THE
GOODLETTSVILLE
MUNICIPAL
CODE

Prepared by the

Municipal Technical Advisory Service
In cooperation with the Tennessee Municipal League

May 2011
CITY OF GOODLETTSVILLE, TENNESSEE

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RECORDER

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Preface

The Goodlettsville Municipal Code contains the codification and revision of the ordinances of the City of Goodlettsville, 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 7 of the adopting ordinance).

2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.
That the city agrees to pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

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

The able assistance of the codes team, Emily Keyser, Linda Winstead, Nancy Gibson, and Doug Brown, is gratefully acknowledged.

Stephanie Allen
Codification Consultant
ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE 
CITY CHARTER

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

2. All ordinances shall begin, "Be it ordained by the City of Goodlettsville 
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 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 
o 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.

   No such ordinance shall take effect until the ordinance, or its caption, is 
published except as otherwise provided in chapter 54 part 5 of this title. 
(6-20-218)
TITLE 1

GENERAL ADMINISTRATION

CHAPTER
1. BOARD OF COMMISSIONERS.
2. RECORDER.
3. CITY MANAGER.
4. PURCHASING.
5. PURCHASING APPEALS.
6. CODE OF ETHICS.

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.
CHAPTER 1

BOARD OF COMMISSIONERS\(^1\)

SECTION
1-101. Time and place of regular meetings.
1-102. Order of business.
1-103. General rules of order.
1-104. Ordinance procedure.
1-105. Municipal election date.

1-101. Time and place of regular meetings. The board of commissioners shall hold regular monthly meetings at 6:30 P.M. on the second and fourth Thursday of each month at the city offices at 105 S. Main Street. (2000 Code, § 1-101)

1-102. Order of business. At each meeting of the board of commissioners, the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

(1) Call to order by the mayor.
(2) Roll call by the recorder.
(3) Consideration of the minutes of the prior regular board of commissioners meeting and their approval.

\(^1\)Charter 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.
1-103. **General rules of order.** The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, 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. (2000 Code, § 1-103)

1-104. **Ordinance procedure.** Readings of ordinances as required by the charter, § 6-20-215 may consist of a reading of only the caption of such ordinance, instead of the entire ordinance, on both readings. Copies of such ordinances, if only the caption is read, 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. (2000 Code, § 1-104)

1-105. **Municipal election date.** The date of regular municipal elections shall be the date of the regular November election. (Ord. #06-687, Nov. 2006)

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1 State law reference
CHAPTER 2

RECORDER

SECTION
1-201. To perform general administrative duties.
1-202. To be bonded.

1-201. To perform general administrative duties. The recorder shall perform all administrative duties for the board of commissioners for the city which are not expressly assigned by the charter, this code, or the board of commissioners to another corporate officer. (2000 Code, § 1-201)

1-202. To be bonded. Pursuant to Tennessee Code Annotated, § 6-21-104, the recorder shall, before entering upon his duties, execute a fidelity bond in the sum of two hundred thousand dollars ($200,000.00) with a surety company authorized to do business in the State of Tennessee as surety.

The cost of this bond shall be paid by the City of Goodlettsville. (2000 Code, § 1-202)

1Charter references
For charter provisions outlining the duties and powers of the recorder, see Tennessee Code Annotated, title 6, chapter 21, part 4, and title 6, chapter 22. Where the recorder also serves as the treasurer, see Tennessee Code Annotated, title 6, chapter 22, particularly § 6-22-119.
CHAPTER 3

CITY MANAGER

SECTION

1-301. To be bonded.

1-301. To be bonded. Pursuant to Tennessee Code Annotated, § 6-21-104, the city manager shall, before entering upon the duties of his office, execute a fidelity bond in the sum of two hundred thousand dollars ($200,000.00) with a surety company authorized to do business in the State of Tennessee as surety.

The cost of this bond shall be paid by the City of Goodlettsville. (2000 Code, § 1-301)

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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.

For specific charter provisions related to the duties and powers of the city manager, see the sections indicated:

Administrative head of city: § 6-21-107.
General and specific administrative powers: § 6-21-108.
School administration: § 6-21-801.
Supervision of departments: § 6-21-303.
CHAPTER 4

PURCHASING

SECTION

1-402. Minimum amount of purchase for which sealed bids must be taken.

1-401. **Purchasing Procedures Manual.** Purchasing by the City of Goodlettsville shall be governed by the **Purchasing Procedures Manual** of the City of Goodlettsville, originally effective December 1, 1990, as amended, a copy of which is on file with the city recorder's office. (2000 Code, § 1-401)

1-402. **Minimum amount of purchase for which sealed bids must be taken.** The city manager shall obtain formal sealed bids in all transactions involving the expenditure of an amount which is ten thousand dollars ($10,000.00) or more. Purchases costing less than ten thousand dollars ($10,000.00) are exempt from competitive bidding procedures provided that this exemption shall not apply to purchases of like items which individually cost less than ten thousand dollars ($10,000.00), but which are customarily purchased in lots of two (2) or more, if the total purchase price of such items would exceed ten thousand dollars ($10,000.00) during any fiscal year. (Ord. #06-686, Sept. 2006)
CHAPTER 5

PURCHASING APPEALS

SECTION
1-501. Right to protest.
1-503. City commission--issuance of decisions.
1-504. City commission--jurisdiction.
1-505. Protest of solicitations or awards.

1-501. Right to protest. (1) Any actual or prospective bidder, offeror or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the city manager. The protest shall be submitted in writing within ten (10) calendar days after such aggrieved person knows or should have known of the facts giving rise thereto.
(2) Authority to resolve protests. The city manager shall have the authority to settle and resolve a protest of an actual or prospective aggrieved bidder, offeror or contractor concerning the solicitation or award of a contract.
(3) Decision. If the protest is not resolved by mutual agreement, the city manager shall promptly issue a decision in writing. The decision shall:
(a) State the reason for the action taken; and
(b) Inform the protestant of its right to administrative review as provided in this chapter.
(4) Notice of decision. A copy of the decision under subsection (3) of this section shall be mailed or otherwise furnished immediately to the protestant and any other interested party.
(5) Finality. A decision under subsection (3) of this section shall be final and conclusive, unless any person adversely affected by the decision appeals administratively to the board of commissioners.
(6) Stay of procurements during protests. In the event of a timely protest under subsection (1) of this section, the city shall not proceed further with the solicitation of or with the award of the contract until the city manager, after consultation with the head of the using agency, makes a written determination that the award of the contract without delay is necessary to protect substantial interests of the municipal government. (Ord. #09-730, Sept. 2009)

1-502. Purchasing appeals--rules of procedure. The board of commissioners shall adopt rules of procedure of which, to the fullest extent possible, will provide for the expeditious resolution of purchasing controversies. (Ord. #09-730, Sept. 2009)
1-503. **City commission--issuance of decisions.** Acting by one (1) or more of its members, the board of commissioners shall issue a decision in writing or take other appropriate action on each appeal submitted. A copy of any decision shall be provided to all parties and the city manager. (Ord. #09-730, Sept. 2009)

1-504. **City commission--jurisdiction.** The board of commissioners shall have jurisdiction to review and determine de novo any appeal by an aggrieved party from a determination by the city manager or a designee which is authorized by this chapter. (Ord. #09-730, Sept. 2009)

1-505. **Protest of solicitations or awards.** (1) **Time limitations on filing a protest or an appeal.** For an appeal under § 1-501(5), the aggrieved person shall file an appeal within seven (7) calendar days of receipt of a decision under § 1-501(3).

