund which shall remain available for the payment of auction, towing, preserving, storage, and all notice and publication costs which result from placing other abandoned vehicles in custody, whenever the proceeds from a sale of such other abandoned motor vehicles are insufficient to meet these expenses and costs. Whenever the city treasurer of Belle Meade shall find that monies in the special fund are in excess of reserves likely to be needed for the purposes thereof, he may transfer the excess to the general fund, but in such event claims against the special fund, if the special fund shall be temporarily exhausted, shall be met from the general fund to the limit of any transfers previously made thereto pursuant to the provisions of this section. (Ord. 71-5, § 6.05. 1987 Code, § 9-605)

15-706. Storage on private property. No greater number of automobiles may be stored on private property than can be stored in the garage space provided by the zoning code. (1987 Code, § 9-606)

15-707. Deposit of license in lieu of bail. Whenever any person lawfully possessed of a chauffeur's or operator's license theretofore issued to him by the department of safety, State of Tennessee, is issued a citation or arrested and charged with a violation of any municipal ordinance regulating traffic except those the violation of which call for the mandatory revocation of an
operator's or chauffeur's license for any period of time, the person so cited shall have the option of depositing his chauffeur's or operator's license issued under Tennessee Code Annotated, title 55, chapter 7, with the officer or court demanding bail in lieu of any other security required for his appearance in the city court for the City of Belle Meade, Tennessee, in answer to any such charge before the court except those therein expressly excluded.

Whenever any person deposits his chauffeur's or operator's license as herein provided, either the officer or the court demanding bail as hereinabove described shall issue said person a receipt for said license upon a form approved or provided by the department of safety, and thereafter said person shall be permitted to operate motor vehicles upon the public highways of this community during the pendency of the case in which the license was deposited.

The clerk or judge of a court accepting the license shall thereafter forward to the department of safety the license deposited in lieu of bail if the driver fails to appear in answer to the charge filed against him, and, in accordance with Tennessee Code Annotated, § 55-7-403, the license will not be released by the department of safety until the charge for which the license was so deposited has been disposed of by the court in which pending. (Ord. 77-6, § 1, modified. 1987 Code, § 9-607)
TITLE 16

STREETS AND SIDEWALKS, ETC

CHAPTER 1

MISCELLANEOUS

SECTION

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. (1987 Code, § 12-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1987 Code, § 12-102)

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on
his property any tree, shrub, sign, or other obstruction which prevents persons
driving vehicles on public streets or alleys from obtaining a clear view of traffic
when approaching an intersection. (1987 Code, § 12-103)

16-104. **Trees and shrubs.** (1) **Prohibited plantings.** It shall be
unlawful for any person to plant trees or shrubs as follows, without approval of
the board of commissioners or its designee:
   (a) Within a recorded sewer or water easement.
   (b) Within any recorded easement for overhead electric or
   telephone lines.
   (c) On any public lands or right-of-way.
(2) **Tree or shrub protection.** It shall be unlawful for any person to
remove or cause to be removed any tree or shrub from public lands or
rights-of-way, without first obtaining the permission of the board of
commissioners or its designee.
Notwithstanding the foregoing, trees and/or shrubs may be removed from
the public lands or rights-of-way by the City of Belle Meade provided it is first
determined by the commissioners of the city, or their duly designated
representatives, that
   (a) the removal of such trees or shrubs is required to promote
   the public safety of the city,
   (b) the failure to remove the same may be hazardous to, or
   cause damage to, the city's infrastructure, or
   (c) the tree or shrub is diseased requiring its removal and this
   fact is duly certified by an arborist to be selected by the commissioners.
(3) **Maintenance.** Care and maintenance of trees and shrubs on public
lands or rights-of-way that have been planted by the city shall be its
responsibility. Care and maintenance of all other such trees and shrubs shall be
the responsibility of the abutting property owner. (1987 Code, § 12-104, as
added by ord. 90-2, § 1, and amended by Ord. #2001-8, Oct. 2001)

16-105. **Banners and signs across streets and alleys restricted.** It
shall be unlawful for any person to place or have placed any banner or sign
across any public street or alley except when expressly authorized by the board
of commissioners after a finding that no hazard will be created by such banner
or sign. (1987 Code, § 12-105, as renumbered by ord. 90-2, § 1)

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 statute. (1987 Code, § 12-106, as renumbered
by ord. 90-2, § 1)
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, 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. (1987 Code, § 12-107, as renumbered by ord. 90-2, § 1)

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. (1987 Code, § 12-108, as renumbered by ord. 90-2, § 1)

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. (1987 Code, § 12-109, as renumbered by ord. 90-2, § 1)

16-110. **Parades, etc., regulated.** It shall be unlawful for any person, club, organization, or other group, to hold a parade in or upon any street, park, or public place of the City of Belle Meade, without first receiving a permit therefor from the board of commissioners under the terms and provisions of this section. The term "parade" shall include meeting, demonstration, exhibition, march, walk-a-thon, foot race, or procession.

(1) **Purpose.**
   (a) The City of Belle Meade recognizes the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever and to associate with others who share similar beliefs.
   (b) The city passes this section to regulate the time, place, and manner of parades.
   (c) The city passes this section in the interest of all its citizens' public safety, health, welfare, comfort, and convenience.
   (d) The City of Belle Meade has limited resources and passes this section so that it may properly allocate these resources among its citizens.
   (e) The purpose of this section is to promote order, safety, and tranquility in the streets of the city.
   (f) This section is passed to help minimize traffic interruptions, and disruptions of the peace and tranquility of residential neighborhoods, during parades.

(2) **Permit.**
   (a) No person shall parade unless a parade permit has been obtained from the board of commissioners. Any parade held without the proper permit shall be unlawful.
   (b) This section shall not apply to funeral processions.

(3) **Application.**
   (a) Any person seeking issuance of a parade permit shall file an application with the city manager on forms provided by the
city manager. The city manager shall place the request for a parade permit on the agenda of the next meeting of the board of commissioners for action by it in the normal course of business.

(b) The application for a parade permit shall be filed in writing with the city manager not less than thirty (30) days prior to the contemplated parade or less than five (5) days prior to any regularly scheduled meeting of the board of commissioners. No permit shall be granted earlier than one hundred eighty (180) days prior to the contemplated parade. A copy of the application shall be given to the chief of police who shall investigate and make a report to the board of commissioners.

(c) The application for a parade permit shall set forth the following information:

(i) The name, address, and telephone number of the persons seeking to conduct a parade or of the organization and its responsible heads;
(ii) The name, address, and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;
(iii) The date when the parade is to be conducted;
(iv) The route to be traveled, the starting point, and the termination point;
(v) A description of any temporary signs, including any banner, to be used on the day of the parade, including the location of any such signage.
(vi) The approximate number of persons who, and animals which, will constitute such parade; the type of animals and description of the vehicles;
(vii) The hours when the parade will begin and end;
(viii) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
(ix) The location by streets of any assembly area(s);
(x) The time at which units of the parade will begin to assemble at any assembly area(s);
(xi) The interval of space to be maintained between units of the parade; and
(xii) If the parade is to be held on behalf of any person other than the applicant, the authorization of that person.
(xiii) Whether the applicant has been convicted for the violation of the city parade ordinance of the City of Belle Meade.

(d) The board of commissioners shall decide whether to grant the application for a permit. The board of commissioners may consult with the chief of police in making their decision.
The board of commissioners in cooperation with the chief of police shall have the authority to designate the starting point, route, terminal point, or other time, place, and manner restrictions as deemed proper in consideration of minimum traffic interruption, public safety, health, welfare, convenience, peace, or order.

(4) Standards of issuance. (a) The board of commissioners shall issue a parade permit upon consideration of the application and other information obtained when they find that:

(i) The conduct of the parade will not unduly interrupt the safe and orderly movement of other traffic contiguous to its route;

(ii) The conduct of the parade will not require the diversion or interruption of essential or emergency municipal services, including police, fire or ambulance services;

(iii) The parade is scheduled to move from its origin to its termination expeditiously and without unreasonable delay;

(iv) The applicant has satisfied the bond or evidence of financial responsibility requirement; and

(v) No other permit has been granted for the same calendar quarter.

(b) A permit shall be granted to the first person properly applying under the requirements of this section.

(c) The times during which parades must be conducted, are as follows:

(i) Saturdays, Sundays, or legal holidays;

(ii) Of no more than three (3) hours duration;

(iii) Between the hours of 8:00 A.M. and 5:00 P.M.

(d) Permittee shall be responsible for all clean up, and in advance of the parade shall post a five hundred dollar ($500.00) bond or provide other evidence of financial responsibility to secure payment of expense of such clean up.

(e) The city manager shall notify the applicant within five (5) days after the action of the board of commissioners whether the permit has been granted or denied. If the permit has been denied, the city manager shall set forth the reasons why the board of commissioners denied the permit.

(f) In computing any period of time set out in this section, no Saturdays, Sundays, or holidays are to be computed in the time period.

(5) Contents of permit. Each parade permit shall state the following:

(a) Assembly and disassembly time and place;

(b) Starting time;

(c) The route and the portions of the streets to be traversed that may be occupied by the parade;

(d) Minimum speed;
(e) Maximum speed;
(f) Interval of space between parade units;
(g) The maximum length of the parade in miles or fractions thereof;
(h) Other information as the board of commissioners in cooperation with the chief of police shall find necessary to the enforcement of this section.
(i) Insurance coverage for any and all acts that occur during the course of the parade event naming the City of Belle Meade as an additional insured, and in amounts to be determined by the city manager.
(6) Duties of permittee. (a) Permittee shall comply with all permit application information, permit directions and conditions, and with all applicable laws and ordinances.
(b) The permittee shall advise parade participants of such permit requirements.
(c) The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the parade.
(d) The parade chair or other person heading or leading such activity is personally responsible for strict compliance with all other provisions of the Belle Meade Municipal Code or zoning ordinance, including without limitation all provisions concerning signs.
(7) Revocation of permit. (a) The board of commissioners or their designee shall have the authority to revoke a parade permit issued hereunder prior to the parade upon the application of the standards for issuance has herein set forth if it is found that:
(i) Applicant materially misrepresented facts of information in the application; and/or
(ii) Applicant failed to meet the standards for issuance set forth herein.
(iii) Applicant has violated any other provision of the Municipal Code of the City of Belle Meade.
(b) The board of commissioners or their designee shall have the authority to revoke the permit during the parade and disassemble the parade if:
(i) A public emergency arises requiring such revocation to protect the safety of persons or property; or
(ii) Disorderly conduct, riots, lawless activity, violence, or other breach of the peace, incited by parade participants, occurs.
(8) Severability. This section shall be severable, and if any word, clause, phrase, sentence, or paragraph is declared unconstitutional, the remaining portions shall remain in full force and effect.
(9) Violation and penalty. (a) It shall be unlawful for any person to parade without first having obtained a permit as required by this section.
(b) It shall be unlawful for any person to participate in a parade on the streets of Belle Meade for which a permit has not been granted.

c) It shall be unlawful for any person to fail to comply with all directions and conditions of the parade permit.

d) Any person violating the provisions of any section of this section shall, upon conviction, be fined not more than five hundred dollars ($500.00) for each violation.

(10) Notice to city officials. Immediately upon the issuance of a parade permit, the city manager shall send a copy of the permit to the following:

(a) The mayor.

(b) The city attorney.

(c) The chief of police.


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 unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1987 Code, § 12-111, as renumbered by ord. 90-2, § 1)

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. (1987 Code, § 12-112, as renumbered by ord. 90-2, § 1)
CHAPTER 2

EXCAVATIONS AND CUTS

SECTION
16-201. Permit required.
16-203. Fee.
16-204. Deposit or bond.
16-205. Manner of excavating--barricades and lights--temporary sidewalks.
16-206. Restoration of streets, etc.
16-207. Insurance.
16-208. Time limits.
16-209. Supervision.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the city manager is open for business, and said permit shall be retroactive to the date when the work was begun. (1987 Code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the city manager, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and

1State law reference
This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).
laws relating to the work to be done. Such application shall be rejected or approved by the city manager within twenty-four (24) hours of its filing. (1987 Code, § 12-202)

16-203. Fee. The fee for such permits shall be two dollars ($2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents ($.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars ($100.00) for any permit. (1987 Code, § 12-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the city manager a cash deposit. The deposit shall be in the sum of twenty-five dollars ($25.00) if no pavement is involved or seventy-five dollars ($75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the city manager may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the city of relaying the surface of the ground or pavement, and of making the refill if this is done by the city or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the city manager a surety bond in such form and amount as the city manager shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1987 Code, § 12-204)

16-205. Manner of excavating—barricades and lights—temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. 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. (1987 Code, § 12-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the city, but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the
city manager shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1987 Code, § 12-206)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the city manager in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than $100,000 for each person and $300,000 for each accident, and for property damages not less than $25,000 for any one (1) accident, and a $75,000 aggregate. (1987 Code, § 12-207)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the city if the city restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the city manager. (1987 Code, § 12-208)

16-209. Supervision. The city manager shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1987 Code, § 12-209)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the city manager. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width.
at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided to separate said driveways. Driveway aprons shall not extend out into the street. (1987 Code, § 12-210)
CHAPTER 3

REQUIREMENTS FOR NEW ROAD AND STREET CONSTRUCTION

SECTION
16-301. Rules established.
16-302. Preparation of subgrade.
16-303. Construction.
16-304. Shoulders.
16-305. Cement concrete ditch paving.
16-306. Seeding.
16-308. Field representative.
16-309. Acceptance of streets.

16-301. Rules established. The following procedures, directions, and requirements are established and shall be complied with in the case of every new road or street constructed for approval, acceptance, and maintenance by the City of Belle Meade. (Ord. 71-4, § 1. 1987 Code, § 12-301)

16-302. Preparation of subgrade. Before grading is started, the area within the limits of construction shall be cleared of all objectionable matter such as trees, stumps, roots, weeds, heavy vegetation, etc. Topsoil shall be removed and stockpiled for later use as a topping-out material for seeding and sodding. If rock is encountered, it shall be removed to a depth of at least 12 inches below the grade of the road, and suitable backfill material will be used to build the cut section up to proposed grade. Fills shall be compacted to 95 percent of the standard optimum Proctor density. (Soil testing shall be accomplished by an approved testing laboratory.) To attain this compaction, it will be necessary to adhere to the following procedures. Fill material shall be evenly and uniformly spread in layers not to exceed 8 inches in thickness over the entire width and thickness of the embankment section. Each layer shall be thoroughly rolled with an approved sheeps foot or pneumatic tired roller. If, in the opinion of the field representative of the City of Belle Meade, the soil is too dry, water will be added by a pressure distributor or other approved method. Soils which are too wet will be allowed to dry before compaction is attempted. After grading is completed and approved by the City of Belle Meade and before any base is applied, all of the underground work--water mains, gas mains, telephone cable, and service connections from any of the above--shall be installed completely throughout the length and width of the road. Where the sub-grade is cut for installation of underground utilities, the backfill shall be thoroughly compacted in layers not to exceed 8 inches in thickness by hand or by pneumatic tamping equipment. Backfills shall be compacted to a density not less than that of the original
compacted fill. The finished subgrade shall provide for superelevation and crown of the roadway. (Ord. 71-4, § 1(A). 1987 Code, § 12-302)

16-303. Construction. Construction shall be in accordance with specifications on file and available for inspection and copying at the office of the building inspector of the City of Belle Meade. (As replaced by ord. 85-2. 1987 Code, § 12-303)

16-304. Shoulders. Shoulders shall be compacted to the thickness and width as shown on the typical section plan.

Shoulders shall be compacted in accordance with the provisions for construction of the base and of the same quality and gradation of stone. The shoulders shall be finished, primed, and chipped after the asphaltic concrete binder course has been completed. (Ord. 71-4, § 1(E), as amended by ord. 86-2. 1987 Code, § 12-304)

16-305. Cement concrete ditch paving. Cement concrete ditch paving shall be carried out in accordance with specifications of the Tennessee State Highway Department. (Ord. 71-4, § 1(F), as amended by ord. 86-2. 1987 Code, § 12-305)

16-306. Seeding. Seeding shall be carried out in accordance with specifications of the Tennessee State Highway Department. (Ord. 71-4, § 1(G), as amended by ord. 86-2. 1987 Code, § 12-306)

16-307. Sodding. Sodding shall be carried out in accordance with specifications of the Tennessee State Highway Department. (Ord. 71-4, § 1(H), as amended by ord. 86-2. 1987 Code, § 12-307)

16-308. Field representative. The mayor is authorized to appoint a field representative for the city to inspect and approve such procedures and construction work in progress. Such field representative shall be an engineer licensed by the board of licensing engineers and architects with experience in road and street construction or shall have had not less than ten (10) years experience in the construction of roads and streets in Tennessee and the inspection of same or shall be designated as qualified to perform and inspect work by the Commissioner of Highways of the State of Tennessee. (Ord. 71-4, § 2, as amended by ord. 86-2. 1987 Code, § 12-308)

16-309. Acceptance of streets. No road, street, or highway shall be approved for acceptance and maintenance by the City of Belle Meade until same shall have been approved by an inspector appointed in conformity with the provisions hereof. Upon notification of such approval, the board of commissioners, may, by appropriate resolution adopted by a majority vote,
consummate approval and acceptance for maintenance by the city. (Ord. 71-4, § 3, as amended by ord. 86-2. 1987 Code, § 12-309)
TITLE 17

REFUSE AND TRASH DISPOSAL

CHAPTER 1

REFUSE

SECTION

17-101. Premises to be kept clean.
17-102. Definitions.
17-103. Storage.
17-104. Location of containers.
17-105. Disturbing containers or rubbish placed for collection.
17-106. Collection.

17-101. Premises to be kept clean. All residents and persons responsible for property within the City of Belle Meade are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of refuse and litter as herein defined, except when stored or contained or otherwise kept in compliance with the provisions hereof. (1987 Code, § 8-201, as replaced by ord. 88-9)

17-102. Definitions. Refuse and litter shall mean and include garbage, trash, rubbish, mineral and building waste, and dead animals and fowls, but shall not include body waste.

(1) "Garbage" is defined as putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

(2) "Trash" is defined as non-putrescible solid waste, both combustible and noncombustible, including paper, wrappings, cartons and containers of wood, paper, metal, plastic and glass.

(3) "Rubbish" is defined as tree and hedge trimmings, yard and lawn clippings, leaves, grass, weeds and similar vegetable matter.

(4) "Mineral and building wastes" shall mean and include ashes, clinkers, scrap concrete, scrap brick, scrap cinder block, scrap masonry stone,

Municipal code reference
Property maintenance regulations: title 13.
scrap glass, scrap metal, scrap roofing, scrap wallboard and scrap lumber from structures or buildings.

(5) "Dead animals and fowls" refers to those to which death was caused by external injury or disease. (1987 Code, § 8-202, as replaced by ord. 88-9)

17-103. Storage. Each owner, occupant, or other person responsible for or occupying any dwelling or other premises legally used in the City of Belle Meade where refuse accumulates or is likely to accumulate shall provide and keep covered an adequate number of refuse containers of metal, or serviceable plastic containers, which shall be strong, durable and capable of being closed so as to be rodent and insect and rain proof. Each container shall have a capacity of not less than twenty (20) nor more than thirty-two (32) liquid gallons. Provided, however, that this maximum capacity shall not apply to such larger containers as may be handled mechanically by the city, or by a person, firm or corporation under contract with the city or other authorized collector. Further, except for such mechanically handled containers, the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds.

(a) No garbage or trash shall be placed in a container for collection until such refuse shall have been drained of all free liquids.

(b) All tree trimmings and hedge clippings of diameter not larger than one inch (1"), and not longer than two feet (2'), all yard and lawn trimmings, including cut weeds, grass, leaves, and other similar vegetable matter, shall be placed in plastic bags of sufficient strength to be securely tied and lifted by hand without breaking, and not exceeding fifty (50) pounds in weight; tree trimmings and hedge clippings larger than one inch (1") in diameter and longer than two feet (2') in length but no larger than four inches (4") in diameter and four feet (4') in length shall be gathered and assembled in a neat fashion so as to make collection and disposal of same as quick and efficient as possible. All tree trimmings, hedge clippings, yard and lawn clippings, leaves and other vegetable matter shall be assembled and collected separately from the garbage and trash as hereinabove defined.

(c) Mineral and building wastes shall be assembled and kept in a neat pile in the rear of the premises for only so long as is necessary to arrange for the collection and removal of same.

(d) Dead animals and fowls shall be carefully removed to the rear of the premises where found and the person responsible for the premises shall immediately notify the chief of police of the city, and follow his instructions in regard to further steps for disposal of such dead animals or fowls. (1987 Code, § 8-203, as replaced by Ord. #8-9, and amended by Ord. #2014-1, Feb. 2014)
17-104. **Location of containers.** Containers of garbage and trash shall be placed at the rear of the occupied premises in a location readily accessible to collectors using the automobile driveway serving the premises.

Containers of rubbish, and collections of same too large to be placed in containers, shall be placed as near as possible to the street providing access to the premises, but upon the private property as near as possible to the scheduled time for collection and disposal of same, as hereinafter provided. (1987 Code, § 8-204, as replaced by ord. 88-9)

17-105. **Disturbing containers or rubbish placed for collection.** No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any container of refuse belonging to, or any refuse placed for collection upon the property of, another person. (1987 Code, § 8-205, as replaced by ord. 88-9)

17-106. **Collection.** All refuse, except mineral and building wastes, and dead animals and fowls, as hereinabove defined, accumulated within the City of Belle Meade shall be collected, conveyed, transported and disposed of as shall be provided by the city, and under the supervision and direction of such person as the board of commissioners shall designate.

Collection of garbage and trash shall be accomplished once weekly, as is presently provided. Collection of rubbish shall be accomplished by special arrangement, initiated by request of the person responsible for the maintenance of the premises, as needed. All mineral and building wastes shall be removed by the person responsible for the premises at his expense and in accordance with his arrangements, and as promptly as possible. The removal of dead animals and fowls shall be accomplished by the owner of the premises upon which found under the direction of the chief of police. (1987 Code, § 8-206, as replaced by Ord. #88-9, and amended by Ord. #2014-1, Feb. 2014)

17-107. **Collection vehicles.** The collection of all refuse as hereinabove provided by the City of Belle Meade shall be conducted by means of vehicles with beds constructed of impervious materials which are readily cleanable and so constructed as to prevent leakage of liquids draining from the refuse upon the streets and highways. Further, the collection vehicles shall utilize closed beds for other containers so as effectively to prevent scattering the contents over the streets and highways. All such vehicles shall be of such construction as to comply with all applicable laws, ordinances, and regulations of all areas through which same must travel in the accomplishment and purposes for which used. (1987 Code, § 8-207, as replaced by ord. 88-9)

17-108. **Disposal.** The disposal of all refuse in any quantity by any person, in any place, public or private, other than at a site designated by the
board of commissioners, or other governing body authorized to approve such site, is prohibited. (1987 Code, § 8-208, as replaced by ord. 88-9)
TITLE 18

WATER AND SEWERS¹

CHAPTER

1. SEWERS.
2. SUPPLEMENTARY SEWER REGULATIONS.
3. CRITERIA FOR USE BY INDUSTRIES OF THE PUBLICLY OWNED TREATMENT WORKS.
4. SEWAGE AND HUMAN EXCRETA DISPOSAL.

CHAPTER 1

SEWERS

SECTION

18-102. Definitions.
18-103. Obtaining service.
18-104. Location of main sewer WYES.
18-105. Application and contract for service.
18-106. Connection charges.
18-107. Multiple services through a single meter.
18-109. Discontinuance or refusal of service.
18-110. Re-connection charge.
18-111. Termination of service by customer.
18-112. Access to customers' premises.
18-113. Inspections.
18-114. Customer's responsibility for system's property.
18-116. Interruption of service.
18-117. Schedule of rates.

18-101. Application and scope. These provisions of this chapter are a part of all contracts for receiving sewer service from the municipality and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (As replaced by ord. 84-11. 1987 Code, § 13-101)

¹Municipal code references
Building, utility and housing codes: title 12.
Refuse disposal: title 17.
18-102. Definitions. (1) "Customer" means any person, firm, or corporation who receives sewer service from the municipality under either an express or implied contract.

(2) "Household" means any two (2) or more persons living together as a family group.

(3) "Service line" shall consist of the pipe line extending from any sewer main of the municipality to private property. The service line shall be construed to include the pipe line extending from the municipality's sewer main to and including the grinder pump.

(4) "Dwelling" means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.

(5) "Premise" means any structure or group of structures operated as a single residence, provided, however, the term "premise" shall not include more than one (1) dwelling. (As replaced by ord. 84-11. 1987 Code, § 13-102)

18-103. Obtaining service. (1) When permit must be obtained: A pressure sewer permit shall be applied for and issued by the Belle Meade's collection systems operator prior to any work being constructed, added to or repair of a pressure sewer either on private property or within public rights-of-way and copy filed with the building official. Applications for pressure sewer permits must be submitted at least forty eight (48) hours prior to pressure sewer installation. If any portion of the installation is within the City of Belle Meade's right-of-way, allow time for issuance of a right-of-way excavation permit.

A sewer permit is valid for 12 months. All information regarding the installation of a pressure sewer shall be obtained from the Belle Meade's collection systems operator. Any information on the installation relayed by the owner to the contractor shall be in writing or on a plan, and such information shall be presented at the time application for a permit is made.

(2) Person who must apply for permits: The owner of the property to be served, or the owner's authorized agent will make application for a pressure sewer permit personally.

(3) Material required for the permit application: In making an application for a pressure sewer permit, the owner or authorized agent shall furnish a site plan showing the size and location of structures on the property, the owner's name, address, and legal description of the property to be served. The full course of the proposed pressure sewer from the public sewer in the street to the structure shall be shown on the plan. Where easements are required, they shall be obtained at the owner's expense and filed with the city recorder. Prior to issuance of the permit, a copy of the recorded easements shall be given to the Belle Meade's collection systems operator.

(4) Permit fees: Prior to the issuance of any permit, all fees identified on the application shall be paid to the City of Belle Meade.
(5) **Work in a public right-of-way:** A permit that includes pressure sewer work in a public right-of-way may be issued only to a licensed pressure sewer contractor. The owner shall reimburse the Belle Meade's collection systems operator for all costs of city, county, and state permits and inspections. Pressure sewer contractors shall contact One-Call for utility locations. The phone number is available at the Belle Meade's collection systems operator office.

(6) **Unauthorized work:** No work shall be started on any private or pressure sewer without a permit. No licensed pressure sewer contractor shall do any pressure sewer work under any other person's permit.

No person shall do any pressure sewer work under a licensed pressure sewer contractor's permit, except as may be otherwise authorized by the Belle Meade's collection systems operator. If work is started on any private or pressure sewer without a permit or authorization from the Belle Meade's collection systems operator, a fine of one thousand dollars ($1,000.00) can be levied against the violators.

(7) **Time of issuing permit:** No permit will be issued for a pressure sewer connection before the Belle Meade's collection systems operator has accepted the public or private sewer.

(8) **Permit availability:** The contractor's copy of the pressure sewer permit and pressure sewer plan shall be readily available on the job to the Inspector of the Belle Meade's collection systems operator. No inspection will be made unless such permit and plan is readily available on the job site. The contractor shall be responsible for all additional costs incurred by the Belle Meade's collection systems operator for additional inspections.

(9) **Responsibility of pressure sewer contractor:** The licensed pressure shall be responsible for abiding by all the requirements of the City of Belle Meade Sewer Regulations.

(10) **Failure to comply with permit provisions:** If any work done under a pressure sewer permit is not in accordance with provisions of these regulations, and if the contractor or person doing the work fails and/or refuses to properly construct and complete such work, notice of such failure or refusal shall be given to the owner or occupant of the property. The Belle Meade's collection systems operator may cause said work to be stopped. The owner and/or contractor shall be responsible for all additional costs incurred by the Belle Meade's collection systems operator related to owner's and/or contractor's failure to properly complete the work. If the Belle Meade's collection systems operator incurs costs, it will be billed out for time, material and fifteen percent (15%) administration charges.

If the work in the opinion of the Belle Meade's collection systems operator constitutes a hazard to public safety, health, or the public sewer, the Belle Meade's collection systems operator may complete such work. The cost of such work and any materials necessary therefore shall be charged to the owner and/or contractor and shall be payable by the owner and/or contractor.
immediately upon written notice given by the Belle Meade's collection systems 
operator of the amount or by posting a notice on the premises.

(11) The owner desiring to extend, repair, replace or make connection 
to existing sewers or pressure sewers inside property lines: No person shall 
extend, repair, replace or make connections to a public, private or pressure 
sewer within the property lines without first obtaining a permit from the Belle 
Meade's collection systems operator, calling for utility locates, and requesting 
proper inspection of the work by the Belle Meade's collection systems operator 
as herein authorized.

(12) Additional work - new permit required: When an existing structure 
is removed and a new structure is constructed, or an alteration affecting the 
pressure sewer is made, a new permit is required. Any existing pressure sewer 
that does not meet the current existing regulations shall be replaced. No work 
shall be done without approval and inspection of the Belle Meade's collection 
systems operator as herein required.

(13) Completion of work in a public right-of-way: All work within the 
limits of any public right-of-way shall be completed promptly and in compliance 
with city requirements. If such work is not in compliance with governing 
agency's right-of-way requirements, any costs incurred to bring such work into 
compliance and to restore the right of way, shall be charged to the licensed 
pressure sewer contractor in charge of such work, and shall be payable 
immediately to the City of Belle Meade upon written notification to the 
contractor. (As replaced by ord. 84-11. 1987 Code, § 13-103, as replaced by 
Ord. #2006-02, March 2006)

18-104. Location of main sewer WYES. (1) Connection of the 
pressure sewer shall be made to the wye or tee designated at the time the 
pressure sewer permit is issued, unless written permission to do otherwise is 
obtained from the city.

(2) Excavation: Excavation shall be made at the measurements 
furnished by the City of Belle Meade, to the best of their records, for the location 
of the wye or tee. The locations of existing wyes or tees are usually shown on 
as-built drawings furnished to the Belle Meade's collection systems operator by 
others. The City of Belle Meade makes no warranty, express or implied, about 
the accuracy or completeness of such as built drawings.