   (2) **Decision.** On any appeal under this section, the board of commissioners shall promptly decide whether the solicitation or award was in accordance with the Constitution, statutes, this chapter, regulations, and the terms and conditions of the solicitation. (Ord. #09-730, Sept. 2009)
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CHAPTER 6

CODE OF ETHICS

SECTION

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

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


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

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

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

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

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

A brief synopsis of each of these laws appears in the appendix of the municipal code.
1-601. **Applicability.** This chapter is the code of ethics for personnel of the City of Goodlettsville. 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. (Ord. #07-694, March 2007)

1-602. **Definition of "personal interest."** (1) For purposes of §§ 1-603 and 1-604, "personal interest" means:

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

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

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

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

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (Ord. #07-694, March 2007)

1-603. **Disclosure of personal interest by official with vote.** An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself\(^1\) from voting on the measure. (Ord. #07-694, March 2007)

1-604. **Disclosure of personal interest in non-voting matters.** An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the

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\(^1\)Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability.
An official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (Ord. #07-694, March 2007)

1-605. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:
   (1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or
   (2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (Ord. #07-694, March 2007)

1-606. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.
   (2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (Ord. #07-694, March 2007)

1-607. Use of municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.
   (2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality. (Ord. #07-694, March 2007)

1-608. Use of position or authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.
   (2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for him or others that are not authorized by the charter, general law, or ordinance or policy of the municipality. (Ord. #07-694, March 2007)

1-609. 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. (Ord. #07-694, March 2007)
1-610. **Ethics complaints.** (1) The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

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

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

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

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (Ord. #07-694, March 2007)

1-611. **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. #07-694, March 2007)
TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER 1

PARKS AND RECREATION ADVISORY BOARD

SECTION
2-101. Board created, membership, terms, appointments and vacancies.
2-102. Powers and duties of the board.
2-103. Powers and duties of the director.
2-104. Rules and regulations.
2-105. Enforcement.

2-101. Board created, membership, terms, appointments and vacancies. There is hereby created the City of Goodlettsville Parks and Recreation Advisory Board, hereinafter called "the board." The board shall be composed of seven (7) members, one city commissioner elected by the board of commissioners, six (6) citizens who are residents of the City of Goodlettsville and appointed by the mayor. The term of office for the six (6) citizens shall be staggered three (3) years or until their successors are appointed. The mayor shall fill vacancies in such board for the unexpired term. Board members should be representative of cross-sections of the community to represent variable interests including arts, historic sites, athletics, general recreation programming, and senior citizens activities. (2000 Code, § 2-101, as amended by Ord. #08-716, June 2008, replaced by Ord. #11-764, Nov. 2011, and amended by Ord. #17-891, April 2017)

2-102. Powers and duties of the board. (1) The board is to act only as an advisory body in the development of a parks, recreation and tourism system within the City of Goodlettsville. The board shall be under the direction of the board of commissioners.

(2) The board shall be an advisory body responsible for providing input in meeting the cultural, artistic, athletic/fitness, beautification, historic, tourism and natural resource needs of the City of Goodlettsville.

(3) The board is to advise the parks, recreation and tourism department in connection with the artistic and cultural development of Goodlettsville. The board serves in an advisory capacity only, and their
recommendations may be taken by the director of parks and recreation, or modified in any manner, since the director of parks and recreation is the final departmental authority.

(4) This board shall also assist in determining the needs for the community so that an ongoing program may be maintained in accordance to any long range plans.

(5) **Duties of officers:**
(a) Chairman. The chairman shall preside at all meetings of the board and shall call special meetings of the board. The chairman shall vote on all matters coming before the board.
(b) Vice chairman. The vice-chairman shall preside over any meeting in which the chairman is not present.
(c) Secretary. The director of parks and recreation or their designee shall act as secretary of the board. The secretary is responsible for preparing the agenda and minutes of all meetings.

(6) **Appointment of chairman.** The chairman and vice chairman shall be appointed annually by a majority vote of the board at its first quarter meeting.

(7) **Board meetings.**
(a) The board will meet regularly on a bi-monthly basis. The board shall set the day and time.
(b) All regular and special called meetings of the board shall be open to the public.
(c) The director and appropriate staff will be present at all meetings of the board.
(d) Minutes of the board meetings will be available for review during regular business hours at Goodlettsville City Hall.

(8) **Minutes.** All proceedings of the board shall be in typed form and filed in a permanent book of record and open to the public for inspection at all reasonable and proper times.

(9) **Quorum.** A majority of the duly appointed board members shall constitute a quorum.

(10) **Voting.** The ayes and nays will be taken upon the passage of all board matters. All votes will be entered upon the minutes of the meeting. The act of a majority of members, at which a quorum is present, will be the official act of the board. (2000 Code, § 2-102, as replaced by Ord. #11-764, Nov. 2011, and amended by Ord. #14-823, Sept. 2014 and Ord. #17-891, April 2017)

**2-103. Powers and duties of the director.** The director of parks and recreation shall be the chief administrative officer in charge of the management of public parks, playgrounds, community centers and other comprehensive recreational facilities and programs of the City of Goodlettsville. The director shall administer the policies set forth by the City of Goodlettsville Board of Commissioners. The director shall be appointed and under the direction of the city manager. (2000 Code, § 2-103, as replaced by Ord. #11-764, Nov. 2011, and amended by Ord. #17-891, April 2017)
2-104. **Rules and regulations.** (1) **Definitions.** For the purpose of this section the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) "City" is the City of Goodlettsville, Tennessee.

(b) "Director" is the director of parks and recreation of the City of Goodlettsville, the person immediately in charge of all park areas and its activities.

(c) "Park" is all city owned or operated parks, municipal centers, future swimming pools and other recreational areas.

(d) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

(e) "Vehicle" is any wheeled conveyance, whether motor powered, animal drawn, or self-propelled. The term shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the city park.

(2) **Persons invited to use city parks; park hours.** (a) All persons are invited to use city parks and their facilities who will comply with the terms of this section and such rules and regulations promulgated hereunder governing the use of city parks.

(b) All city parks and future parks will be open to use by the public and will have hours posted at their entrance.

(c) Tennis courts shall have the open hours posted at the entrance of the courts.

(e) Each recreation center complex shall have posted the open hours for its indoor and outdoor recreational facilities. No person or persons and/or vehicles will be allowed to be in the parks and recreation center complex after closed hours. Vehicles parked in the parks and recreation areas after the complex is closed shall be towed away at the owner's expense.

(3) **Unlawful activities.** It shall be unlawful relative to the following:

(a) Buildings and other property. (i) Disfiguration and removal. Willfully mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railways, paving or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or place cards, whether temporary or permanent, monuments, stakes, posts, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

(ii) Restrooms and washrooms. Failure to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition.
(iii) Removal of natural resources. Dig or remove any soil, rock, stone, trees, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.

(iv) Erection of structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or string any public service utility into, upon or across such lands, except upon special written permit issued hereunder.

(b) Trees, shrubbery and lawns. (i) Injury and removal. Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

(ii) Climbing trees, etc. Climb any tree or walk, stand or sit upon monuments, vases, fountains, railing, fences, or gun carriages or upon other property not designated or customarily used for such purposes.

(iii) Equine activities. Except with written permission of the director during special events, it is unlawful for any individual to enter the park on horseback, horse drawn carriages, wagons, etc.

(c) Wild animals, birds, etc. (i) Hunting, molesting, etc. Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot, or throw missiles at any animal, reptile or bird; nor shall they remove or have in their possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird; nor shall they collect, remove, have in their possession, give away, sell or offer to sell, or buy or offer to buy, or accept as a gift any specimen alive or dead of any of the group of tree snails. Exception to the foregoing is made in that snakes known to be deadly, poisonous, such as rattle snakes, moccasins, copperheads, or other deadly reptile may be killed on sight.

(ii) Feeding. Give or offer, or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substances.

(d) Sanitation. (i) Pollution of waters. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond or lake, stream bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters any substance, matter or thing, liquid or solid, which or may result in the pollution of said waters.
(ii) Refuse and trash. Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse or other trash. No such refuse or trash shall be placed in any waters contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the persons responsible for its presence, and properly disposed of elsewhere.

(e) Traffic. (i) State motor vehicle laws and city traffic ordinances apply. Fail to comply with all applicable provisions of the state motor vehicle traffic laws and the traffic ordinances of the City of Goodlettsville in regard to equipment and operation of vehicles together with such regulations as contained in this chapter and other ordinances.

(ii) Obey personnel, enforcement of traffic regulations. Fail to obey all traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever needed and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the director.

(iii) Obey traffic signs. Failure to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking and all others posted for proper control and to safeguard life and property.

(iv) Speed of vehicles. Ride or drive a vehicle at a rate of speed exceeding fifteen (15) miles an hour, except upon such roads as the director may designate, by posted signs, for speedier travel.

(v) Operation confined to specific areas. Drive any vehicle on any area except the paved or graveled park roads or parking areas as may on occasion be specifically designated as temporary parking areas by a park attendant.

(f) Parking. (i) Designated areas. Vehicles shall park in designated areas.

(ii) Full parking. Full-park on the road or driveway at any time.