(3) Prospecting for WYE: If the wye or riser cannot be located with the 
measurements as furnished by the Belle Meade's collection systems operator, 
the licensed pressure sewer contractor shall prospect four feet in all directions 
from the distance and depth given. If such prospecting fails to disclose the wye 
the contractor shall immediately contact the City of Belle Meade and report the 
circumstances. (as added by Ord. #2006-2, March 2006)

18-105. Application and contract for service. Each prospective 
customer desiring sewer service will be required to sign a standard form of
contract before service is supplied. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the municipality for the expense incurred by reason of its endeavor to furnish said service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the municipality to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter and general practice, the liability of the municipality to the applicant shall be limited to the return of any deposit made by such applicant. (As replaced by ord. 84-11. 1987 Code, § 13-104, and renumbered by Ord. #2006-2, March 2006)

18-106. **Connection charges.** Service lines will be laid by the municipality from the sewer main to the property line at the expense of the applicant for service. The location of such lines will be determined by the municipality.

Before a new sewer service line will be laid by the municipality, the applicant shall make a deposit equal to the estimated cost of the installation, and pay the tap charge set by the municipality by resolution.

This deposit shall be used to pay the cost of laying such new service line and appurtenant equipment. If such cost exceeds the amount of the deposit, the applicant shall pay to the municipality the amount of such excess cost when billed therefor. If such cost is less than the amount of the deposit, the amount by which the deposit exceeds such cost shall be refunded to the applicant.

When a service line is completed, the municipality shall be responsible for the maintenance and upkeep of such service line from the main to and including the grinder pump and such portion of the service line shall belong to the municipality. That portion of the gravity service line beyond the property line in the case of gravity sewers shall belong to and be the responsibility of the customer. (As replaced by ord. 84-11. 1987 Code, § 13-105, and renumbered by Ord. #2006-2, March 2006)

18-107. **Multiple services through a single meter.** No customer shall supply sewer service to more than one dwelling or premise from a single service line without first obtaining the written permission of the municipality.

Where the municipality allows more than one dwelling or premise to be served through a single service line, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The sewer charges for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the municipality's applicable sewer rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served
through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (As replaced by ord. 84-11. 1987 Code, § 13-107, and renumbered by Ord. #2006-2, March 2006)

18-108. Billing. Bills for residential sewer service will be rendered monthly by the Metropolitan Government of Nashville and Davidson County, Tennessee.

Both charges shall be collected as a unit. Water and sewer service may be discontinued for nonpayment of the combined bill.

Water and sewer bills must be paid on or before the discount date shown thereon to obtain the net rate, otherwise the gross rate shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date.

The municipality shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the municipality reserves the right to render an estimated bill based on the best information available. (As replaced by ord. 84-11. 1987 Code, § 13-108, and renumbered by Ord. #2006-2, March 2006)

18-109. Discontinuance or refusal of service. The municipality shall have the right to discontinue sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

(1) These rules and regulations.
(2) The customer's application for service.
(3) The customer's contract for service.

Such right to discontinue service shall apply to all service received through a single connection or service, even though more than one (1) customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

Discontinuance of service by the municipality for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract.

No service shall be discontinued unless the customer is given reasonable notice in advance of such impending action and the reason therefor. The customer shall also be notified of his right to a hearing prior to such disconnection if he disputed the reason therefor and requests such hearing by the date specified in the notice. When a hearing is requested, the customer shall have the right to have a representative at such hearing and shall be entitled to testify and to present witnesses on his behalf. Also, when such hearing has been
requested the customer's service shall not be terminated until a final decision is reached by the hearing officer and the customer is notified of that decision. (As replaced by ord. 84-11. 1987 Code, § 13-109, and renumbered by Ord. #2006-2, March 2006)

18-110. Re-connection charge. Whenever service has been discontinued as provided for above, a re-connection charge of fifty dollars ($50.00) shall be collected by the municipality before service is restored. (As replaced by ord. 84-11. 1987 Code, § 13-110, and renumbered by Ord. #2006-2, March 2006)

18-111. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the municipality reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

(1) Written notice of the customer's desire for such service to be discontinued may be required; and the municipality shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the municipality should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of such ten (10) day period.

(2) During the ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the municipality to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (As replaced by ord. 84-11. 1987 Code, § 13-111, and renumbered by Ord. #2006-2, March 2006)

18-112. Access to customers' premises. The municipality's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the municipality, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (As replaced by ord. 84-11. 1987 Code, § 13-112, and renumbered by Ord. #2006-2, March 2006)
18-113. **Inspections.** The municipality shall have the right, but shall not be obligated, to inspect any installation or plumbing system before sewer service is furnished or at any later time. The municipality reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the municipality.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the municipality liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made.

(1) **Inspection and testing of pressure sewer installations - gravity.**

(a) **Call for inspection.** Arrangements for inspection of a pressure sewer installation shall be made with the City of Belle Meade forty eight (48) hours in advance. The Belle Meade's collection systems operator reserves the right to set the time for inspections.

Pressure sewer permits must be obtained from the Belle Meade's collection systems operator prior to scheduling an inspection.

All inspections will be performed during normal working hours. Cancellations must be made a minimum of one hour before the scheduled appointment. Additional inspection may result in additional fees.

(b) **Testing of final installation - gravity pressure sewer.**

Pressure sewers shall be tested their entire length from the cleanout at the lower end of the line by testing for visible leakage before backfilling by inserting a removable plumber's plug in the cleanout at the lower end of the line and filling the line with water to six (6) feet above its highest point. The contractor shall make this test before calling for inspection so that the inspector can observe and approve the installation in one visit. The licensed pressure sewer contractor or job foreman must be present at the job during the inspections. Testing apparatus and water shall be furnished by the licensed pressure sewer contractor. Visible leakage shall be corrected and the line shall be retested. All pressure sewer trenches must be maintained in a safe condition according to the regulations and requirements.

(c) **Rate of leakage.** No loss.

(d) **As-built drawings.** As-built drawing shall be prepared by the contractor and checked by the Belle Meade's collection systems operator inspector in conjunction with the permit, and shall show the as-built location of the side.

(2) **Inspection and testing of pressure sewer installations - pressure.**

(a) **Call for inspection.** Arrangements for inspection of a grinder pump installation shall be made with the City of Belle Meade forty eight (48) hours in advance. The Belle Meade's collection systems operator reserves the right to set the time for inspections. Pressure sewer permits must be obtained from the City of Belle Meade prior to scheduling an
inspection. All inspections will be performed during normal working hours. Cancellations must be made a minimum of at least two (2) hours before the scheduled appointment. Additional inspections may result in additional fees.

(b) **Testing of final installation - grinder pump.** Pressure sewers using pump systems shall be tested at eighty (80) psig (twice the pressure rating of the pump system), or as directed by the Belle Meade's collection systems operator for actual conditions. Following is the procedure used for testing the discharge line:

(i) Close the in-line ball valve in the grinder valve box.

(ii) Open the riser ball valve in the grinder valve box.

(iii) Close the ball valve at the collector valve box for the street connection.

(iv) Using hand pump, pressurize with water, introduced at the low end, to test for leakage.

(v) Hold the required pressure for ten (10) minutes. Allowable leakage = 0

(c) **As-built drawings.** As-built drawings shall be prepared by the contractor and checked by the Belle Meade's collection systems operator inspector in conjunction with the permit, and shall show the as-built location of the side

(3) **Restoration.**

(a) Restoration within a city, county, or state right-of-way:

It shall be the responsibility of the licensed pressure sewer contractor to restore the roadway surfacing within the limits of any public thoroughfare or right-of-way. Such work shall be conducted in strict accordance with the rules and regulations of the agency having jurisdiction of said thoroughfare or right-of-way.

(b) **Restoration where not prescribed by city, county, or state.**

The licensed pressure sewer contractor shall follow City of Belle Meade Specifications.

(c) **Clean up.**

(i) The licensed pressure sewer contractor shall remove all debris and excess excavation and shall notify the City of Belle Meade of any damage and shall repair such damage, in public or private property, in kind immediately after backfilling.

(ii) **Safety equipment.** The licensed pressure sewer contractor, before beginning excavation in a public area, shall have at the site sufficient barricades to properly protect the work. The barricades shall be illuminated during the night-time hours in accordance with right-of-way regulations and requirements. During the pipe laying operation, a ditch pump shall be readily available on-site for immediate use. The contractor shall install trench safety systems as required by state and federal regulations.
18-114. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all service connections, and other equipment furnished by or for the municipality shall be and remain the property of the municipality. Each customer shall provide space for and exercise proper care to protect the property of the municipality on his premises. In the event of loss or damage to such property, arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by the customer. (As replaced by ord. 84-11. 1987 Code, § 13-114, and renumbered by Ord. #2006-2, March 2006)

18-115. Customer's responsibility for violations. Where the municipality furnishes sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (As replaced by ord. 84-11. 1987 Code, § 13-115, and renumbered by Ord. #2006-2, March 2006)

18-116. Interruption of service. The municipality will endeavor to furnish continuous sewer service, but does not guarantee to the customer continuous service. The city shall not be liable for any damages for any interruption of service whatsoever. (As replaced by ord. 84-11. 1987 Code, § 13-116, and renumbered by Ord. #2006-2, March 2006)

18-117. Schedule of rates. All sewer service shall be furnished under such rate schedules as the municipality may from time to time adopt by appropriate ordinance or resolution.1 (As replaced by ord. 84-11. 1987 Code, § 13-106, and renumbered by Ord. #2006-2, March 2006)

1Ordinances and resolutions are of record in the office of the city recorder.
CHAPTER 2

SUPPLEMENTARY SEWER REGULATIONS

SECTION

18-201. Definitions.
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18-201. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

(1) "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C. expressed in milligrams per liter.

(2) "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(3) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(4) "Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

(5) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(6) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(7) "Person" shall mean any individual, firm, company, association, society, corporation, or group.
"pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

"Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and controlled by public authority.

"Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

"Sewage" shall mean a combination of the watercarried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

"Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

"Sewage works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

"Sewer" shall mean a conduit designed or used to transport wastewater, and into which storm water, surface and ground waters are not intentionally admitted.

"Shall" is mandatory; "may" is permissive.

"Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

"Storm drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

"City manager" shall mean the superintendent of sewage works and/or of water pollution control of the municipality, or his authorized deputy, agent, or representative.

"Suspended solids" shall mean solids that are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

"Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

"As-built drawing" shall mean a drawing prepared by the contractor and checked by the Belle Meade's collection systems operator in conjunction with the permit, and shall show the "as-built" location of the pressure sewer installation.

"Downspout" shall mean the leader or pipe above ground, which is installed to conduct storm water from the roof gutter or any structure.
"Licensed pressure sewer contractor" shall mean any person, partnership, corporation or association duly qualified and competent to do work incidental to the construction or repair of pressure sewers under permits issued under these regulations and who shall have been duly licensed and bonded with the State of Tennessee and the City of Belle Meade.

"Permit" shall mean an application on the printed form issued in duplicate by the Belle Meade's collection systems operator prior to construction or repair of any pressure sewer.

"Private sewer" shall mean a sewer, exclusive of pressure sewers, which are neither owned nor operated by the City of Belle Meade.

"Residential structure" shall mean a single-family structure or a multiple family structure.

"Sewage or domestic wastes" shall mean water-carrying waste discharged from the sanitary facilities of structures occupied or used by people.

"Pressure sewer" shall mean a conduit system (pressure or gravity) extending from the plumbing system of a structure(s) to and connecting with a public or private sewer main.

"Storm water" shall mean rainfall, or waters on the surface of the ground or underground resulting from rainfall or other natural precipitation.

"Wastewater" shall mean water-carrying wastes containing either or both sewage and industrial waste. (As replaced by ord. 84-11. 1987 Code, § 13-201, as amended by Ord. #2006-2, March 2006)

18-202. Use of public sewers required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the municipality, or in any area under its jurisdiction, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the municipality, or in any area under its jurisdiction, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the municipality and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the municipality, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so. (As replaced by ord. 84-11. 1987 Code, § 13-202)
18-203. **Private sewage disposal.** The disposal of sewage by means other than the use of the sanitary sewage system shall be in accordance with local and state laws. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the sanitary sewage system is not available. (As replaced by ord. 84-11. 1987 Code, § 13-203)

18-204. **Building sewers and connections.**  
(1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city manager.  
(2) There shall be two classes of building sewer permits for residential service, one for pressure sewers, and one for gravity sewers. The owner or his agent shall make application on a special form furnished by the municipality. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the city manager.  
(3) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the municipality from any loss or damage that may directly or indirectly be occasioned by the installation of the sewer.  
(4) A separate and independent building sewer shall be provided for every building except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.  
(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter.  
(6) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building code or other applicable rules and regulations of the municipality. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.  
(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.  
(8) No person shall make connection of roof down-spouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
(9) The connection of the building sewer into the public sewer shall conform to the requirements of the building codes or other applicable rules and regulations of the municipality, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the city manager before installation.

(10) The applicant for the building sewer permit shall notify the city manager when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

(11) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the municipality. (As replaced by ord. 84-11. 1987 Code, § 13-204)

18-205. Use of the public sewers. (1) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, or uncontaminated cooling water.

(2) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
   (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
   (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, to create a public nuisance, or to create any hazard in the receiving waters of the sewage treatment plant.
   (c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
   (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(3) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the city manager that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving
stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the city manager will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred fifty (150)° F (65°C).

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150)° F (0 and 65°C).

(c) Any waters or wastes containing iron, chromium, copper, zinc, cyanide, and similar objectionable or toxic substances; or wastes exerting an excessive chloride requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the city manager and/or the Division of Water Management, Tennessee Department of Health, for such materials.

(d) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the city manager.

(e) Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the city manager as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(f) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city manager in compliance with applicable state or federal regulations.

(g) Any water or wastes having a pH in excess of 9.5.

(h) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(i) Waters or wastes containing suspended solids in excess of 300 mg/l.
(4) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (3) of this section, and which are in the judgment of the city manager and/or the Division of Water Management, Tennessee Department of Health, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city manager may:
   (a) Reject the wastes;
   (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
   (c) Require control over the quantities and rates of discharge; and/or
   (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (10) of this section.

If the city manager permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the city manager and the Tennessee Department of Health and subject to the requirements of all applicable codes, ordinances, and laws.

(5) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined upon suitable samples taken. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hr. composites of

18-206. Protection from damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (As replaced by ord. 84-11. 1987 Code, § 13-206)

18-207. Powers and authority of inspectors. (1) The city manager and other duly authorized employees of the municipality bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter.

   (2) While performing the necessary work on private properties referred to in subsection (1) of this section, the city manager or duly authorized
employees of the municipality shall observe all safety rules applicable to the premises.

(3) The city manager and other duly authorized employees of the municipality bearing proper credentials and identification shall be permitted to enter all private properties through which the municipality holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entries and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (As replaced by ord. 84-11. 1987 Code, § 13-207)

18-208. Minimum requirements and installation for pressure sewers—gravity. (1) Grade: All pressure sewers shall be laid on a grade of not less than one forth (¼) inch per foot two percent (2%).

(2) Foundation: Pressure sewers parallel to the foundation wall of any building shall be laid not less than thirty (30) inches therefrom.

(3) Minimum surface cover for pipe: (a) Minimum cover for pressure sewers on private property shall be eighteen (18) inches.

(b) Minimum cover for pressure sewers at property line shall be eighteen (18) inches.

(c) Minimum cover for pressure sewers crossing a ditch in the public right of way except as otherwise provided herein, shall be eighteen (18) inches.

(4) Water line crossings: Parallel water and sewer lines shall be laid at least ten (10) horizontal feet apart wherever possible. Where it is necessary for sewer and water lines to cross, the crossing shall be made at an angle of ninety (90) degrees and the sewer shall be located eighteen (18) inches or more below the water line if possible. Where pressure sewers must cross over water mains, the pressure sewer shall be sleeved with PVC sleeve with mechanical joints for a distance of at least five (5) feet each way from the center of the water main.