(iii) Immovable vehicles. Leave any vehicle anywhere in the park with one (1) or more wheels chained, or motor set in gear and doors locked, or in any manner fixed or arranged so that such vehicle cannot be readily moved by hand.

(iv) Night parking. Leave a vehicle standing or parked at night without lights clearly visible for at least one hundred feet
(100') from both front and rear on any driveway or road area except legally established parking areas.

(v) Double parking. Double-park any vehicle on any road or parkway unless directed by a park official.

(vi) Muffler required. Fail to use muffler adequate to deaden the sound of the engine in a motor vehicle.

(vii) Abandonment. Leave a vehicle within the boundaries of the park after park hours unless such vehicle be disabled and is reported by the driver to the director or police department. Any vehicle remaining in said park after closing hours, will be towed away and stored at the expense of the owner.

(viii) Loitering. No person shall be permitted to continuously sit longer than sixty (60) minutes within a vehicle, parked within any park.

(g) Bicycles and motorcycles. (i) Confined to roads. Ride a bicycle or motorcycle on other than a paved vehicular road or designated areas by the director. No bicycle or motorcycle shall be permitted on trails, or in spectator, bleacher, practice or game areas.

(ii) Operation generally. Ride a bicycle or motorcycle other than on the right-hand side of the road paving as close as conditions permit, and bicycles and motorcycles shall be kept in single file when two (2) or more are operating as a group. Bicyclists and motorcyclists shall, at all times, operate their machines with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle that are overtaking and pass to the right of any vehicle that may be meeting. No motorcycles shall be operated in the park unless equipped with a properly functioning muffler adequate to suppress motor noise to a comfortable level of sound.

(iii) Rider prohibited. Ride any other person on a bicycle.

(iv) Designated racks. Leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.

(v) Immobile. Leave a bicycle or motorcycle lying on the ground or pavement, or set against trees, or in any place or position where other persons may trip over or be injured by them.

(h) Recreational activities. (i) Swimming, etc. Swim, bathe, or wade in any water or waterways in or adjacent to such park, except at swimming pool.

(ii) Hunting and firearms. Hunt, trap or pursue wildlife at any time. No person shall use, carry or possess firearms of any description or air rifles, spring guns, bow-and-arrows, slings or any other form of weapon potentially dangerous to wildlife and human
safety, or any kind of trapping device. Nor shall any person shoot into park areas from beyond park boundaries.

(i) Picnic areas. (i) Generally. Picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to assign activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

(ii) Availability. Violate the regulation that use of the individual fireplaces together with tables and benches follows generally the rule of "first come, first serve" unless otherwise reserved.

(iii) Use of any portion of the picnic areas or any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable amount of time if the facilities are crowded.

(iv) Duty of picnicker. Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposable receptacles where provided. If no such receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

(j) Camping. Except where specifically set out by below, to set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing for such purpose, such as house trailer, camp trailer, camp wagon or the like. Overnight special event is permissible by special permit of the director.

(k) Games. Take part in or abet playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins or model airplanes except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as baseball is prohibited except on the fields and courts or areas provided therefore.

(4) Certain behavior declared unlawful. (a) Intoxicating beverages.

(i) It shall be prohibited to bring controlled substances and/or alcoholic beverages into any park or to drink any alcoholic beverages at any time in any park with the exception of private permitted special events at the Delmas Long Community Center and the Goodlettsville Event Center.

(ii) It shall be prohibited for anyone to enter or be within any park while under the influence of controlled substances and/or intoxicating beverages.
(b) Fireworks and explosives. Bring, or have in their possession, or set off or otherwise cause to explode or discharge or burn any firecrackers, torpedo, rocket or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance; compound mixture or articles that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints. An exception is made regarding special events such as Fourth of July celebrations, etc.

(c) Weapons. All firearms are prohibited within the boundaries of any park, playground, civic center, or other building facility, area or owned, used or operated by the City of Goodlettsville in accordance to Tennessee Code Annotated, § 39-17-1311.

(d) Piloted aircraft. Enter into any park with a pilot navigated aircraft. An exception maybe granted by park staff in regards to special events and/or emergency situations.

(e) Domestic animals. Domestic animals are prohibited from being on trails, or in spectator, bleacher, practice or game areas nothing herein shall be construed as permitting the running of dogs at large. All dogs in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than five feet (5') in length. Any pet found at large may be seized and impounded by the city.

(f) Reservation of facilities. Occupy any seat or bench, or enter into or loiter or remain in any pavilion or other park structure or section.

(g) Restrooms. Enter into any structure or section that is designated and reserved for the use of the opposite sex. Exception is made for children less than six (6) years of age.

(h) Dress. Appear at any place other than in proper clothing.

(i) Fires. Build or attempt to build a fire except in such areas and under such regulations as may be designated by the director or their designee. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material within any park area or on any highway, road or street abutting or contiguous thereto.

(j) Alms. Solicit alms or contributions for any purpose, whether public or private.

(k) Closed areas. Enter an area posted as "Closed to the Public," nor shall any person use or abet the use of any area in violation of posted notices.

(l) Games of chance. Gamble or participate in or abet in any game of chance.

(m) Going onto ice. Go onto ice on any water in or adjacent to any park.
(n) Loitering and boisterousness. Sleep or protractedly lounge on the seats or benches, or other areas, or in parked motor vehicles, or engage in loud, boisterous, threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to be a breach to the public peace.

(o) Interference with permittees. Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.

(p) Skateboards. Skateboarding and skating is permitted except in spectator or bleacher areas during games and or practices and at picnic shelters and other places where patrons gather.

(q) Smoking of tobacco products. Smoking of any tobacco product within the confines of any indoor recreation facility or within fifty feet (50') within spectator seating of any outdoor recreation facility shall be prohibited.

(5) Merchandising, advertising and signs. (a) Vending and peddling. Expose to offer for sale any article or thing, nor shall they station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception is here made to regularly licensed concessionaire acting by and under the authority and regulation of the director or their designee, and those conducting activities under a permit where such permit permits the sale of articles or things. Vendors utilized during special events shall be responsible for procuring all necessary permits.

(b) Advertising. Announce, advertise or call the public attention in any way to any article or service for sale or hire.

(c) Signs. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a city park without permit from the director. Organizations conducting seasonal programs by agreement on park owned or managed property may by permit erect signage for the purpose of program sponsorship during the time of use that the particular park facility.

(6) Park operating policy. (a) Closed areas. Any section of a city park may be declared closed to the public by the director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses as the director shall find reasonably necessary.

(b) Lost and found articles. The finding of lost articles by park attendants shall be reported to the director who shall make every reasonable effort to locate the owners. The director shall make every reasonable effort to find articles reported as lost.
(c) Permit. A permit shall be obtained from the director before participating in the following park activities: Overnight camping by organized groups under the sponsorship of youth development agencies; sale of articles or things by a permittee for a charitable purpose.

(7) Additional rules and regulations. The director shall have the authority to promulgate such rules and regulations as may be necessary to carry out the provisions of this chapter and to assure an impartial, fair and safe use and enjoyment of city parks by those persons lawfully using the parks. The director shall have the authority to schedule the use of all parks and recreation facilities under this chapter. Regulations pertaining to specific activities shall be displayed in a prominent and public location at the point of the activity controlled. Rules and regulations adopted in accordance to this chapter shall have the same force and effect as if copied herein verbatim. (2000 Code, § 2-104, as replaced by Ord. #11-764, Nov. 2011, and amended by Ord. #15-832, Feb. 2015, #15-845, Aug. 2015, and Ord. #17-891, April 2017)

2-105. Enforcement. (1) Officials. The director, designated department staff and police officers shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.

(2) Ejectment. The director, designated department staff and police officers shall have the authority to eject from the parks any person whose action is in violation of this chapter.

(3) Citations. The director, designated department staff and police officers shall in connection with their duties impose citations to person or persons in violation of this chapter if such violation calls for a citation. (2000 Code, § 2-105, as replaced by Ord. #11-764, Nov. 2011)
CHAPTER 2

RESIDENCY REQUIREMENTS AND TERMS OF APPOINTMENTS

SECTION
2-201. Requirements.