(5) Other underground facilities: No other underground facilities shall be installed closer than three (3) feet horizontally to the pressure sewer line as installed.

(6) Fittings: All changes in directions shall be made with one eighth (1/8) bends (45 degrees), one sixteenth (1/16) bends (22-1/2 degrees) or wye branches with straight through opening plugged for a cleanout. Not more than two (2) bends shall be installed between cleanouts. Cleanouts, including those for commercial property, shall be installed at locations designated by the Belle Meade's collection systems operator in accordance with the pressure sewer regulations. A test tee shall be provided at the point of connection to the sewer main, and at any other required point or points in order to insure that all portions of the pressure sewer or private sewer can be tested. All uncompleted
risers, cleanouts, castings and concrete blocks shall be installed by the licensed pressure sewer contractor and raised to grade after final paving.

(7) Laying of pipe: All sewers shall be laid true to grade with the bells up grade. Pipe shall be cradled in the prepared trench bottom. Pipe shall be carefully centered prior to jointing. The licensed pressure sewer contractor shall over-excavate and prepare bedding in accordance with Belle Meade's collection systems operator. Backfilling of trenches shall be carefully performed by hand to a depth of six (6) inches above the pipe with bedding material to avoid damaging the pipe.

All backfill in the public right-of-way shall be mechanically compacted in a manner approved by the Belle Meade's collection systems operator unless otherwise required by the agency that has jurisdiction over the public right-of-way.

(8) Cut-in connection: Where a wye or tee is not available, a saddle tee shall be used in accordance with pressure sewer regulations. The pipe cut-in shall be carefully made with a hole-saw of appropriate size, and the bottom half shall be filed smooth. Belle Meade's collection systems operator personnel must inspect the hole before the saddle is installed. If the pipe becomes cracked during the cut-in, the damaged section shall be replaced to the satisfaction of the Belle Meade's collection systems operator. If the type of wye or tee provided in the sewer does not match the proposed pressure sewer pipe joint detail, a short transition piece shall be joined to the wye branch or tee by means of a transition gasket of the type used in the sewer. The balance of the pressure sewer shall then be constructed with compression type flexible gaskets up to the point of connection with the house plumbing.

Connection to the house soil pipe shall be made by means of flexible clamp-type coupling or other method approved by the Belle Meade's collection systems operator. All connections must be clean and visible during inspection.

(9) Impossibility of gravity flow minimum elevation: In any structure in which the plumbing drain is too low to permit gravity flow to the sewer, the sewage shall be lifted by artificial means and discharged into the sewer.

Wherever a situation exists involving an unusual danger of backup, the Belle Meade's collection systems operator may prescribe the minimum elevation at which the structure drain may be discharged to the sewer. Sewers below such minimum elevation shall be lifted by artificial means, or if approved by the Belle Meade’s collection systems operator, a backwater sewage valve may be installed. The effective operation and maintenance of the backwater sewage valve shall be the sole responsibility of the customer. (as added by Ord. #2006-2, March 2006)

18-209. Minimum requirements and installation of pressure sewer—pressure.

(1) All pump installations must meet all building, plumbing, and electrical codes, and shall have the Belle Meade's collection systems operator's approval prior to installation.
(2) **Pipe:** Unless otherwise called for, pressure sewer pipe shall be high-density polyethylene plastic pipe (HDPE SDR 11) and meet the following specifications.

(a) **Base resin:** Conform to all requirements of ASTM D 48, Type III, Class C, Category 5, Grade P34, with a PPI rating of PE 3408.

(b) **Melt Index:** Less than 0.25 grams/10 min. as determined by ASTM D 1238, Condition E.

(c) **Environmental stress check resistance:** No cracks after 192 hours at 100 C as determined by ASTM D 1693, Condition C.

(d) **Rating:** Long-term hydrostatic strength of 1450 psi and hydrostatic design stress of 730 psi as determined by ASTM D 2837.

(e) **Working pressure rating:** 145 psi.

(f) **Laboratory test requirements:** Withstand without failure a minimum burst pressure of 560 psi when applied in 60 to 70 seconds with water at 730 F. Test in accordance with ASTM D 1599. Test one percent but not more than three lengths.

(3) **Fitting and joints:** Joints shall be flanged, or thermal fusion butt-welded. Joints, in pipes with a diameter of two (2) inch or less, shall be made only at pump basins, valves, fittings and changes in pipe diameter. For pipes larger than two (2) inches in diameter, joints between pipe sections shall be thermal fusion butt-welded. All flanges and fittings shall be thermal fusion butt welded to the pipe. Internal beads from welding at flanges and fittings of two (2) inch and smaller diameter pipes shall be removed. Operators of fusion welding equipment shall be trained by the pipe manufacturer, who shall certify that operators are qualified. All fittings will be HDPE SDR 11 or minimum of SCH 40 PVC where noted on Belle Meade’s collection systems operator standards.

(4) **Laying of pipe between grinder tank and street connection:** A pressure sewer from the grinder valve box to the collector valve box shall have a minimum cover of eighteen (18) inches and shall be HDPE SDR 11 pipe and shall be equipped with tracer wire for locating purposes. Tracer wire shall be insulated twelve (12) gauge wire (solid core) wrapped around the pipe and looped through the valve box from the collector valve to the grinder cleanout. Refer to Belle Meade's collection systems regulations for current details. Unless otherwise indicated, it is unnecessary to bed this pressure sewer.

(5) **Cut-in connection:** Where a collector valve box is not available at the property line an HDPE SDR 11 tee shall be cut in to the existing pressure sewer main and thermal fusion butt-welded. A collector valve box assembly shall be placed at the property line. The pressure sewer contractor doing this type of connection shall be certified in thermal fusion butt welding techniques.

(6) **Connection into gravity line:** Where an HDPE pressure sewer is connecting into a PVC pressure sewer, the pressure sewer contractor shall install a pressure line connection, including 6-inch cleanout assembly, at the
property line and then make a connection into the gravity pressure sewer according to pressure sewer regulations.

(7) Connection into gravity manhole: Where an HDPE pressure sewer is connecting into a gravity manhole, the pressure sewer contractor shall install an inside drop connection on those manholes deeper than six (6) feet. In manholes less than six (6) feet deep, the connection must match the crown elevation of the outfall pipe.

(8) Backfilling around vaults and valve boxes: Vaults and valve boxes shall be placed on backfill that has been compacted to a minimum of ninety percent (90%) of maximum theoretical density. Backfilling shall be performed carefully so that no damage is done to pipe entering or exiting the vault or valve or to the vault or valve box. The Belle Meade's collection systems operator may direct the contractor to use special backfill techniques when it deems necessary.

(9) Grinder pump installation: The grinder sewer pump shall be an Environment One (1) Model 2010 as supplied by Correct Equipment, Inc., 14576 NE 95th Street, Redmond, WA 98052. Contact Howard Taub at (425) 869-1233.

Contact the Belle Meade's collection systems operator for a pre-construction meeting for pump tank and control panel locations before any installation. Contractor shall determine the depth of the existing building sewer discharge before any installation, to determine if a five (5) ft. or ten (10) ft. deep tank will be suitable.

The grinder pump lift station package shall include the following items:

(a) Sewage grinder pumps, semi-positive displacement type, equal to Environment One progressive cavity with a 1 HP, 1800 RPM motor.

(b) Corrugated HDPE tank with single complete pump unit, ready for installation. The tank will have a one and one fourth (1 1/4) NPT discharge connection and a four (4) inch inlet grommet specifically sized to fit the PVC pipe as defined in Section 7.10 (a).

(c) The tank shall include an internal check valve assembly.

(d) A breaker panel as supplied by Environment One, with two (2) 15 amp breakers for pump operations, one (1) 15 amp breaker for the alarm system, a "push to run" button, an audible alarm with "silence button," and a red light alarm. All wires and connectors are to be color coded and labeled for ease of installation.

(e) A minimum of twenty-one (21) feet of direct bury cable (supply cable) between the tank and breaker panel.

(f) The pump system operates on two (2) pressure switches. One (1) switch operates the pump on/off and the second operates the alarm.

(g) The package system shall meet the requirements of the Washington State Department of Labor and Industries, Division for Residential, grinder pump systems.

(h) The electrical supply to the breaker panel shall be 240-volt single-phase power.
(i) The tank location shall be accessible for maintenance and repair. The tank cover shall be approximately three (3) inches above finished grade. Finish grade shall slope away from the station and the station shall not be installed within a "pot hole." No plants, fences, or other obstructions are to be located within five (5) feet of the tank and the valve boxes, and the property owner shall maintain a five (5) foot clear zone around the tank and no construction above the tank.

(j) The location of the breaker panel shall be:
   (i) Accessible for maintenance and repair,
   (ii) In sight of the tank,
   (iii) The bottom of the panel must be five (5) feet from finished grade, and
   (iv) The alarm light shall be visible from fifty (50) feet and must be visible in a one hundred eighty (180) degree radius.

(k) The maximum distance between the breaker panel and the grinder tank shall be twenty five (25) feet, and with sight and easy access.

(l) The breaker panel shall be equipped with a knife-type lock out switch. The lockout switch shall be visible from the tank.

(m) Fences, bushes, or any other object shall not hide the alarm light or hinder in the maintenance and/or repair of the system.

(n) There shall be no additional junction boxes or splices made once the system has been installed and inspected by Belle Meade's collection systems operator. Anyone tampering with the approved system shall be liable to the City of Belle Meade for any expense, loss, damage, cost of inspection or cost of correction incurred by the Belle Meade's collection systems operator, plus a penalty not to exceed one thousand dollars ($1,000.00). (as added by Ord. #2006-2, March 2006)

18-210. Pressure sewer contractor licensing. (1) Introduction. Any pressure sewer contractor intending to do business within the City of Belle Meade shall meet the following requirements.

(2) General qualifications. A pressure sewer contractor must be licensed and bonded with the State of Tennessee to conform with the nature of the work. A pressure sewer contractor must provide the Belle Meade's collection systems operator with proof of these licenses and bonds as per the continuous performance bond.

(3) Insurance. A pressure sewer contractor must have an insurance certificate naming as additional insured the City of Belle Meade, 4705 Harding Road, Nashville, Tennessee. The insurance certificate must include the provision that such insurance shall not be canceled without at least forty-five (45) days written advance notice to the City of Belle Meade. This insurance certificate must be in the amount of:
Property damage liability $500,000 each occurrence
$1,000,000 each aggregate
Bodily injury liability $500,000 each person
$1,000,000 each occurrence

OR

Combined single limit of $1,000,000 per occurrence/aggregate

(4) **Hold harmless**: A pressure sewer contractor shall execute a document whereby they shall hold harmless, indemnify and defend the City of Belle Meade from any and all claims against the City of Belle Meade as a result of their work done within the City of Belle Meade pursuant to these regulations.

(5) **Continuous performance bond**: A pressure sewer contractor shall supply the City of Belle Meade with a continuous performance bond in the amount of two thousand five hundred dollars ($2,500.00) in order to work on pressure sewer installations within the City of Belle Meade. A sample-approved form is available at the City of Belle Meade office. The bond is to protect the City of Belle Meade in its obtaining road opening permits from the county and for other jurisdictional agencies, and to guarantee the completion of the pressure sewer installation. The bond shall include in its terms a certification that it will not be canceled without at least forty-five (45) days written advance notice to the Belle Meade's collection systems operator. (as added by Ord. #2006-2, March 2006)

18-211. **Maintenance and/or repair of pressure sewer installation by other than the City of Belle Meade.** (1) **Pressure sewer cleaning.** All pressure sewer cleaning contractors and/or plumbers, licensed pressure sewer contractors and/or owners, prior to or while actually engaged in cleaning existing pressure sewers (as distinguished from plumbing and septic tank facilities), shall notify the Belle Meade's collection systems operator of such operations, which are located within the service area of the City of Belle Meade.

(2) **Excavation and/or modification of pressure sewer installations.** No pressure sewer cleaning contractor, plumbers, licensed pressure sewer contractors, or owners shall excavate for the purpose of exposing a pressure sewer and such persons shall make no repair or modification to an existing pressure sewer (including the cutting of holes in the pipe line and/or installation of additional fittings) until notification has been given to the Belle Meade's collection systems operator and a permit has been obtained from the Belle Meade's collection systems operator.

(3) **Demolished or removed buildings.** The property owner or their contractor engaged in demolishing or removing any structure connected to the public sewer shall notify the City of Belle Meade of such work and shall expose and plug the pressure sewer connection of such structure at the property line in accordance with the requirements of the pressure sewer regulation. The Belle Meade's collection systems operator must observe such plugging. (as added by Ord. #2006-2, March 2006)
18-212. **Precautions to avoid damage.** (1) In addition to the notification requirements of Tennessee Code Annotated, § 65-31-106, each person responsible for any excavation or demolition operation designated in § 65-31-104 shall:

(a) Plan the excavation or demolition to avoid damage to and minimize interference with underground utilities in and near the construction area.

(b) Maintain a clearance between an underground utility and the cutting edge or point of any mechanized equipment in accordance with § 65-31-108(b) and (d), taking into account the known limit of control of such cutting edge or point, as may be reasonably necessary to avoid damage to such utility.

(c) Provide such support and protection for underground utilities in and near the construction area, including during backfill operations, as may be reasonably necessary for the protection of such utilities.

(d) Each utility, regardless of the use or material, shall be installed with sufficient clearance to permit the maintenance of existing utilities and to protect against damage to existing utilities.

(2) **Damage to collection system property.** When damage occurs to the collection system or to any other city sewer property by the acts of the customer or the customer's agent, or by the act of any non-utility party, the City of Belle Meade shall bill said party for the cost of repairing such damage. The cost may include, but shall not be limited to materials, labor, utility equipment charges, cost of subcontracting repairs, and twenty-five percent (25%) overhead.

The City of Belle Meade is not liable for damage to its utility lines when a request for utility marking has not been received from Tennessee One Call at least three (3) working days prior to digging.

If said grinder system is damaged during construction this will constitute replacement of said system with the fixture units of more than twenty (20) units, a duplex will be required to be purchased by said homeowner/contractor.