2-201. Requirements. Appointees and re-appointees must live in the corporate limits of the city unless federal or state law requires otherwise or are members of the visitors and tourism board and must remain current on the payment of all taxes owed the city. (Ord. #10-739, April 2010, as replaced by Ord. #12-768, Jan. 2012, and Ord. #17-892, April 2017)

2-202. Exemption. Section 2-201 above shall not apply to the City of Goodlettsville Board of Commissioners or city employee committees formed and working in accordance with their job responsibilities and duties. (Ord. #06-691, Jan. 2007)
CHAPTER 3

VISITORS AND TOURISM BOARD

SECTION
2-301. Established—qualifications of members.
2-302. Appointment, term of office and vacancy filling.
2-303. Budgetary and fiscal matters.
2-304. Board by-laws.

2-301. Established—qualifications of members. For the purpose of promoting visitation and tourism to the city, there is established the City of Goodlettsville Visitors and Tourism Board which may also be recognized as the Goodlettsville Visitors Bureau. This board shall be comprised of seven (7) voting members and three (3) ex-officio non-voting members:

(1) Two (2) board members who are owners or managers of a hotel within the corporate limits of the city;
(2) One (1) board member who is an owner or manager of a restaurant within the corporate limits of the city;
(3) One (1) board member who would represent the Goodlettsville Chamber of Commerce;
(4) One (1) board member who is a resident of the City of Goodlettsville whom has a professional background in tourism related activities;
(5) The mayor and one (1) board of commission member shall serve as a board member.
(6) The city manager, assistant city manager and parks and recreation director shall serve as ex-officio non-voting members of the board. (as added by Ord. #17-889, March 2017)

2-302. Appointment, term of office and vacancy filling. Members of the board shall be appointed by the mayor. They shall serve terms of three (3) years each. The initial terms of board members shall be staggered as appointed by the mayor. The mayor and board of commission representative shall serve two (2) year terms as it relates to terms of office. Any vacancy other than by expiration of term shall be filled for the unexpired term. (as added by Ord. #17-889, March 2017)

2-303. Budgetary and fiscal matters. (1) As relating to budgetary and fiscal matters and expenditure's, the board shall be subject to the same provisions as the City of Goodlettsville Charter and policies, and the board shall be responsible for preparing and submitting a program budget for the board of commissioners to approve.
(2) The operation of the visitors and tourism board shall receive at a minimum three quarters of one percent (3/4 of 1%) of City of Goodlettsville's hotel and motel occupancy tax annually. (as added by Ord. #17-889, March 2017)

2-304. **Board by-laws.** The board will create and adopt by-laws upon establishment and the board of commissioners shall ratify such by-laws. (as added by Ord. #17-889, March 2017)
CHAPTER 4

HISTORIC ZONING COMMISSION

SECTION
2-401. Board created.
2-402. Membership, terms, appointments and compensation.
2-403. Controlling applicable law.

2-401. Board created. The City of Goodlettsville Historic Zoning Commission shall be created and established under the procedures stated in the full section of Tennessee Code Annotated, § 13-7-403 with the following guidelines. (as added by Ord. #18-913, April 2018)

2-402. Membership, terms, appointments and compensation. The City of Goodlettsville Historic Zoning Commission shall consist of five (5) members. The membership shall consist of a representative of a local patriotic or historical organization; an architect, if available; a person who is a member of the Goodlettsville Municipal-Regional Planning Commission at the time of such person's appointment; and the remainder shall be from the community in general with a simple majority representing property owners in the district. The City of Goodlettsville Historic Zoning Commission shall be appointed by the Mayor of Goodlettsville, subject to confirmation by the board of commissioners. The terms of members of the historic zoning commission shall be five (5) years, except that the members appointed initially shall be appointed for staggered terms so that the terms of at least one (1) member but not more than two (2) members shall expire each year. All members shall serve without compensation. The commission may adopt rules and regulations consistent with this part. (as added by Ord. #18-913, April 2018)

2-403. Controlling applicable law. Title 13, section 7, part 4 of the Tennessee Code Annotated entitled "Historic Zoning" is the controlling law applicable to this chapter and is made a part hereof as though copied herein verbatim. (as added by Ord. #18-913, April 2018)
TITLE 3

MUNICIPAL COURT

CHAPTER
1. CITY JUDGE.
2. COURT ADMINISTRATION.
3. WARRANTS, SUMMONSES AND SUBPOENAS.
4. ELECTRONIC CITATION REGULATIONS AND FEES.

CHAPTER 1

CITY JUDGE¹

SECTION
3-101. City judge.
3-102. Qualifications.
3-103. Compensation.

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
Deposit of operator's or chauffeur's license in lieu of bond in traffic cases: title 15, chapter 7.
3-101. **City judge.** The city court shall be presided over by a city judge appointed by the board of commissioners. The city judge shall serve at the pleasure of the board of commissioners. (2000 Code, § 3-101, as amended by Ord. #06-683, June 2006)

3-102. **Qualifications.** The city judge will: (1) Be an attorney licensed to practice law in the State of Tennessee, and
   (2) Be a resident of Davidson or Sumner Counties. (Ord. #06-683, June 2006)

3-103. **Compensation.** The annual compensation of the city judge shall not exceed twenty thousand dollars ($20,000.00). (Ord. #06-683, June 2006, as amended by Ord. #11-752, Feb. 2011)
CHAPTER 2
COURT ADMINISTRATION

SECTION
3-201. Maintenance of docket.
3-202. Imposition of fines, penalties, and costs.
3-203. Contempt of court.
3-204. Trial and disposition of cases.

3-201. Maintenance of docket. The docket required to be kept by § 6-21-503 of the city's charter shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (2000 Code, § 3-201)

3-202. Imposition of fines, penalties, and costs. In all cases heard and determined by him, the city judge shall impose court costs in the amount of fifty dollars ($50.00). One dollar ($1.00) of the court costs shall be forwarded by the court clerk to the state treasurer to be used by the administrative office of the courts for training and continuing education courses for municipal court judges and municipal court clerks. Additionally, a state litigation tax in the amount of thirteen dollars and seventy-five cents ($13.75) is imposed. (2000 Code, § 3-202, modified)

3-203. Contempt of court. Contempt of court is punishable by a fine of fifty dollars ($50.00), or such lesser amount as may be imposed in the judge's discretion.

3-204. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (2000 Code, § 3-204)
CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of arrest warrants.
3-302. Issuance of summonses.
3-303. Issuance of subpoenas.

3-301. **Issuance of arrest warrants.** The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (2000 Code, § 3-301)

3-302. **Issuance of summonses.** When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (2000 Code, § 3-302)

3-303. **Issuance of subpoenas.** The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (2000 Code, § 3-303)

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1State law reference
For authority to issue warrants, see Tennessee Code Annotated, title 40, chapter 6.
CHAPTER 4

ELECTRONIC CITATION REGULATIONS AND FEES

SECTION
3-401. Electronic citations; fees.
3-402. Sunset provision.

3-401. Electronic citations; fees. (1) As used in this section, "electronic citation" means a traffic citation containing all information required by law that is prepared by a law enforcement officer in an electronic data device with the intent that the data collected shall be filed electronically with a court having jurisdiction over the alleged offense.

(2) Replicas of citation data included in an electronic citation shall be sent by electronic transmission within three (3) days of the issuance of the citation to a court having jurisdiction over the alleged offense.

(3) Persons issued a citation pursuant to this section shall be provided with a paper copy of the citation. A law enforcement officer who files a citation electronically shall be considered to have certified the citation and has the same rights, responsibilities and liabilities as other citations issued pursuant to this section.

(4) Each court clerk shall charge and collect an electronic citation fee of five dollars ($5.00) for each citation which results in a conviction. Such fee shall be paid by the defendant for any offense cited in an electronic traffic citation that results in a plea of guilty or nolo contendere, or a judgment of guilty. Such fee shall be assessable as court costs, in addition to all other court costs, fees, taxes and charges. One dollar ($1.00) of such fee shall be retained by the court clerk. Four dollars ($4.00) of such fee shall be transmitted on a monthly basis by the court clerk to the law enforcement agency that prepared the electronic traffic citation that resulted in a plea of guilty or nolo contendere, or a judgment of guilty.

(5) All funds derived from the electronic citation fee that are transmitted to the law enforcement agency which prepared the electronic traffic citation shall be accounted for in a special revenue fund of the city's law enforcement agency and may be used only for the following purposes:

(a) Electronic citation system and program related expenditures; and

(b) Related expenditures by the local law enforcement agency for technology, equipment, repairs, replacement and training to maintain electronic citation programs. (as added by Ord. #14-821, Sept. 2014)

3-402. Sunset provision. This chapter and its fee requirement shall terminate five (5) years from the date of adoption of this ordinance and the city's code shall be so annotated. (as added by Ord. #14-821, Sept. 2014)
TITLE 4

MUNICIPAL PERSONNEL

CHAPTER
1. SOCIAL SECURITY--CITY PERSONNEL.
2. MISCELLANEOUS PERSONNEL REGULATIONS--CITY PERSONNEL.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
4. INFECTIOUS DISEASE CONTROL POLICY.

CHAPTER 1

SOCIAL SECURITY--CITY PERSONNEL

SECTION
4-101. Policy and purpose as to coverage.
4-102. Necessary agreements to be executed.
4-103. Withholdings from salaries or wages.
4-104. Appropriations for employer's contributions.
4-105. Records to be kept and reports made.
4-106. Exclusions.

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the City of Goodlettsville to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. 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. (2000 Code, § 4-101)

4-102. Necessary agreements to be executed. The mayor 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. (2000 Code, § 4-102)

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. (2000 Code, § 4-103)
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. (2000 Code, § 4-104)

4-105. **Records to be kept and reports made.** The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (2000 Code, § 4-105)

4-106. **Exclusions.** There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any ordinance creating any retirement system for any employee or official of the City of Goodlettsville. (2000 Code, § 4-106)
CHAPTER 2

MISCELLANEOUS PERSONNEL REGULATIONS--CITY PERSONNEL

SECTION
4-201. Political activity.
4-202. Strikes and unions.
4-203. Attendance of meetings by board members.

4-201. Political activity. Employees shall enjoy the same rights as other citizens of Tennessee to be a candidate for any state or local political office (except for membership on the municipal governing body), the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities. Provided, however, no employee may campaign on municipal time or in municipal uniform nor use municipal equipment or supplies in any campaign or election. (2000 Code, § 4-203, modified)

4-202. 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. (2000 Code, § 4-206)

4-203. Attendance of meetings by board members. Any appointed member of a municipal board of the City of Goodlettsville shall be required to attend at least seventy-five percent (75%) of the meetings of said board in each calendar year, to be reviewed annually, in order to remain eligible to serve on said board. (2000 Code, § 4-207)
CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

4-301. Title.
4-302. Purpose.
4-303. Coverage.
4-304. Standards authorized.
4-305. Variances from standards authorized.
4-306. Administration.
4-307. Funding the program plan.

4-301. **Title.** This section shall be known as "The Occupational Safety and Health Program Plan" for the employees of the City of Goodlettsville. (2000 Code, § 4-301, as replaced by Ord. #13-794, Feb. 2013)

4-302. **Purpose.** The City of Goodlettsville in electing to update the established program plan will maintain an effective and comprehensive occupational safety and health program plan for its employees and shall:

1. Provide a safe and healthful place and condition of employment that includes:
   a. Top management commitment and employee involvement;
   b. Continually analyze the worksite to identify all hazards and potential hazards;
   c. Develop and maintain methods for preventing or controlling the existing or potential hazards; and
   d. Train managers, supervisors, and employees to understand and deal with worksite hazards.

2. Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.

3. Record, keep, preserve, and make available to the commissioner of labor and workforce development, or persons within the department of labor and workforce development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

4. Consult with the commissioner of labor and workforce development with regard to the adequacy of the form and content of records.

5. Consult with the commissioner of labor and workforce development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.
6. Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this program plan, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.

7. Provide for education and training of personnel for the fair and efficient administration of occupational safety the health standards, and provide for education and notification of all employees of the existence of this program plan. (2000 Code, § 4-302, as replaced by Ord. #13-794, Feb. 2013)

4-303. Coverage. The provisions of the occupational safety and health program plan for the employees of the City of Goodlettsville shall apply to all employees of each administrative department, commission, board, division or other agency whether part-time or full-time, seasonal or permanent. (2000 Code, § 4-303, as replaced by Ord. #13-794, Feb. 2013)

4-304. Standards authorized. The occupational safety and health standards adopted by the City of Goodlettsville are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972 (Tennessee Code Annotated, title 50, chapter 3). (2000 Code, § 4-304, as replaced by Ord. #13-794, Feb. 2013)

4-305. Variances from standards authorized. Upon written application of the Commissioner of Labor and Workforce Development of the State of Tennessee, we may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, VARIANCES FROM OCCUPATIONAL SAFETY AND HEALTH STANDARDS, Chapter 0800-01-02, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, we will notify or serve notice to our employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board shall be deemed sufficient notice to employees. (as added by Ord. #13-794, Feb. 2013)

4-306. Administration. For the purposes of this chapter, the human resources director is designated as the safety director of occupational safety and health to perform duties and to exercise powers assigned to plan, develop, and administer this program plan. The safety director shall develop a plan of operation for the program plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, SAFETY AND HEALTH PROVISIONS FOR THE PUBLIC SECTOR,
Chapter 0800-01-05, as authorized by Tennessee Code Annotated, title 50. (as added by Ord. #13-794, Feb. 2013)

4-307. **Funding the program plan.** Sufficient funds for administering and staffing the program plan pursuant to this chapter shall be made available as authorized by the City of Goodlettsville. (as added by Ord. #13-794, Feb. 2013)
CHAPTER 4

INFECTIONOUS DISEASE CONTROL POLICY

SECTION

4-401. Purpose.
4-402. Coverage.
4-403. Administration.
4-404. Definitions.
4-405. Policy statement.
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 diseases.

4-401. Purpose. It is the responsibility of the City of Goodlettsville, Tennessee 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 Goodlettsville 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). (2000 Code, § 4-401)

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 infectious material from potentially infected individuals. Those high risk occupations include but are not limited to:
1. Paramedics and emergency medical technicians;
2. Occupational nurses;
3. Housekeeping and laundry workers;
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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. (2000 Code, § 4-402)

4-403. Administration. This infection control policy shall be administered by the mayor 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 other potentially infectious materials;
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 potentially infectious materials and shall address the proper precautions to be taken while cleaning rooms and blood spills; and
8. Perform such other duties and exercise such other authority as may be prescribed by the board of commissioners. (2000 Code, § 4-403)

4-404. Definitions. 1. "Body fluid" fluids that have been recognized by the Centers for Disease Control as directly linked to the transmission of HIV and/or HBV and/or to which universal precautions apply: blood, semen, blood products, vaginal secretions, cerebrospinal fluid, synovial fluid, pericardial fluid, amniotic fluid, and concentrated HIV or HBV viruses.
2. "Exposure" the contact with blood or other potentially infectious materials to which universal precautions apply through contact with open wounds, non intact skin, or mucous membranes during the performance of an individual's normal job duties.
3. "Hepatitis B Virus (HBV)" a serious blood borne virus with potential for life threatening complications. Possible complications include: massive hepatic necrosis, cirrhosis of the liver, chronic active hepatitis, and hepatocellular carcinoma.
4. "Human Immunodeficiency Virus (HIV)" the virus that causes acquired immunodeficiency syndrome (AIDS). HIV is transmitted through sexual contact and exposure to infected blood or blood components and perinatally from mother to neonate.

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

6. "Universal precautions" refers to a system of infectious disease control which assumes that every direct contact with body fluid is infectious and requires every employee exposed to direct contact with potentially infectious materials to be protected as though such body fluid were HBV or HIV infected. (2000 Code, § 4-404)

4-405. **Policy statement.** All blood and other potentially infectious materials are potentially infectious for several blood borne pathogens. Some body fluids can also transmit infections. For this reason, the Centers for Disease Control developed the strategy that everyone should always take particular care when there is a potential exposure. These precautions have been termed "universal precautions."

Universal precautions stress that all persons should be assumed to be infectious for HIV and/or other blood borne pathogens. Universal precautions apply to blood, tissues, and other potentially infectious materials 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. (2000 Code, § 4-405)

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 other potentially infectious materials which require universal precautions.