(3) **Fixture units chart value.**

<table>
<thead>
<tr>
<th>Fixture</th>
<th>Fixture unit value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bathtub with 1 ½&quot; trap</td>
<td>2</td>
</tr>
<tr>
<td>Bathtub with 2&quot; trap</td>
<td>3</td>
</tr>
<tr>
<td>Bidet with 1 ½&quot; trap</td>
<td>3</td>
</tr>
<tr>
<td>Combination sink and wash tray with 1 ½&quot; trap</td>
<td>3</td>
</tr>
<tr>
<td>Combination sink and wash tray with food waste grinder unit (separate 1 ½&quot; trap for each unit)</td>
<td>4</td>
</tr>
<tr>
<td>Drinking fountain</td>
<td>½</td>
</tr>
<tr>
<td>Dishwasher, domestic type</td>
<td>2</td>
</tr>
</tbody>
</table>
Floor drain ........................................... 1
Kitchen sink, domestic type .............................. 2
Kitchen sink, domestic type with food waste
    grinder unit ...................................... 3
Lavatory with 1 ½ " waste plug outlet .................. 2
Lavatory with 1 ¾ " or 1 3/8" waste plug outlet ....... 1
Lavatory, multiple type (was fountain or wash
    sink) per each equivalent Unit ..................... 2
Laundry tray (one or two compartment) ................. 2
Shower stall ........................................... 2
Showers (group) units per head .......................... 3
Sink (flushing rim type, direct flush valve) .......... 8
Sink (service type with floor outlet
    trap standard) .................................... 3
Sink (service type with P trap) ......................... 2
Sink (pot, scullery or similar type) .................... 4
Urinal (1" flush valve) ................................ 8
Urinal (¾ " flush valve) ................................. 4
Urinal (flush tank) .................................... 4
Water closet (direct flush valve) ....................... 8
Water Closet (flush tank) ............................... 4
Unlisted fixture, 1 ¾" or less fixture drain or
    trap size ......................................... 1
Unlisted fixture, 1 ½" fixture drain or trap size ...... 2
Unlisted fixture, 2" fixture drain or trap size ......... 3
Unlisted fixture, 2 ½" fixture drain or trap size ...... 4
Unlisted fixture, 3" fixture drain or trap size ......... 5
Unlisted fixture, 4" fixture drain or trap size ......... 6

For continuous or intermittent flow into a drain, as from a pump, ejector,
air conditioning equipment or similar equipment, a fixture unit value of two (2)
shall be assigned for each gallon per minutes of flow at rated capacity.  (as
added by Ord. #2006-2, March 2007)

18-213. Wastes other than domestic or industrial. The discharge
into any sewer by direct or indirect means of any of the following is hereby
prohibited:
(1) Subsoil foundation drains.
(2) Footing drains.
(3) Window well drains.
(4) Door well drains.
(5) Yard drains.
(6) Unroofed basement floor drains.
(7) Overflows from unpolluted water storage facilities.
(8) Clear water from refrigeration, reverse-cycle heat pumps and cooling or air-conditioning equipment, except for the periodic draining and cleaning of such systems.
(9) Roof drains or downspouts from areas exposed to rainfall or other precipitation.
(10) Surface or underground waters.
(11) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit.
(12) Any waste that contains more than one hundred (100) parts per million by weight of fat, oil, or grease.
(13) Any gasoline, benzene, naphtha, oil, or other flammable or explosive liquid, solid, or gas.
(14) Any garbage that has not been properly shredded and diluted with water.
(15) Any ashes, cinders, sand, mud, straw, hair, shavings, metal, glass, rags, feathers, tar, plastics, wood, or any other solid or substance capable of causing obstruction to the flow in sewers or improper operation of the sewage works.
(16) Any waste having a pH lower than 5.5 and higher than 8.5 or having any other corrosive property capable of causing damage or hazard to the structures, equipment or personnel of the Belle Meade's collection systems.
(17) Any waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process.
(18) Any waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials in the public sewer system or at the sewage treatment plant.
(19) Any obnoxious or malodorous gas or substance capable of creating a public nuisance.
(20) Septic tank effluent or sludge, except from the City of Belle Meade's approved collection systems. (as added by Ord. #2006-2, March 2006)

18-214. Connection of cesspools, septic tanks, traps, and interceptors.
(1) Direct connection from the plumbing fixtures in the structure to the public or private sewer is required.
(2) Any connection to a cesspool or septic tank will be removed, and proper connection directly made to the new pressure sewer. Cesspools or septic
(3) An approved grease trap or grease interceptor shall be installed where it is necessary to protect the City of Belle Meade's sewer system. All non-residential facilities must meet the requirements of the City of Belle Meade's sewer regulations and the State of Tennessee's Industrial Waste Program for legal fats and/or oil and grease discharge to sewers, whichever is more stringent. All commercial or industrial facilities, schools, churches, or other non-single family residential facilities that have food service facilities shall
be equipped with one thousand (1000) gallon (minimum) grease interceptors. Submit sizing calculations for Belle Meade's collection systems operator to review and approve. All commercial building pads with unidentified or potentially variable uses must be provided with a grease interceptor at the time of initial construction. Provide graywater plumbing to building pad(s). (as added by Ord. #2006-2, March 2006)

18-215. Violations. (1) Any person found to be violating any provision of this chapter except § 18-206 shall be served by the municipality with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in subsection (1) of this section shall be guilty of a misdemeanor, and on conviction thereof shall be fined under the general penalty clause for this municipal code of ordinances.

(3) Any person violating any of the provisions of this chapter shall become liable to the municipality for any expense, loss, or damage occasioned the municipality by reason of such violation.

(4) Violators. Any person who shall violate any provision of this pressure sewer regulation shall be liable to the City of Belle Meade for any expense, loss, damage, cost of inspection or cost of correction incurred by the Belle Meade's collection systems operator.

(5) Notice of violation. Any person violating any provision of this Pressure Sewer Regulation shall be notified by written notice of such violation and shall respond within ten (10) working days of the date of the written notice for the satisfactory correction thereof.

(6) Civil penalties and remedies. (a) Any person who violates any provision of this chapter is subject to a fine not exceed fifty ($50.00) dollars per day for each day in which the violation continues, without correction, after the expiration of the notice period provided above.

(b) Any excavator who violates the provisions of this chapter may be issued a citation by any local law enforcement officer or permitting agency inspector, and the issuer of such citation may require the excavator to cease work on any excavation or not to start a proposed excavation until there has been compliance with the provisions of this chapter.

(c) If, after receiving proper notification the City of Belle Meade fails to locate its facilities and an underground facility is damaged by an excavator who has complied with the provisions of this chapter, and such damage is a proximate result of the City of Belle Meade's failure to discharge its duty, then such excavator shall not be liable for such damage.

(7) Validity savings clause. If any section or portion of this pressure sewer regulation or any application thereof is adjudged invalid, such
adjudication shall not affect the validity of the remaining portions of this Pressure Sewer Regulation or other applications thereof. (As replaced by ord. 84-11. 1987 Code, § 13-208, as renumbered and amended by Ord. #2006-2, March 2006)
CHAPTER 3
CRITERIA FOR USE BY INDUSTRIES OF THE PUBLICLY OWNED TREATMENT WORKS

SECTION
18-301. Definitions.
18-302. Purpose and policy.
18-303. Prohibitions and limitations on discharge into the publicly owned treatment works.
18-304. Wastewater discharge permits.
18-305. Monitoring.
18-306. Inspections monitoring and dangerous discharge notification.
18-307. City manager.
18-308. City of Belle Meade hearing authority.
18-309. Enforcement, abatement, and penalties for violation of permits.

18-301. Definitions. (1) For purposes of this chapter, the following phrases and words shall have the meaning assigned below, except in those instances where the content clearly indicates a different meaning:

(a) "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

(b) "Approval authority" means the state director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

(c) "Authority." Belle Meade City Commission, also referred to hearing authority.

(d) "Authorized representative of industrial user." An authorized representative of an industrial user may be:

(i) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, if the industrial user is a corporation;

(ii) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;

(iii) If the industrial user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee;

(iv) Or the individuals described in A through C, above, may designate a duly authorized representative if the
authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Belle Meade.

(e) "Best Management Practices" or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 18-303(2) of the Belle Meade Code, or Tennessee Rule 1200-4-14-.05(1)(a) and (2). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. Also, BMPs include alternative means (i.e. management plans) of complying with, or in place of certain established categorical pretreatment standards and effluent limits.

(f) "Building sewer." A sewer conveying wastewater from the premises of a user to a community sewer.

(g) "Categorical standards." National pretreatment standards.

(h) "City manager." The superintendent of sewage works and/or of water pollution control of the municipality, or his authorized deputy, agent, or representative.

(i) "Community sewer." Any sewer containing wastewater from more than one premise.

(j) "Compatible pollutant." Biochemical oxygen demand, chemical oxygen demand, suspended solids, pH and fecal coliform bacteria, oil and grease; plus any additional pollutants identified in the publicly-owned treatment work's NPDES permit, for which the publicly-owned treatment works is designed to treat such pollutants and in fact does remove such pollutants to a substantial degree.

(k) "Control authority." The term "control authority," shall refer to the "approval authority," defined hereinabove or the City Manager of the City of Belle Meade.

(l) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(m) "Domestic sewage." Wastewater or sewage having the same general characteristics as that originating in places used exclusively as a single family residence.

(n) "Environmental Protection Agency," or "EPA" means the Environmental Protection Agency, an agency of the United States, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

(o) "Grab sample." A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
(p) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(q) "Incompatible pollutant." All pollutants other than compatible pollutants as defined in (j) of this section.

(r) "Indirect discharge" means the discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system) for treatment before direct discharge to the waters of the state.

(s) "Industrial user" means a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act. This term shall also include all dischargers of waste having characteristics other than those of "domestic sewage" as defined in (m) herein.

(t) "Industrial waste" shall mean any liquid, solid, or gaseous substance, or combination thereof resulting from any process of industry, manufacturing, commercial food processing, business, trade, research, or development.

(u) "Interference" means a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; or exceeds the design capacity of the treatment works or collection system; or contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

(v) "Mass emission rate." The weight of material discharged to the community sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of the particular constituent or combination of constituents.

(w) "Maximum concentration." The maximum amount of a specified pollutant in a volume of water or wastewater.

(x) "Metro." Metropolitan Government of Nashville and Davidson County, Tennessee.

(y) "National pretreatment standard or pretreatment standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to industrial users.
(z) "New source." Any source, the construction of which is commenced after the publication of proposed regulations prescribing Section 307 (c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

(aa) "National Pollutant Discharge Elimination System" or "NPDES permit." A permit issued to a POTW pursuant to Section 402 of the Act (33 U.S.C. 1342).

(bb) "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

(cc) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(dd) "Premises." A parcel of real estate or portion thereof including any improvements thereon which is determined by the city manager to be a single user for purposes of receiving, using, and paying for services.

(ee) "Pretreatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, process changes, or by other means, except as prohibited by 40 CFR, Section 403.6(d).

(ff) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

(gg) "Publicly owned treatment works" or "POTW." A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by the City of Belle Meade. This definition includes any sewers that convey wastewater to such a treatment works, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. The term also means the City of Belle Meade, a municipality, as defined in section 502 (4) of the Act (33 U.S.C. 1362), which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.
"Reclaimed water." Water which, as a result of treatment of waste, is suitable for direct beneficial uses or a controlled use that would not occur otherwise.


"Significant non-compliance" The city manager shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by Metro Water Services, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates paragraphs (iii), (iv), or (viii) of this subsection) and shall mean:

(i) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in Belle Meade Code § 18-303;

(ii) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by Belle Meade Code § 18-303 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils, and grease, and 1.2 for all other pollutants except pH);

(iii) Any other violation of a pretreatment standard or requirement as defined by Belle Meade Code § 18-303 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the city manager determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(iv) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the city manager's exercise of its emergency authority to halt or prevent such a discharge;

(v) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or a general permit or
enforcement order for starting construction, completing
construction, or attaining final compliance;

(vi) Failure to provide within thirty (30) days after the
due date, any required reports, including baseline monitoring
reports, reports on compliance with categorical pretreatment
standard deadlines, periodic self-monitoring reports, and reports
on compliance with compliance schedules;

(vii) Failure to accurately report noncompliance; or,

(viii) Any other violation(s), which may include a violation
of best management practices, which the city manager determines
will adversely affect the operation or implementation of the local
pretreatment program.

(kk) "Toxic pollutant." Any pollutant or combination of
pollutants listed as toxic in regulations promulgated by the Administrator
of the Environmental Protection Agency under the provisions of 33 U.S.C.
1317.

(ll) "Treatment works." Any devices and systems used in the
storage, treatment, recycling, and reclamation of domestic sewage or
industrial wastes of a liquid nature including interceptor sewers, outfall
sewers, sewage collection systems, pumping, power, and other equipment
and appurtenances; extensions, improvements, remodeling, additions and
alternations thereof; elements essential to provide a reliable recycled
supply such as standby treatment units and clearwell facilities; and any
works, including land, that will be an integral part of the treatment
process or is used for ultimate disposal of residues resulting from such
treatment; and including combined storm water and sanitary sewer
systems.

(mm) "Twenty-four hour, flow proportional composite sample." A
sample consisting of several effluent portions collected during a
twenty-four (24) hour period in which the portions of sample are
proportionate to the flow and combined to form a representative sample.

(nn) "Unpolluted water." Water to which no constituent has
been added, either intentionally or accidentally, which would render such
water unacceptable to the State of Tennessee or the Environmental
Protection Agency having jurisdiction thereof for disposal to storm or
natural drainage, or directly to surface waters.

(oo) "User." Any person, firm, corporation or governmental
entity that discharges, causes or permits the discharge of wastewater into
a community sewer.

(pp) "Waste." Includes sewage and any and all other waste
substances, liquid, solid, gaseous or radioactive, associated with human
habitation, or of human or animal origin, or from any producing,
manufacturing or processing operation of whatever nature, including
such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

(qq) "Wastewater." Waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer.

(rr) "Wastewater constituents and characteristics." The individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

(ss) "Waters of the State of Tennessee." Any water, surface or underground, within the boundaries of the state.

(2) The following abbreviations shall have the following meanings.

(a) BOD - Biochemical Oxygen Demand.
(b) CFR - Code of Federal Regulations.
(c) COD - Chemical Oxygen Demand.
(d) EPA - Environmental Protection Agency.
(e) GPM - Good Management Practices.
(f) l - Liter.
(g) MBAS - Methylene-blue-active substances.
(h) mg - Milligrams.
(i) mg/l - Milligrams per liter.
(j) NPDES - National Pollutants Discharge Elimination System.
(k) POTW - Publicly owned treatment works.
(l) SIC - Standard Industrial Classification.
(m) SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
(n) USC - United States Code.

(3) Terms not otherwise defined herein, if questioned, shall be as adopted in the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control federation.

(As added by Ord. #84-11. 1987 Code, § 13-301, as amended by Ord. #2006-02, March 2006, and Ord. #2012-1, June 2012)

18-302. Purpose and policy. The purpose of this chapter is to set uniform requirements for industrial users of the City of Belle Meade wastewater collection system and treatment works to enable Belle Meade to comply with the provisions of the Clean Water Act and other applicable federal laws and regulations, Tennessee's Water Quality Control Act and other applicable state laws and regulations, and to provide for the public health and welfare by regulating the quality of wastewater discharged into the Belle Meade wastewater collection system and treatment works. This chapter provides a means for determining wastewater volumes, constituents, and characteristics, the setting of charges and fees, and the issuance of permits to certain users.
This chapter establishes effluent limitations and other discharge criteria and provides that certain users shall pretreat waste to prevent the introduction of pollutants into the publicly owned treatment works including the collection and transmission system, (hereinafter referred to as POTW) which may interfere with the operation of the POTW or contaminate the sewage sludge; and to prevent the introduction of pollutants into the POTW which may pass through the treatment works into the receiving waters or the atmosphere, or otherwise be incompatible with the treatment works; and to improve opportunities to recycle and reclaim wastewaters and sludges resulting from wastewater treatment. This chapter provides measures for the enforcement of its provisions and abatement of violations thereof. This chapter establishes a "hearing authority" and establishes its duties and establishes the duties of the City Manager of the City of Belle Meade to ensure that the provisions of this chapter are administered fairly and equitably to all users. (As added by Ord. #84-11. 1987 Code, § 13-302)

18-303. Prohibitions and limitations on discharge into the publicly owned treatment works. (1) Purpose and policy. This section establishes limitations and prohibitions on the quantity and quality of wastewater which may be lawfully discharged into the publicly owned treatment works. Pretreatment of some wastewater discharge will be required to achieve the goals established by this chapter and the Clean Water Act. The specified limitation set forth in paragraph 1 hereof, and other prohibitions and limitations of this chapter, are subject to change to enable Belle Meade to provide efficient wastewater treatment to protect the public health and the environment, and to enable Belle Meade to meet requirements contained in the NPDES permit held by the Metropolitan Government of Nashville and Davidson County. The hearing authority shall review said limitations from time to time to ensure that they are sufficient to protect the operation of the treatment works, that they are sufficient to enable the treatment works to comply with NPDES permit, and that they are sufficient to provide for a cost effective means of operating the treatment works, and that they are sufficient to protect the public health and the environment. The authority shall recommend changes or modifications to the city manager as necessary.

(2) Prohibited pollutants. No person shall introduce into the publicly owned treatment works any of the following pollutants which acting either along or in conjunction with other substances present in the POTW interfere with the operation of the POTW as follows:

(a) Pollutants which could create a fire or explosion hazard in the POTW;

(b) Pollutants which cause corrosive structural damage to the POTW, but in no case discharges with a pH lower than 5.5 or higher than 10.0;
(c) Solid or viscous pollutants in amounts which cause obstruction to the flow of the sewers, or other interference with the operation of or which cause injury to the POTW, including waxy or other materials which tend to coat and clog a sewer line or other appurtenances thereto;

(d) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge of such volume or strength as to cause interference in the POTW;

(e) Heat in amount which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the treatment works influent exceed 40° Centigrade (104° Fahrenheit). Unless a higher temperature is allowed in the user's wastewater discharge permit, no user shall discharge into any sewer line or other appurtenance of the POTW wastewater with a temperature exceeding 65.5° Centigrade (150° Fahrenheit).

The aforesaid pollutants represent a general description of harmful or dangerous conditions, and are in addition to such specific pollutants as may be identified and added from time to time to paragraphs (12) and (13) of this section or the industrial user's permit.

(3) Wastewater constituent evaluation. The wastewater of every industrial user shall be evaluated upon the following criteria:

(a) Wastewater containing any element or compound which is not adequately removed by the treatment works which is known to be an environmental hazard;

(b) Wastewater causing a discoloration or any other condition in the quality of Belle Meade's treatment works' effluent such that receiving water quality requirements established by law cannot be met;

(c) Wastewater causing conditions at or near Belle Meade's treatment works which violate any statute, any rule, or regulation, or any public agency of this state or the United States;

(d) Wastewater containing any element or compound known to act as a lacrimator, known to cause nausea, or known to cause odors constituting a public nuisance;

(e) Wastewater causing interference with the effluent or any other product of the treatment process, residues, sludges, or scums causing them to be unsuitable for reclamation and reuse or causing interference with the reclamation process;

(f) Wastewater having constituents and concentrations in excess of those listed in § 18-303(12) or cause a violation of the limits in § 18-303(13).

The city manager shall recommend and the hearing authority shall approve reasonable limitations or prohibitions in the wastewater discharge permit of any user that discharges wastewater violating any of the above criteria as shall be reasonable to achieve the purpose and policies of this chapter.
(4) **National pretreatment standards.** Certain industrial users are now or hereafter shall become subject to national pretreatment standards promulgated by the Environmental Protection Agency specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into the POTW. All industrial users subject to a national pretreatment standard shall comply with all requirements of such standard, and shall also comply with any additional or more stringent limitations contained in this chapter or in their permit. Compliance with national pretreatment standards for existing sources subject to such standards or for existing sources which hereafter become subject to such standards shall be within three (3) years following promulgation of the standards unless a shorter compliance time is specified in the standard. Compliance with national pretreatment standards for new sources shall be required upon promulgation of the standard. Except where expressly authorized by an applicable national pretreatment standard, no industrial user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with such standard.

(5) **Prohibitions on storm drainage and ground water.** Storm water, ground water, rain water, street drainage, roof top drainage, basement drainage, sub-surface drainage, or yard drainage, if unpolluted shall not be discharged through direct or indirect connections to a community sewer unless a storm sewer or other reasonable alternative for removal of such drainage does not exist, and then only when such discharge is permitted by the user's wastewater discharge permit and the appropriate fee is paid for the volume thereof.

(6) **Unpolluted water.** Unpolluted water, including, but not limited to cooling water or process water, shall not be discharged through direct or indirect connections to a community sewer except on the same conditions as provided in paragraph (5) hereinafter.

(7) **Limitation on radioactive waste.** No person shall discharge or permit to be discharged any radioactive waste into a community sewer except:
(a) When the person is authorized to use radioactive materials by the Tennessee Department of Health or the Nuclear Regulatory Commission;
(b) When the waste is discharged in strict conformity with applicable laws and regulations of the aforementioned agencies, or any other agency having jurisdiction; and
(c) When a copy of permits received from said regulatory agencies have been filed with the city manager.

(8) **Limitations on the use of garbage grinders.** Waste from garbage grinders shall not be discharged into a community sewer except where generated in preparation of food consumed on the premises, and then only where applicable fees therefor are paid. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions
prevailing in the community sewers. Garbage grinders shall not be used for the grinding of plastic, paper products, inert materials, or garden refuse.

(9) Limitations on point of discharge. No person shall discharge any substance directly into a manhole or other opening in a community sewer other than through an approved building sewer, unless he shall have been issued a temporary permit by the city manager. The city manager shall incorporate in such temporary permits such conditions as he deems reasonably necessary to ensure compliance with the provisions of this chapter and the user shall be required to pay applicable charges and fees therefor.

(10) Septic tank pumping, hauling, and discharge. No person owning vacuum or "cess pool" pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the POTW, unless such person shall first have applied for and received a Truck Discharge Operation Permit from the city manager or his designated representative. All applicants for a Truck Discharge Operation Permit shall complete such forms as required by the city manager, pay appropriate fees, and agree in writing to abide by the provisions of this chapter and any special conditions or regulations established by the city manager. The owners of such vehicles shall affix and display the permit number on the side of each vehicle used for such purposes. Such permits shall be valid for a period of one (1) year from the date of issuance, provided that such permits shall be subject to revocation by the city manager for violation of any provision of this chapter or reasonable regulation established by the city manager. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste. The city manager shall designate the locations and times where such trucks may be discharged, and may refuse to accept any truckload of waste in his absolute discretion where it appears that the waste could interfere with the effective operation of the treatment works or any sewer line or appurtenance thereto. The owner of a Truck Discharge Operation Permit shall provide manifest to the POTW that states the source of the domestic waste they wish to discharge, the volume of wastewater from each source, and whether any industrial waste is included in the wastewater. The owner of the Truck Discharge Operation Permit shall purchase a bond sufficient to cover his potential liability for violating his permit.

(11) Other holding tank waste. No person shall discharge any other holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the city manager. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, and shall limit the wastewater constituents and characteristics of the discharge. Such user shall pay any applicable charges or fees therefor, and shall comply with the conditions of the permit issued by the city manager. Provided, however, no permit will be required to discharge domestic waste from a recreational vehicle
holding tank provided such discharge is made into an approved facility designed to receive such waste.

(12) **Limitations on wastewater strength.** No industrial user shall discharge wastewater in excess of the concentration set forth in the table below unless: the wastewater discharge permit of the user provides as a special permit condition a higher interim concentration level in conjunction with a requirement that the user construct a pretreatment facility or institute changes in operation and maintenance procedures to reduce to concentration of pollutants to levels not exceeding the standards set forth in the table with a fixed period of time.

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Maximum Concentration mg/l (24 Hour Flow)</th>
<th>Proportional Composite Sample</th>
<th>Maximum Instantaneous Concentration mg/l (Grab Sample)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ammonia Nitrogen</td>
<td>30</td>
<td></td>
<td>60</td>
</tr>
<tr>
<td>Biochemical Oxygen Demand</td>
<td>300</td>
<td></td>
<td>600</td>
</tr>
<tr>
<td>Chemical Oxygen Demand</td>
<td>500</td>
<td></td>
<td>1,000</td>
</tr>
<tr>
<td>Suspended Solids</td>
<td>325</td>
<td></td>
<td>650</td>
</tr>
<tr>
<td>Arsenic (As)</td>
<td>1.0</td>
<td></td>
<td>2.0</td>
</tr>
<tr>
<td>Cadmium (Cd)</td>
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<td></td>
<td>2.0</td>
</tr>
<tr>
<td>Chlorinated Hydrocarbons</td>
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<td></td>
<td>100</td>
</tr>
<tr>
<td>Chromium-Total (cr)</td>
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<td></td>
<td>10.0</td>
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<tr>
<td>Chromium-Hexavalent (Cr+6)</td>
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<td>0.10</td>
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<tr>
<td>Copper (Cu)</td>
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<tr>
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<tr>
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<tr>
<td>Nickel (Ni)</td>
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<td></td>
<td>10.0</td>
</tr>
<tr>
<td>Parameter</td>
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<td>Proportional Composite Sample</td>
<td>Maximum Instantaneous Concentration mg/l (Grab Sample)</td>
</tr>
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<td>---------------------------------</td>
<td>-------------------------------------------</td>
<td>-------------------------------</td>
<td>---------------------------------------------------------</td>
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<tr>
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<tr>
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<tr>
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<td>10.0</td>
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<tr>
<td>Oil &amp; Grease (Freon Extractable)</td>
<td>50.00</td>
<td></td>
<td>100.0</td>
</tr>
</tbody>
</table>

(13) **Criteria to protect the treatment plant influent.** The city manager shall monitor the treatment works influent for each parameter in the following table. The industrial user shall be subject to the reporting and monitoring requirements set forth in §§ 18-304 and 18-305 as to these parameters. In the event that the influent at the treatment works reaches or exceeds the levels established by said table, the city manager shall initiate technical studies to determine the cause of the influent violation, and shall initiate such remedial measures as are necessary, including but not limited to the establishment of new or revised pretreatment levels for these parameters. The city manager may also change any of these criteria in the event the POTW effluent standards are changed or in the event changes are deemed advisable for effective operation of the POTW.

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Maximum Concentration mg/l (24 Hour Flow Composite Sample)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ammonia Nitrogen</td>
<td>30.0</td>
</tr>
<tr>
<td>Arsenic (As)</td>
<td>0.10</td>
</tr>
<tr>
<td>Boron (B)</td>
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<tr>
<td>Cadmium (Cd)</td>
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</tr>
<tr>
<td>Copper (Cu)</td>
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</tr>
<tr>
<td>Cyanide (CN)</td>
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</tr>
<tr>
<td>Iron (Fe)</td>
<td>5.00</td>
</tr>
<tr>
<td>Lead (Pb)</td>
<td>0.10</td>
</tr>
<tr>
<td>Parameter</td>
<td>Maximum Concentration mg/l (24 Hour Flow Composite Sample)</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>------------------------------------------------------------</td>
</tr>
<tr>
<td>Manganese (Mn)</td>
<td>10</td>
</tr>
<tr>
<td>Mercury (Hg)</td>
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<td>Silver (Ag)</td>
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<tr>
<td>Zinc (Zn)</td>
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<tr>
<td>Chlorinated Hydrocarbons</td>
<td>5.0</td>
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<tr>
<td>BOD</td>
<td>300</td>
</tr>
<tr>
<td>COD</td>
<td>500</td>
</tr>
<tr>
<td>Suspended Solids</td>
<td>325</td>
</tr>
</tbody>
</table>

(14) **Pretreatment requirements.** Users of the POTW shall design, construct, operate, and maintain wastewater pretreatment facilities whenever necessary to reduce the user's wastewater constituency to achieve compliance with the limitations in wastewater strength or prohibition set forth in paragraphs (2), (3), and (11) of this section, to meet applicable national pretreatment standards, or to meet any other wastewater conditions or limitations contained in the user's wastewater discharge permit.

(15) **Plans and specifications.** Plans, specifications, and operating procedures for such wastewater pretreatment facilities shall be prepared by a registered engineer, and shall be submitted to the city manager for review in accordance with accepted engineering practices. The city manager shall review said plans within 45 days and shall recommend to the user any appropriate changes. Prior to beginning construction of said pretreatment facility, the user shall also secure such building, plumbing, or other permits that may be required by local, state, or federal authorities. The user shall construct said pretreatment facility within the time provided in the user's wastewater discharge permit. Following completion of construction, the user shall provide the city manager with "as built" drawings to be maintained by the city manager.

(16) **Prevention of accidental and/or slug discharges.** For the purposes of this subsection, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for
accidental discharge into the POTW of waste regulated by this permit from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, from diked areas or holding ponds of any waste regulated by this chapter. The permittee shall notify the POTW immediately by telephone of any slug loadings, spills, bypasses, upsets, etc., and a follow up written notification within five (5) days, as prescribed in 40 CFR 403.8(f)(2)(v).

Significant Industrial Users (SIUs) are required to notify the city immediately of any changes at its facility affecting the potential for a slug discharge. The city must evaluate all SIUs for the need for a slug control plan or other actions. Any new SIUs shall be evaluated for the need of a slug control plan within twelve (12) months of being permitted by the city. Existing SIUs may be required to review and resubmit a revision of the slug control plan at the request of the city. Should the city decide that a slug control plan is needed by the industrial user, the plan shall contain, at a minimum, the following elements:

(a) Description of discharge practices, including non-routine batch discharges;
(b) Description of stored chemicals;
(c) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five (5) days;
(d) If deemed necessary by the city manager, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response. (As added by Ord. #84-11. 1987 Code, § 13-303, as amended by Ord. #2012-1, June 2012)

18-304. Wastewater discharge permits. (1) Application and permit requirements for industrial users. All industrial users of the POTW prior to discharging non-domestic waste into the POTW shall apply for and obtain a wastewater discharge permit in the manner hereinafter set forth. All original applications shall be accompanied by a report containing the information specified in subparagraph (2) hereof. All original applications shall also include a site plan, floor plan, mechanical and plumbing plans with sufficient detail to show all sewers and appurtenances on the user's premises by size, location, and elevation; and the user shall submit the city manager revised plans whenever alterations or additions to the user's premises affect said plans.

(2) Report requirements. The report required by paragraph (1) above of other provisions of this chapter for all industrial users shall contain in units
and terms appropriate for evaluation of the information listed in subparagraphs (a) through (e) below. Industrial users subject to national pretreatment standards shall submit to the city manager a report which contains the information listed in subparagraphs (a) through (g) below:

(a) The name and address of the industrial user;
(b) The location of such industrial user;
(c) The nature, average rate of production and Standard Industrial Classification of the operation(s) carried out by such industrial user;
(d) The average and maximum flow of the discharge from such industrial user to the POTW, in gallons per day;
(e) The nature and concentration of pollutants in the discharge from each regulated process from such industrial user and identification of any applicable pretreatment standards and requirements. The concentration shall be reported as a maximum or average level as provided for in the applicable pretreatment standard. If an equivalent concentration limit has been calculated in accordance with any pretreatment standard, this adjusted concentration limit shall also be submitted to the city manager for approval;
(f) A statement, reviewed by an authorized representative of the industrial user (as defined in § 18-301) and certified by a qualified professional, who shall be approved in writing by Belle Meade, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance procedures or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements; and
(g) If additional pretreatment or operation and maintenance procedure will be required to meet the pretreatment standards, then the report shall contain the shortest schedule by which the industrial user will provide such additional pretreatment. The completion date in this schedule for pollutants assigned national pretreatment standards shall not be later than the completion date established for the applicable national pretreatment standard.

For purposes of this paragraph when the context so indicates the phrase "pretreatment standard" shall include either a national pretreatment standard or a pretreatment standard imposed as a result of the user's discharging any incompatible pollutant regulated by § 18-303 hereof. For purpose of this paragraph the term "pollutant" shall include any pollutant identified in a national pretreatment standard or any incompatible pollutant identified in § 18-303 hereof.