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

3. Soap and water kill many bacteria and viruses on contact. If hands are contaminated with blood or other potentially infectious materials to which universal precautions apply, then wash immediately and thoroughly. Hands shall also be washed after gloves are removed even if the gloves appear to be intact. When soap and water or handwashing facilities are not available, then use a waterless antiseptic hand cleaner according to the manufacturer's 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 other potentially infectious materials to which universal precautions apply:
   a. While handling an individual where exposure is possible;
   b. While cleaning or handling contaminated items or equipment;
   c. While cleaning up an area that has been contaminated with one (1) 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 victim's 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 potentially infectious materials to prevent exposure to mucous membranes of the mouth, nose, and eyes. They are not required for routine care.

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

9. Areas and equipment contaminated with blood shall be cleaned as soon as possible. A household (chlorine) bleach solution (one (1) part chlorine to ten (10) parts water) shall be applied to the contaminated surface as a disinfectant leaving it on for at least thirty (30) seconds. A solution must be changed and remixed every twenty-four (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 one hundred twenty (120) are adequate for decontamination.

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

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 feet (5') or such greater distance as warranted by the hazard.

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

13. Linen soiled with blood or other potentially infectious materials shall be handled as little as possible and with minimum agitation to prevent contamination of the person handling the linen.

All soiled linen shall be bagged at the location where it was used. It shall not be sorted or rinsed in the area. Soiled linen shall be placed and transported in bags that prevent leakage.

The employee responsible for 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 potentially infectious materials.

14. Whenever possible, disposable equipment shall be used to minimize and contain clean up. (2000 Code, § 4-406)

4-407. Hepatitis B vaccinations. The City of Goodlettsville shall offer the appropriate hepatitis B vaccination to employee 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. (2000 Code, § 4-407)

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. (2000 Code, § 4-408)

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 (1) dose of vaccine and one (1) 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. (2000 Code, § 4-409)

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 twelve (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 at six (6) weeks, twelve (12) weeks, and six (6) months after exposure to determine whether transmission has occurred. During this follow-up, period (especially the first six to twelve (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 twelve (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. (2000 Code, § 4-410)

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 Workers' Compensations Bureau in accordance
with the provisions of Tennessee Code Annotated, § 50-6-303. (2000 Code,
§ 4-411)

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 potentially
infectious materials. They shall also be counseled regarding possible risks to
the fetus from HIV/HBV and other associated infectious agents. (2000 Code,
§ 4-412)

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. (2000 Code, § 4-413)

4-414. Training new employees. During the new employee's
orientation to his/her job, all new employee will be trained on the effects of
infectious disease prior to putting them to work. (2000 Code, § 4-414)

4-415. Records and reports. 1. Reports. Occupational injury and
illness records shall be maintained by the infectious disease control coordinator.
Statistics shall be maintain on the OSHA 200 report. Only those work related
injuries that involve loss of consciousness, transfer to another job, restriction of
work or motion, or medical treatment are required to be put on the OSHA 200.
2. **Needle sticks.** Needle sticks, like any other puncture wound, are considered injuries for recordkeeping purposes due to the instantaneous nature of the event. Therefore, any needle stick requiring medical treatment (i.e. gamma globulin, hepatitis B immune globulin, hepatitis B vaccine, etc...) shall be recorded.

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

4. **Employee interviews.** Should the 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. (2000 Code, § 4-415)

**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 be subject to disciplinary measures along with civil and/or criminal prosecution.

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

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

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

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

7. Prior approval shall be obtained from the city attorney before advising a victim of sexual assault that the suspect has, or is suspected of having a communicable disease.
8. All circumstance, not covered in this policy, that may arise concerning releasing confidential information regarding a victim, or suspected victim, of a communicable disease shall be referred directly to the appropriate department head or city attorney.

9. Victims of a communicable disease and their families have a right to conduct their lives without fear of discrimination. An employee shall not make public, directly or indirectly, the identity of a victim or suspected victim of a communicable disease.

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

11. Any employee who disseminates confidential information in regard to a victim, or suspected victim of a communicable disease in violation of this policy shall be subject to serious disciplinary action and/or civil and/or criminal prosecution. (2000 Code, § 4-416)
Title 5

Municipal Finance and Taxation\(^1\)

Chapter 1

Miscellaneous

Section 5-101. Fiscal year.

5-102. Depositories for city funds.

5-101. **Fiscal year.** The fiscal year shall begin on July 1 of each year and end on June 30 of the following year.\(^2\) (2000 Code, § 5-101)

5-102. **Depositories for city funds.**\(^3\) The official depository of all city funds shall be the following:

Pinnacle Financial Partners is hereby designated as the depository for the municipal funds of the City of Goodlettsville.

Pinnacle Financial Partners shall be required at all times herein to meet the requirements by securing pursuant to state law all funds by collateral in the same manner and under the same conditions as state deposits are required under [Tennessee Code Annotated](https://www.tennessee.gov/laws/index.cfm), title 9, chapter 4, part 5. (2000 Code, § 5-102, as amended by Ord. #05-658, Aug. 2005)

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\(^1\)Charter reference
Finance and taxation: title 6, chapter 22.

\(^2\)Charter reference
[Tennessee Code Annotated](https://www.tennessee.gov/laws/index.cfm), § 6-22-121 provides that the fiscal year of the city shall begin on July 1 unless otherwise provided by ordinance.

\(^3\)Charter reference
CHAPTER 2
REAL PROPERTY TAXES

SECTION
5-201. When due and payable.
5-202. When delinquent penalties.

5-201. When due and payable. Taxes levied by the city against real property shall become due and payable annually on the first day of October of the year for which levied. (2000 Code, § 5-201)

STATE 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.

CHARTER REFERENCES
Tennessee Code Annotated, § 6-22-110 sets the due date of November 1 of the year for which the taxes are assessed, but Tennessee Code Annotated, § 6-22-113 provides that a different tax due date may be set by ordinance (by unanimous vote of the board of commissioners.)
5-202. When delinquent penalties.¹ All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to such penalties as are authorized and prescribed in § 6-22-112 of the city's charter.² (2000 Code, § 5-202)

¹Charter reference
Tennessee Code Annotated, § 6-22-112 sets the tax delinquency of December 1 of the year for which the taxes are assessed, but Tennessee Code Annotated, § 6-22-113 provides that a different delinquent date may be set by ordinance (by unanimous vote of the board of commissioners).

²Charter reference
Tennessee Code Annotated, § 6-22-114 directs the finance director to turn over the collection of delinquent property taxes to the county trustee.

State law reference
A municipality has the option of collecting delinquent property taxes any one of three ways:

(1) Under the provisions of its charter for the collection of delinquent property taxes.


(3) By the county trustee under Tennessee Code Annotated, § 67-5-2005.
CHAPTER 3

PRIVILEGE TAXES

SECTION
5-301. Tax levied.
5-302. License required.

5-301. **Tax levied.** Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city at the rates and in the manner prescribed by the said act. The proceeds of the privilege taxes herein levied shall accrue to the general fund. (2000 Code, § 5-301)

5-302. **License required.** No person shall exercise any such privilege within the city without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's payment of the appropriate privilege tax. (2000 Code, § 5-302)
CHAPTER 4

WHOLESALE BEER TAX

SECTION
5-401. To be collected.

5-401. To be collected. The recorder is hereby directed to take appropriate action to assure payment to the city of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.¹ (2000 Code, § 5-401)

¹State law reference

Tennessee Code Annotated, title 57, chapter 6 provides for a tax of 17% on the sale of beer at wholesale. Every wholesaler is required to remit to each municipality the amount of the net tax on beer wholesale sales to retailers and other persons within the corporate limits of the municipality.
CHAPTER 5
HOTEL/MOTEL TAX

SECTION
5-501. Definitions.
5-502. Tax levied.
5-503. Collection.
5-504. Remission to city.
5-505. Recorder to collect, develop report, audit, etc.
5-506. Operator can't advertise that he will assume tax.
5-507. Delinquent taxes; offenses by operators and/or transients.
5-508. Operators to keep records.
5-509. Additional powers of recorder; remedies available to tax payer.
5-510. Recorder to collect; disposition of proceeds.

5-501. Definitions. As used in this chapter unless the context otherwise requires:

1) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.

2) "Hotel" means any structure or any portion of any structures which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes and includes any hotel, inn, tourist camp, tourist cabin, tourist court, motel, or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.

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

4) "Operator" means the person operating the hotel whether as owner, lessee, or otherwise.

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

6) "Tourist related activities" means activities including but not limited to the planning and conducting of programs of information and publicity designed to attract to the City of Goodlettsville tourists, visitors and other interested persons from outside the area and further, the encouragement and coordination of the efforts of other public and private organizations or groups of
citizens to publicize the facilities and attractions of the area for the same purposes. It shall also mean the acquisition, construction and remodeling of facilities useful in the attraction and promoting of tourist, conventions and recreational business.

(7) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodging or accommodations in a hotel for a period of less than ninety (90) continuous days. (2000 Code, § 5-501)

5-502. Tax levied. There is hereby levied, assessed and imposed, and shall be paid and collected, a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount equal to three percent (3%) of the consideration charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided herein. (2000 Code, § 5-502)

5-503. Collection. Such tax shall be added by each operator to each invoice prepared by the operator for the occupancy in his hotel to be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to the City of Goodlettsville. (2000 Code, § 5-503, as replaced by Ord. #15-833, Feb. 2015)

5-504. Remission to city. The tax hereby levied shall be remitted by all operators who lease, rent or charge for occupancy within a hotel in the City of Goodlettsville to the City Recorder of the City of Goodlettsville, such tax to be remitted to such officer no later than the twentieth (20th) day of each month for the preceding month. The operator is hereby required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy whether prior to occupancy or after occupancy as may be the custom of the operator and if credit is granted by the operator to the transient then the obligation to the city entitled to such tax shall be that of the operator. (2000 Code, § 5-504)

5-505. Recorder to collect, develop report, audit, etc. The city recorder shall be responsible for the collection of such tax. A monthly tax return under oath shall be filed with the city recorder by the operator with such number of copies thereof as the city recorder may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the city recorder and approved by the board of commissioners prior to use. The city recorder shall audit each operator in the City of Goodlettsville at least once per year and shall report on the audits made on a quarterly basis to the board of commissioners. (2000 Code, § 5-505)
5-506. **Operator can't advertise that he will assume tax.** No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof, will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded. (2000 Code, § 5-506)

5-507. **Delinquent taxes; offenses by operators and/or transients.** Taxes collected by the operator which are not remitted to the city recorder on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum and in addition, a penalty of one percent (1%) for each month or fraction thereof, such taxes are delinquent. Such interest and penalty shall become a part of the tax. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is declared to be unlawful and shall be punishable upon conviction by a fine not in excess of fifty dollars ($50.00). (2000 Code, § 5-507)

5-508. **Operators to keep records.** It shall be the duty of every operator liable for the collection and payment to the City of Goodlettsville of the tax imposed by this chapter to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the City of Goodlettsville which records the city recorder shall have the right to inspect at all reasonable times. (2000 Code, § 5-508)

5-509. **Additional powers of recorder; remedies available to tax payer.** The city recorder or other authorized collector of the tax in administering and enforcing the provisions of this act shall have, as additional powers, those powers and duties with respect to collecting taxes as provided by law for the county clerks.

Upon any claim of illegal assessment and collection, the tax payer shall have the remedy provided in Tennessee Code Annotated, title 67. The recorder shall also have all of those powers and duties with respect to collecting taxes as provided in Tennessee Code Annotated, § 67-1-707(b) with respect to the adjustment and settlement with tax payers of errors of taxes collected. Any tax paid under protest shall be paid to the city recorder. Any suit filed to recover taxes paid under protest may be brought by filing the same against the city recorder/recorder of the City of Goodlettsville. (2000 Code, § 5-509)

5-510. **Recorder to collect; disposition of proceeds.** The city recorder is hereby charged with the duty of collection of the tax herein levied and the proceeds received by the City of Goodlettsville from the tax shall be used exclusively for tourist related activities within the City of Goodlettsville as required by Tennessee Code Annotated, § 7-4-110(b). (2000 Code, § 5-510)
TITLE 6

LAW ENFORCEMENT

CHAPTER
1. POLICE AND ARREST.
2. RESERVE POLICE FORCE.
3. WORKHOUSE.

CHAPTER 1

POLICE AND ARREST

SECTION
6-101. Policemen subject to chief's orders.
6-102. Policemen to preserve law and order, etc.
6-103. Policemen to wear uniforms and be armed.
6-104. When policemen to make arrests.
6-105. Policemen may require assistance.
6-106. Disposition of persons arrested.
6-107. Police department records.

6-101. Policemen subject to chief's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (2000 Code, § 6-101)

6-102. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the city. They shall patrol the city and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (2000 Code, § 6-102)

6-103. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the board of commissioners shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (2000 Code, § 6-103)

Charter reference

Police: § 6-21-601.
6-104. **When policemen to make arrests.** \(^1\) 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. (2000 Code, § 6-104)

6-105. **Policemen may require assistance.** It shall be unlawful for any person willfully to refuse to aid a policeman in maintaining law and order or in making a lawful arrest when such a person's assistance is requested by the policeman and is reasonably necessary. (2000 Code, § 6-105)

6-106. **Disposition of persons arrested.** Unless otherwise authorized by law, when a person is arrested, he shall be brought before the city court for immediate trial or allowed to post bond. When the city judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (2000 Code, § 6-106)

6-107. **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. (2000 Code, § 6-107)

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\(^1\)Municipal code reference

Traffic citations, etc.: title 15, chapter 7.
CHAPTER 2
RESERVE POLICE FORCE

SECTION
6-201. Created.
6-203. To act only when called.
6-204. Badges.

6-201. Created. There is hereby established a reserve police force for the City of Goodlettsville. (2000 Code, § 6-201)

6-202. Salary; rules. Members of the reserve police force shall receive no salary except such as may be agreed upon from time to time with the city manager. Members shall be subject to the same rules and regulations as members of the regular police force. (2000 Code, § 6-202)

6-203. To act only when called. Members of the reserve police force shall have the power to act as peace officers and shall exercise police powers only when ordered to do so by the chief of police or the city manager. (2000 Code, § 6-203)

6-204. Badges. The City of Goodlettsville shall furnish members of the reserve police force with police badges in order that their authority may be properly displayed. (2000 Code, § 6-204)
CHAPTER 3

WORKHOUSE

SECTION
6-301. County workhouse to be used.
6-302. Inmates to be worked.
6-303. Compensation of inmates.

6-301. **County workhouse to be used.** The county workhouses of Davidson and Sumner Counties are hereby designated as the workhouses to be used for municipal purposes, subject to such contractual arrangement as may be worked out with those counties. (2000 Code, § 6-301)

6-302. **Inmates to be worked.** All persons committed to the workhouse, to the extent that their physical condition shall permit, shall be required to perform such public work or labor as may be lawfully prescribed for the county prisoners. (2000 Code, § 6-302)

6-303. **Compensation of inmates.** Each workhouse inmate shall be allowed five dollars ($5.00) per day as credit toward payment of the fines assessed against him. (2000 Code, § 6-303)

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¹State law reference
Tennessee Code Annotated, § 40-24-104.
CHAPTER 1
MISCELLANEOUS

SECTION
7-101. Fire limits described.
7-102. Fire hydrants.

7-101. Fire limits described. The corporate fire limits shall be the area zoned as the central business district. (2000 Code, § 7-101)

7-102. Fire hydrants. (1) Applicability. The standards for the installation and maintenance of water hydrants for fire protection and service provided for by this section shall be applicable to all hydrants located and constructed on private streets, in residential housing developments (including planned unit developments) and in all areas of the City of Goodlettsville where water hydrants for fire service are installed.

(2) Installation. (a) All water hydrants shall use a minimum of a six inch (6") water main.

(b) No building or structure shall be more than three hundred feet (300') from a hydrant, as measured by normal means of transit.

(c) All hydrants shall be installed in a manner of providing a radius of ten feet (10') that is unobstructed either mechanically or visually.

1Municipal code reference
Building, utility and housing codes: title 12.
(d) All hydrants shall be painted with the dome color coded as indicated as follows, so as to indicate the gallons per minute flow (GPM):

<table>
<thead>
<tr>
<th>COLOR</th>
<th>G.P.M.</th>
</tr>
</thead>
<tbody>
<tr>
<td>BLUE</td>
<td>1500 &amp; UP</td>
</tr>
<tr>
<td>GREEN</td>
<td>1000</td>
</tr>
<tr>
<td>ORANGE</td>
<td>500-999</td>
</tr>
<tr>
<td>RED</td>
<td>BELOW 500</td>
</tr>
</tbody>
</table>

(3) **Maintenance.** (a) All water hydrants shall be flow tested by the City of Goodlettsville Fire Department at twelve (12) month intervals with results to be sent to the Goodlettsville Fire Inspector's Office.