(h) Measurement of pollutants: (i) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.
(ii) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the city, of regulated pollutants in the discharge from each regulated process.

(iii) Instantaneous, daily maximum and long-term average concentrations, or mass, where required, shall be reported.

(iv) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 18-303 of this chapter. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the city or the applicable standards to determine compliance with the standard.

(3) Incomplete applications. The city manager will act only on applications that are accompanied by a report which contains all the information required in paragraph (2) above. Persons who have filed incomplete applications will be notified by the city manager that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the city manager, the city manager shall submit the application for a permit to the authority with a recommendation that it be denied and notify the applicant in writing of such action.

(4) Evaluation of applications. Upon receipt of complete applications, the city manager shall review and evaluate the applications and shall propose such special permit conditions as he deems advisable. All wastewater discharge permits shall be expressly subject to all the provisions of this chapter and all other applicable ordinances, laws, and regulations. The city manager may also propose that the wastewater discharge permit be subject to one or more special conditions in regard to any of the following:

(a) Pretreatment requirements;
(b) The average and maximum wastewater constituents and characteristics;
(c) Limits on rate and time of discharge or requirements for flow regulations and equalization;
(d) Requirements for installation of inspection and sampling facilities;
(e) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedules;
(f) Requirements for submission of technical reports or discharge reports;
(g) Requirements for maintaining records relating to wastewater discharge;
(h) Mean and maximum emission rates, or other appropriate limits when incompatible pollutants (as set forth in § 18-303) are proposed or present in the user's wastewater discharge;

(i) Other conditions as deemed appropriate by the city manager to ensure compliance with this chapter or other applicable ordinance, law, or regulations;

(j) Requirements for the installation of facilities to prevent and control accidental discharge or "spills" at the user's premises;

(k) The unit charge or schedule of charges and fees for the wastewater to be discharged to a community sewer.

5) Applicant to be notified of proposed permit conditions; right to object. (a) Upon completion of his evaluation, the city manager shall notify the applicant of any special permit conditions which he proposed be included in the wastewater discharge permit;

(b) The application shall have forty-five (45) days from and after the date of the city manager's recommendations for special permit conditions to review same and file written objections with the city manager in regard to any special permit conditions recommended by the city manager. The city manager or his representative may, but shall not be required, to schedule a meeting with applicant's authorized representative within fifteen (15) days following receipt of the applicant's objections, and attempt to resolve disputed issues concerning special permit conditions;

(c) If applicant files no objection to special permit conditions proposed by the city manager, or a subsequent agreement is reached concerning same, the city manager shall issue a wastewater discharge permit to applicant with such special conditions incorporated therein. Otherwise, the city manager shall submit the disputed matters to the authority for resolution as hereinafter provided.

6) Authority to establish permit conditions; hearing. (a) In the event the city manager cannot issue a wastewater discharge permit pursuant to paragraph (5) above, the city manager shall submit to the authority his proposed permit conditions and the applicant's written objections thereto at the next regularly scheduled meeting of the authority;

(b) The authority shall schedule a hearing within ninety (90) days following the meeting referred to hereinabove unless such time be extended for just cause shown to resolve any disputed matters relevant to such permit;

(c) The city manager shall notify the applicant of the date, time, place, and purpose of the hearing scheduled by the authority. The applicant shall have the right to participate in such hearing and present any relevant evidence to the authority concerning proposed special permit conditions or other matters being considered by the authority;
(d) Following such hearing or such additional hearings as shall be deemed necessary and advisable by the authority, the authority shall establish such special permit conditions as it deems advisable to ensure the applicant's compliance with this chapter or other applicable law or regulation and direct the city manager to issue a wastewater discharge permit to the applicant accordingly.

(7) Compliance schedule and reporting requirements. SIU compliance monitoring reports:

All significant industrial users must, at a frequency determined by the city, submit no less than twice per year, on dates specified, reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the city or the pretreatment standard necessary to determine the compliance status of the user. All periodic compliance reports must be signed and certified.

The following conditions shall apply to the schedule required by paragraphs (2), (4), or (6) of this section:

(a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment requirements for the industrial user to meet the applicable pretreatment standards and pretreatment requirements (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(b) No increment referred to in subsection (a) shall exceed nine (9) months.

(c) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the city manager, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the city manager.

(d) Within ninety (90) days, or the date for final compliance given in the industrial user's permit, any industrial user subject to pretreatment standards and requirements shall submit to the city manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and
maximum daily flow for these process units in the industrial user which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance procedure or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

(e) Any industrial user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, or subject to a final compliance date in his permit, shall submit to the city manager during the months of June and December, unless required more frequently in the pretreatment standard or by the city, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in paragraph (2)(d) of this section. At the discretion of the city manager, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the city manager may agree to alter the months during which the above reports are to be submitted.

(f) The city manager may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (e) above shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the industrial user.

(g) The industrial user shall notify the POTW immediately by telephone of any slug loading (within one hour) as defined by § 18-302, by the industrial user.

(h) The reports required in this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass limits, where requested by the city manager of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analyses shall be performed in accordance with procedures established by the Environmental Protection Agency under the provisions of section 304(h) of the Act (33 U.S.C. 1314(h)) and contained in 40 CFR part 136 and amendments thereto or any other test procedures approved by the EPA or the city manager. Sampling shall be performed in accordance with the techniques approved by the EPA, or the city.
manager, and only by persons or companies approved by the city manager.

(i) Any industrial user required by this section to submit a similar report to the city under the provisions of 40 CFR section 403.12 may submit to the city manager a copy of said report in lieu of a separate report to the city manager provided that all information required by this title is included in the report to the city.

(8) Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

(a) The date, exact place, method, and time of sampling and the names of the persons taking the samples;
(b) The dates analyses were performed;
(c) Who performed the analyses;
(d) The analytical techniques/methods used; and
(e) The results of such analyses.

(9) Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of four (4) years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the city manager, or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the city manager, the Director of the Metropolitan Water and Sewerage Services, or the Environmental Protection Agency.

(10) Duration of the permits. Wastewater discharge permits shall be issued for a period of three (3) years. Provided that original permits may be issued for a period between two (2) and three (3) years for the administrative convenience of the city manager so as to stagger the renewal dates of the permits. A user must apply in writing for a renewal permit within the period of time not more than ninety (90) days and not less than thirty (30) days prior to expiration of the current permit. Provided further that limitations or conditions of a permit are subject to modification or change due to changes in applicable water quality standards, changes in other applicable law or regulation, or for other just cause, users shall be notified of any proposed changes in their permit by the city manager at least thirty (30) days prior to the effective date of the change. Any change or new condition in a permit shall include a provision for a reasonable time schedule for compliance. The user may appeal the decision of the city manager in regard to any changed permit conditions as otherwise provided in this chapter.

(11) Transfer of a permit. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not
be reassigned or transferred or sold to a new owner, new user, or for different premises, unless approved by the city manager.

(12) **Revocation of permit.** Any permit issued under the provisions of this chapter is subject to be modified, suspended, or revoked in whole or in part during its term for cause including but not limited to, the following:
   (a) Violation of any terms or conditions of the wastewater discharge permit or other applicable law or regulations;
   (b) Obtaining of a permit by misrepresentation or failure to disclose fully all relevant facts; or
   (c) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

(13) **Individual wastewater discharge permits.** An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the city manager to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

Individual wastewater discharge permits must contain:
   (a) A statement that indicates the wastewater discharge permit's issuance date, expiration date and effective date. No permit is to exceed a five (5) year duration;
   (b) A statement that the wastewater discharge permit is nontransferable without prior notification to the city, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
   (c) Effluent limits, including best management practices, based on applicable pretreatment standards, local limits, state or local law;
   (d) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;
   (e) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.
   (f) Requirements to control slug discharge, if determined by the city manager to be necessary. (As added by Ord. #84-11. 1987 Code, § 13-304, and amended by Ord. #2012-1, June 2012)

18-305. **Monitoring.** (1) **Monitoring procedures.** All wastewater samples must be representative of the user’s discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and
maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge. If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the city, using the procedures prescribed in this section, the results of this monitoring shall be included in the report submitted to the city. Where the categorical pretreatment standard, local limit, or permit requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the city or the applicable standards to determine compliance with the standard.

(a) Sample collection and analyses. Samples and measurements taken in compliance with the monitoring requirements of this permit shall be representative of the volume and nature of the monitored discharge during a normal production day and shall be taken as follows:

(i) Be performed on composite and grab samples representative of the total wastewater flow discharged to the Metropolitan Government Sewerage System with the maximum time interval between samples no longer than sixty (60) minutes.

(ii) Be conducted in accordance with the U.S. Environmental Protection Agency protocol. The results must be reported to the lowest detectable limit of the methodology. Samples are to be analyzed by a laboratory, certified by the city for the required parameters.

(iii) Provide the flow rate for which the results are indicative to the nearest one hundred (100) gallons per day.

(iv) Except as indicated in §18-305(a)(v), or if designated different in the user's permit, the user must collect wastewater samples using twenty-four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the city. Where time-proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city as appropriate. In
addition, grab samples may be required to show compliance with instantaneous limits.

(v) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(vi) For sampling required in support of baseline monitoring and ninety (90) day compliance reports [40 CFR 403.12(g)(4) and Tennessee Rule 1200-4-14-.12(2) and (4)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the city may authorize a lower minimum. For the reports required by 15.60.270 [40 CFR 403.12(g)(4) and Tennessee Rule 1200-4-14.12(5) and (8)], the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(b) Sample location. All approved sampling shall be collected from the sample collection point as designated in the industrial/municipal user’s permit as issued by the city.

(c) Test procedures. (i) Test procedures for the analysis of pollutants shall conform to regulations published pursuant to section 304(h) of the Clean Water Act or 1977, under which such procedures may be required.

(ii) Unless otherwise noted in the permit, all pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the city or other parties approved by EPA.

(2) Repeat sampling and reporting/notice of violation. If sampling performed by a user indicates a violation, the user must notify the city within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the city within thirty (30) days after becoming aware of the violation. Resampling by the industrial user is not required if the city performs sampling
at the user's facility at least once a month, or if the city performs sampling at the user's facility between the time when the initial sampling was conducted and the time when the user or the city receives the results of this sampling, or if the city has performed the sampling and analysis in lieu of the industrial user. If the city performed the sampling and analysis in lieu of the industrial user, the city will perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis.

(3) Records of monitoring activities - retention for four (4) years - subject to inspection. Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. Any user subject to the reporting requirement established in this article shall be required to retain for a minimum of four (4) years any records of monitoring activities results (whether or not such monitoring activities are required by this article) and shall make such records available for inspection and copying by the city manager, the Director of the Tennessee Department of Environment and Conservation, Tennessee Department of Public Health, or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the city manager, the Director of the Tennessee Department of Environment and Conservation, Tennessee Department of Public Health, or the Environmental Protection Agency. (As added by Ord. #2012-1, June 2012)

18-306. Inspections monitoring and dangerous discharge notification. (1) Inspections monitoring and entry. (a) Whenever required to carry out the objective of this chapter, including but not limited to:

(i) Developing or assisting in the development of any effluent limitation, or other limitation, prohibition, or effluent standard, pretreatment standard, standard of performance, or permit condition under this chapter;

(ii) Determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, standard of performance, or permit condition;

(iii) Any requirement established under this section:

(A) The city manager shall require any industrial user to:
(1) Establish and maintain such records;
(2) Make such reports;
(3) Install, use, and maintain such monitoring equipment or methods (including where appropriate, biological monitoring methods);
(4) Sample such effluents (in accordance with such methods, at such locations, at such intervals, and in such manner as the city manager shall prescribe); and
(5) Provide such other information as he may reasonably require; and,

(B) The city manager or his authorized representative, upon presentation of his credentials:

(1) Shall have a right of entry to, upon, or through any premises in which an effluent source is located or in which any records required to be maintained under clause (A) of this subsection are located; and
(2) May at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under clause (A), and sample any effluents which the owner or operator of such source is required to sample under such clause.

(b) Any records, reports or information obtained under this section:

(i) Shall, in the case of effluent data, be related to any applicable effluent limitations, toxic, pretreatment, or permit condition; and
(ii) Shall be available to the public, except that upon a showing satisfactory to the city manager by any person that records, reports, or information, or particular part thereof (other than effluent data), to which the city manager has access under this section, if made public would divulge methods or processes entitled to protection as trade secrets of such person, the city manager shall consider such record, report, or information may be disclosed to officers, employees, or authorized representatives of the Metropolitan Government or the State of Tennessee or the United States concerned with carrying out the provisions of the Clean Water Act or when relevant in any proceeding under this chapter or other applicable laws.

(c) Specific requirements under the provisions of paragraph (1) (a) (iii) (A) of this section shall be established by the city manager or the authority as applicable, for each industrial user and such requirements shall be included as a condition of the user's wastewater discharge
permit. The nature or degree of any requirement under this provision shall depend upon the nature of the user's discharge, the impact of the discharge on the POTW, the volume of water discharged, and the technical feasibility of and economic reasonableness of any such requirement imposed. The user shall be required to design any necessary facility, and to submit detailed design plans and operating procedures to the city manager for review in accordance with accepted engineering practices. The city manager shall review said plans within 45 days and shall recommend to the use any change he deems appropriate.

(d) Upon approval of plans as specified in paragraph (c), the user shall secure building, electrical, plumbing or other permits as may be required by local, state or federal authorities and proceed to construct any necessary facility and establish such operating procedures as are required within the time provided in the user's wastewater discharge permit.

(e) In the event any user denies the city manager or his authorized representative the right of entry, to or upon the user's premises, for purposes of inspection, sampling effluents, or inspecting and copying records or performing such other duties as shall be imposed upon him by this section, the city manager shall seek a warrant or use such other legal procedures as shall be advisable and reasonably necessary to discharge his duties under this section.

(2) Dangerous discharge notification requirements.

(a) Telephone notification. Any person causing or suffering any discharge whether accidental or not, which presents or may present an imminent or substantial endangerment to the health and welfare of persons, to the environment, or which is likely to cause interference with the POTW, shall notify the city manager immediately by telephone. In the absence of the city manager, notification shall be given to the employee then in charge of the treatment works.

(b) Written report. Within five (5) days following such occurrence, the user shall provide the city manager with a detailed written report describing the cause of the dangerous discharge and measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such dangerous discharge to occur are advised of the emergency notification procedure.
18-307. City manager. (1) City manager and staff. The city manager and his staff shall be responsible for the administration of all sections of this chapter.

(2) Authority of city manager. The city manager shall have the authority to enforce all sections of this chapter. He shall be responsible and have the authority to operate the various treatment works. He shall be responsible for the preparation of operating budgets and recommendations concerning activities within his responsibility and authority.

(3) Records. The city manager shall keep in his office all applications required under this chapter, a complete record thereof, including a record of all wastewater discharge permits. He shall also maintain the minutes and other records of the hearing authority.

(4) City manager to assist Belle Meade Hearing Authority. The city manager shall attend all meetings of the hearing authority or whenever it is necessary for him to be absent he shall send a designated representative, and shall make such reports to and assist said authority in the administration of this chapter.

(5) The city manager shall notify industrial users identified in 40 C.F.R. 403.8(f) (2) and (i) of any applicable pretreatment standard or other applicable requirements promulgated by the Environmental Protection Agency under the provisions of Section 204(b) of the Act (33 U.S.C. 1284), Section 405 of the Act (33 U.S.C. 1345), or under the provisions of Sections 3001 (42 U.S.C. 6921), 3004 (42 U.S.C. 6924) or 4004 (42 U.S.C. 6944) of the Solid Waste Disposal Act. Failure of the city manager to so notify industrial users shall not relieve said users from the responsibility of complying with said requirements.

(6) The city manager shall comply with all applicable public participation requirements of Section 101(e) of the Act (33 U.S.C. 1251 (e)) and 40 C.F.R. Part 105 in the enforcement of national pretreatment standards. The city manager shall at least annually provide public notification, in the largest daily newspaper published in Nashville of industrial users during the previous twelve (12) months which at least once were not in compliance with the applicable pretreatment standards or other pretreatment requirements. The notification shall summarize enforcement action taken by the control authorities during the same twelve (12) months. An industrial user shall be deemed to be in compliance with applicable pretreatment standards or other pretreatment requirements if he has completed applicable increments of progress under the provisions of any compliance schedule in the user's wastewater discharge permit or if the user has been granted an exception under the provisions of § 18-304(2). (As added by Ord. #84-11. 1987 Code, § 13-306, as renumbered by Ord. #2012-1, June 2012)
18-308. City of Belle Meade hearing authority.

(1) Composition, provisions, and duties.

(a) Established. There is hereby established an authority to be known as the "City of Belle Meade Hearing Authority."

(b) Hearing authority.

(i) Composition. Ex-officio membership. The following representatives shall constitute the ex-officio membership of the hearing authority and shall serve a continuous term:

(A) Mayor of the City of Belle Meade.
(B) Members of the city commission.
(C) City manager of Belle Meade.

(c) General duties of the authority. In addition to any other duty or responsibility otherwise conferred upon the board by this chapter, the authority shall have the duty and power as follows:

(i) To determine such issues of law and fact as are necessary to perform this duty;

(ii) To hold hearings upon appeals from orders or actions of the city manager as may be provided under any provisions of this chapter;

(iii) To hold hearings relating to the suspension, revocation, or modification of a wastewater discharge permit as it is provided in this chapter and issue appropriate orders relating thereto;

(iv) To hold such other hearing relating to any aspect or matter in the administration of this chapter and to make such determinations and issue such orders as may be necessary to effectuate the purposes of this chapter;

(v) The authority acting through its chairmen shall have the power to issue subpoenas requiring attendance and testimony of witnesses and the production of documentary evidence relevant to any matter properly heard by the authority;

(vi) The chairman or vice chairman or chairman shall be authorized to administer oaths to those persons giving testimony before the authority;

(vii) The authority shall hold regular meetings, normally one per calendar month, and such special meetings as the board may find necessary;

(viii) Three (3) members of the authority shall constitute a quorum, but a lesser number may adjourn the meeting from day to day.

(2) Adjudicatory hearing procedures.

(a) The hearing authority shall schedule an adjudicatory hearing to resolve disputed questions of fact and law whenever provided by any provision of this chapter.
(b)  At any such hearing, all testimony presented shall be under oath or upon solemn affirmation in lieu of oath. The authority shall make a record of such hearing, but the same need not be a verbatim record. Any party coming before the authority shall have the right to have said hearing recorded stenographically, but in such event the record need not be transcribed unless any party seeks judicial review of the order or action of the authority by common law writ of certiorari, and in such event the parties seeking such judicial review shall pay for the transcription and provide the authority with the original of the transcript so that it may be certified to the court.

(c)  The chairman may issue subpoenas requiring attendance and testimony of witnesses or the production of evidence, or both. A request for issuance of a subpoena shall be made by lodging with the chairman at least ten (10) days prior to the scheduled hearing date a written request for a subpoena setting forth the name and address of the party to be subpoenaed, and identifying any evidence to be produced. Upon endorsement of a subpoena by the chairman, the same shall be delivered to the chief of police for service by any police officer of Belle Meade. If the witness does not reside in Belle Meade, the chairman shall issue a written request that the witness attend the hearing.

(d)  Upon agreement of all parties, the testimony of any person may be taken by deposition or written interrogatories. Unless otherwise agreed, the deposition shall be taken in a manner consistent with Rules 26-33 of the Tennessee Rules of Civil Procedure, with the chairman to rule on such matters as would require a ruling by the court under said rules.

(e)  The party at such hearing bearing the affirmative burden of proof shall first call his witnesses, to be followed by witnesses called by other parties, to be followed by any witnesses which the authority may desire to call. Rebuttal witnesses shall be called in the same order. The chairman shall rule on any evidentiary questions arising during such hearing, and shall make such other rulings as shall be necessary or advisable to facilitate an orderly hearing subject to approval of the authority. The authority, the city manager or his representative, and all parties shall have the right to examine any witness. The authority shall not be bound by or limited to rules of evidence applicable to legal proceedings.

(f)  Any person aggrieved by any order or determination of the city manager may appeal said order or determination reviewed by the authority under the provisions of this section. A written notice of appeal shall be filed with the city manager and with the chairman, and said notice shall set forth with particularity the action or inaction of the city manager complained of and the relief being sought by the person filing said appeal. A special meeting of the authority may be called by the
chairman upon the filing of such appeal, and the authority may in its
discretion suspend the operation of the order or determination of the city
manager appealed from until such time as the authority has acted upon
the appeal.

(g) The vice-chairman shall possess all the authority delegated
to the chairman by this section when acting in his absence or in his stead.

(h) Any person aggrieved by any final order of determination of
the authority hereunder shall have judicial review by common law writ
of certiorari. (As added by Ord. #84-11. 1987 Code, § 13-307, as
renumbered by Ord. #2012-1, June 2012)

18-309. Enforcement, abatement, and penalties for violation of
permits. (1) Enforcement and abatement.
(a) Public nuisance. Discharge of wastewater in any manner in
violation of this chapter, or of any condition of a wastewater discharge
permit is hereby declared a public nuisance and shall be corrected or
abated as provided herein.
(b) City manager to notify user of violation. Whenever the city
manager determines or has reasonable cause to believe that a discharge
of wastewater has occurred in violation of the provisions of this chapter,
the user's wastewater discharge permit, or any other applicable law or
regulation, he shall notify the user of such violation. Failure of the city
manager to provide notice to the user shall not in any way relieve the
user from any consequences of a wrongful or illegal discharge.
(c) Conciliation meetings. The city manager may, but shall not
be required, to invite representatives of the user to a conciliation meeting
to discuss the violation and methods of correcting the cause of the
violation. Such additional meetings as the city manager and the user
deem advisable may be held to resolve the problem. If the user and the
city manager can agree to appropriate remedial and preventative
measures, they shall commit such agreement to writing with provisions
for a reasonable compliance schedule and the same shall be incorporated
as a supplemental condition of the user's wastewater discharge permit.
If an agreement is not reached through the conciliation process within
sixty (60) days, the city manager shall institute such other actions as he
deems advisable to ensure the user's compliance with the provisions of
this chapter or other law or regulation.
(d) Show cause hearing. The city manager may issue a show
cause notice to the user directing the user to appear before the Belle
Meade hearing authority at a specified date and time to show cause why
the user's wastewater discharge permit should not be modified,
suspended, or revoked for causing or suffering violation of this chapter,
or other applicable law or regulation, or conditions in the wastewater
discharge permit of the user. If the city manager seeks to modify the
user's wastewater discharge permit to establish wastewater strength limitations or other control techniques to prevent future violations, he shall notify the user of the general nature of the recommendations he shall make to the authority. If the city manager seeks to suspend or revoke the user's wastewater discharge permit, he shall notify the user of the nature of the violation for which revocation or suspension is sought with sufficient specificity as to the character of the violation and the dates at which such violation occurred to enable the user to prepare his defense. Such notice shall be mailed to the user by certified mail, return receipt requested, or shall be personally delivered to the user at least twenty (20) days prior to the scheduled hearing date.

(e) **Citation to city court.** The city manager may cite the user to the General Sessions Court of Davidson County for violation of any provision of this chapter or other ordinance. A violation of any condition of the user's wastewater discharge permit shall be deemed to be a violation of this chapter.

(f) **Injunctive relief.** Upon resolution of the Belle Meade hearing authority approving same, the city manager shall in the name of Belle Meade file in Circuit or Chancery Court of Davidson County, Tennessee, or such other courts as may have jurisdiction, a suit seeking the issuance of an injunction, damages, or other appropriate relief to enforce the provisions of this chapter or other applicable law or regulation. Suit may be brought to recover any and all damages suffered by Belle Meade as a result of any action or inaction of any user or other person who causes or suffers damage to occur to the POTW or for any other expense, loss or damage of any kind of nature suffered by Belle Meade.

(g) **Assessment of damages to users.** When a discharge of waste causes an obstruction, damage, or any other impairment to the facilities, or any expense of whatever character or nature to Belle Meade, the city manager shall assess the expenses incurred by Belle Meade to clear the obstruction, repair damage to the facility, and any other expenses or damages incurred by Belle Meade. The city manager shall file a claim with the user or any other person causing or suffering said damages to incur seeking reimbursement for any and all expenses or damages suffered by Belle Meade. If the claim is ignored or denied, the city manager shall notify Belle Meade's Attorney to take such measures as shall be appropriate to recover for any expense or other damages suffered by Belle Meade.

(h) **City manager may petition for federal or state enforcement.** In addition to other remedies for enforcement provided herein, the city manager may petition the State of Tennessee or the United States, Environmental Protection Agency, as appropriate to exercise such methods or remedies as shall be available to such government entities to
seek criminal or civil penalties, injunctive relief, or such other remedies as may be provided by applicable federal or state laws to ensure compliance by industrial users of applicable pretreatment standards, to prevent the introduction of toxic pollutants or other regulated pollutants into the POTW, or to prevent such other water pollution as may be regulated by state or federal law.

(i) Emergency termination of service. In the event of an actual or threatened discharge to the POTW of any pollutant which in the opinion of the city manager presents or may present an imminent and substantial endangerment to the health or welfare of persons, the environment, or cause interference with the POTW, the city manager or in his absence the person then in charge of the treatment works shall immediately notify the Mayor of Belle Meade of the nature of the emergency. The city manager shall also attempt to notify the industrial user or other person causing the emergency and request their assistance in abating same. Following consultation with the aforementioned officials of Belle Meade or in their absence such elected officials of Belle Meade as may be available, the city manager shall temporarily terminate the service of such user or users as are necessary to abate the condition when such action appears reasonably necessary. Such service shall be restored by the city manager as soon as the emergency situation has been abated or corrected.

(j) The city manager shall report to the authority his intent to institute any action under the provisions of subsections (e), (f), and (h) hereof and seek the advice of the authority in regard thereto, unless he shall determine that immediate action is advisable.

(2) Penalties. (a) Any person who violates any provision of this chapter including but not limited to the following violations:

(i) Violates an effluent standard or limitation;
(ii) Violates the terms or conditions of a wastewater discharge permit;
(iii) Fails to complete a filing or report requirement;
(iv) Fails to perform or properly report any required monitoring;
(v) Violated a final order or determination of the Belle Meade Hearing Authority or the city manager; or
(vi) Fails to pay any established sewer service charge or industrial cost recovery charge; shall be guilty of a misdemeanor and, upon conviction, is punishable by a fine in an amount not to exceed fifty dollars ($50.00).

(b) Each separate violation shall constitute a separate offense and upon conviction, each day of violation shall constitute a separate offense. (As added by Ord. #84-11. 1987 Code, § 13-308, as renumbered by Ord. #2012-1, June 2012)
CHAPTER 4

SEWAGE AND HUMAN EXCRETA DISPOSAL

SECTION
18-401. Definitions.
18-402. Places required to have sanitary disposal methods.
18-403. When a connection to the public sewer is required.
18-404. Use of pit privy or other method of disposal.
18-405. Approval and permit required for septic tanks, privies, etc.
18-406. Occupant to maintain disposal facilities.
18-407. Only specified methods of disposal to be used.
18-408. Discharge into watercourses restricted.
18-409. Pollution of ground water prohibited.
18-410. Enforcement of chapter.
18-411. Violations.

18-401. Definitions. The following definitions shall apply in the interpretation of this chapter:

(1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred (200) feet of any boundary of said property measured along the shortest available right-of-way.

(2) "Human excreta." The bowel and kidney discharges of human beings.

(3) "Sewage." All water-carried human and household wastes from residences and buildings.

(4) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Health as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the building inspector as determined by acceptable soil percolation data.
(5) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented.

(6) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location, and construction of which have been approved by the building inspector.

(7) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1987 Code, § 8-301)

18-402. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1987 Code, § 8-302)

18-403. When a connection to the public sewer is required. Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1987 Code, § 8-303)

18-404. Use of pit privy or other method of disposal. Wherever a sanitary method of human excreta disposal is required under § 18-402 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1987 Code, § 8-306)

18-405. Approval and permit required for septic tanks, privies, etc. Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, shall before the initiation of construction obtain the approval of the building inspector for the design and location of the system and secure a permit from the building inspector for such system. (1987 Code, § 8-307)

18-406. Occupant to maintain disposal facilities. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1987 Code, § 8-309)
18-407. **Only specified methods of disposal to be used.** No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1987 Code, § 8-310)

18-408. **Discharge into watercourses restricted.** No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1987 Code, § 8-311)

18-409. **Pollution of ground water prohibited.** No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1987 Code, § 8-312)

18-410. **Enforcement of chapter.** It shall be the duty of the building inspector to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the building inspector to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace. Failure to remove such menace immediately shall be punishable under the general penalty clause for this code. However, such person shall be allowed the number of days herein provided within which to make permanent correction. (1987 Code, § 8-313)

18-411. **Violations.** Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1987 Code, § 8-315)
TITLE 20

MISCELLANEOUS

CHAPTER
1. UTILITY LINES.

CHAPTER 1

UTILITY LINES

SECTION

20-101. Prohibition of certain above-ground utility lines. No telephone, telegraph, cable television, electric, or other utility line on any public street, road, or other right-of-way of the City of Belle Meade, may be placed above ground without consent of the City of Belle Meade as expressed in a resolution by its board of commissioners, where such line now is or in the future may have been placed underground. (1987 Code, § 13-401, as added by ord. 88-7)
ORDINANCE NO. 98-6

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF BELLE MEADE, TENNESSEE.

WHEREAS some of the ordinances of the City of Belle Meade are obsolete, and

WHEREAS some of the other ordinances of the city are inconsistent with each other or are otherwise inadequate, and

WHEREAS the board of commissioners of the City of Belle Meade, 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 "Belle Meade Municipal Code," now, therefore:

BE IT ORDAINED BY THE CITY OF BELLE MEADE, AS FOLLOWS: ¹

Section 1. Ordinances codified. The ordinances of the city 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 "Belle Meade 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 city or authorizing the issuance of any bonds or other evidence of said city'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 city; any ordinance establishing a social security system or

¹Charter reference
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 city; 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 city.

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. Wherever in the municipal code, including the codes and ordinances adopted by reference, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in the municipal code the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of the municipal code shall be punishable by a penalty of not more than fifty dollars ($50.00) and costs for each separate traffic violation, or five hundred dollars ($500.00) and costs for each separate other violation; provided, however, that the imposition of a penalty under the provisions of this section shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law.

Each day any violation of the municipal code continues shall constitute a separate offense. (1987 Code, as amended by Ord. #93-10, § 1, Sept. 1993)

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 commissioners, 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 city 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.

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 ________ 9/16, 1998

[Signature]
Mayor

[Signature]
Recorder