(b) Property owners shall perform general preventative maintenance at six (6) month intervals to insure proper operation of hydrants during emergency situations.

(c) Property owners shall, at least monthly, cause visual inspections of all hydrants and water sources.

(d) Any repairs or restoration to any hydrants shall be completed within thirty (30) days after discovered to be mechanically impaired, and the property owner shall certify, within said time period, such repairs or restoration to the City of Goodlettsville Fire Department.

(e) At fire chief's discretion any fire hydrants may be inspected at any time. (2000 Code, § 7-102, as replaced by Ord. #15-839, June 2015)
CHAPTER 2

FIRE CODE\textsuperscript{1}

SECTION
7-201. Fire code adopted.
7-202. Fire districts.
7-203. Modifications.
7-204. Violations.

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the International Fire Code,\textsuperscript{2} 2012 edition, as prepared and published by the International Code Council, is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the International Fire Code has been filed with the city recorder and is available for public use and inspection. Said fire code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits of the City of Goodlettsville. (2000 Code, § 7-201, as amended by Ord. #07-700, July 2007, and Ord. #15-839, June 2015)

7-202. Fire districts. Any limits referred to in the International Fire Code in which storage of explosives and blasting agents is prohibited, or in which storage of flammable liquids in above ground tanks is prohibited, or in which other fire prevention measures are required, are hereby declared to be the fire limits set forth in § 7-101 of this code. (2000 Code, § 7-202, as amended by Ord. #07-700, July 2007)

7-203. Modifications. Any penalty clauses in the International Fire Code are hereby deleted. (2000 Code, § 7-203, as amended by Ord. #07-700, July 2007)

7-204. Violations. It shall be unlawful for any person to violate any of the provisions of the International Fire Code hereby adopted or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build

\textsuperscript{1}Municipal code reference
Building, utility and housing codes: title 12.

\textsuperscript{2}Copies of this code are available from the International Code Congress Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.
in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit used thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the board of commissioners or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (2000 Code, § 7-204, as amended by Ord. #07-700, July 2007)
CHAPTER 3

VOLUNTEER FIRE DEPARTMENT

SECTION
7-301. Establishment, equipment, and membership.
7-302. Objectives.
7-303. Organization, rules, and regulations.
7-304. Records and reports.
7-305. Tenure and compensation of members.
7-306. Chief responsible for training and maintenance.
7-307. Chief to be assistant to state officer.

7-301. Establishment, equipment, and membership. There is hereby established a volunteer fire department to be supported and equipped from appropriations by the board of commissioners. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The volunteer fire department shall be composed of a chief appointed by the city manager and such number of physically fit subordinate officers and firemen as the city manager shall appoint. (2000 Code, § 7-301)

7-302. Objectives. The volunteer fire department shall have as its objectives:

(1) To prevent uncontrolled fires from starting.
(2) To prevent the loss of life and property because of fires.

Charter references
For detailed charter provisions governing the operation of the fire department, see Tennessee Code Annotated, title 6, chapter 21, part 7. For specific provisions in part 7 related to the following subjects, see the sections indicated.

Fire chief
Appointment: § 6-21-701.
Duties: § 6-21-702.
Emergency: § 6-21-703.
Fire marshal: § 6-21-704

Firemen
Appointment: § 6-21-701.
Emergency powers: § 6-21-703.

Municipal code reference
Special privileges with respect to traffic: title 15, chapter 2.
(3) To confine fires to their places of origin.
(4) To extinguish uncontrolled fires.
(5) To prevent loss of life from asphyxiation or drowning.
(6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (2000 Code, § 7-302)

7-303. **Organization, rules, and regulations.** The chief of the volunteer fire department shall set up the organization of the department, make definite assignments to individuals, and formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the volunteer fire department. (2000 Code, § 7-303)

7-304. **Records and reports.** The chief of the volunteer fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters to the city manager once each month, and at the end of the year a detailed annual report shall be made. (2000 Code, § 7-304)

7-305. **Tenure and compensation of members.** The chief shall hold office so long as his conduct and efficiency are satisfactory to the city manager. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend any other member of the volunteer fire department when he deems such action to be necessary for the good of the department. The chief may be suspended or dismissed by the city manager.

All personnel of the volunteer fire department shall receive such compensation for their services as the board of commissioners may from time to time prescribe. (2000 Code, § 7-305)

7-306. **Chief responsible for training and maintenance.** The chief of the fire department shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department. The minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (2000 Code, § 7-306)

7-307. **Chief to be assistant to state officer.** Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (2000 Code, § 7-307)
CHAPTER 4

FIREWORKS AND EXPLOSIVES

SECTION
7-401. Definition of fireworks.
7-402. Prohibition of sale.
7-403. Exceptions.
7-404. Confiscation.
7-405. Misdemeanor.
7-406. Grandfather clause.

7-401. Definition of fireworks. The term "fireworks" as used in this chapter shall be held to mean any sparkler, squibb, rocket, firecracker, roman candle, fireworks, or other similar device or composition used to obtain a visible or audible pyrotechnic display. (2000 Code, § 7-401)

7-402. Prohibition of sale. Except as hereinafter provided, it shall be unlawful for any person, firm, or corporation to offer for sale, expose for sale, or sell at retail any fireworks within the City of Goodlettsville. (2000 Code, § 7-402)

7-403. Exceptions. Any person, firm, or corporation engaged in the sale of goods, wares, and merchandise at wholesale, may store pyrotechnics as defined in this chapter, provided that no sales are made within the City of Goodlettsville, and provided further that the storage of said pyrotechnics shall be subject to the inspection of the city manager or his designated representative. (2000 Code, § 7-403)

7-404. Confiscation. Any fireworks stored, sold, or offered for sale in the City of Goodlettsville contrary to provisions of this chapter may be forthwith confiscated and destroyed by the Police Department of the City of Goodlettsville when it constitutes a hazard to life or property. (2000 Code, § 7-404)

7-405. Misdemeanor. Any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00). Provided, that each day's violation of the provisions hereof shall constitute a separate offense. (2000 Code, § 7-405)
7-406. **Grandfather clause.** The prohibition on sale of fireworks as set out herein shall not apply to any person, firm, or corporation, or their successors or assigns, which has been engaged in the sale of fireworks within the City of Goodlettsville on a continuous basis at the same location for the entire twelve (12) months period immediately preceding the passage of the provisions of this chapter, which sales of fireworks shall be considered a nonconforming use to be allowed only at the location at which fireworks are being sold at the time of passage of the provisions of this chapter. No nonconforming use may be re-established where the same has been abandoned or discontinued for a period of twelve (12) months. (2000 Code, § 7-406)
CHAPTER 5
OPEN BURNING

SECTION
7-501. Permit required.
7-502. Exceptions.
7-503. Penalty.

7-501. Permit required. No person, corporation, firm, association or entity shall kindle or maintain any open fire or shall knowingly furnish the materials for any such fire, or authorize any such fire to be kindled or maintained on, or in any street, alley, road, land, public grounds or upon any private lot unless a written permit to do so shall first have been secured from the chief of the Goodlettsville Fire Department or his designee. (2000 Code, § 7-501)

7-502. Exceptions. No person, corporation, firm, association or entity shall cause, suffer or allow open burning without a written permit, except as specifically permitted as follows:
(1) Ceremonial fires of reasonable size and duration; such fires may not contain material such as plastics, rubber or similar refuse;
(2) Fires used for outdoor cooking where done with equipment or fireplace designated for such purposes and in a manner not offensive to persons in the vicinity thereof. (2000 Code, § 7-502)

7-503. Penalty. Failure to obtain an open burn permit under this chapter is punishable by a penalty not to exceed five hundred ($500.00) for each separate offense. (2000 Code, § 7-503)
CHAPTER 6

(this chapter was deleted by Ord. #14-813, April 2014)
CHAPTER 7

FIRE PREVENTION RAPID ENTRY

SECTION
7-701. Purpose.
7-702. Key lock box system.
7-703. Installation
7-704. Maintenance.
7-705. Contents of lock box.
7-706. Fire department responsibilities.
7-707. Exceptions to requirement to install a key lock box system.
7-708. Penalties.

7-701. Purpose. The City of Goodlettsville determined that the health welfare and safety of the citizens of Goodlettsville are promoted by requiring certain structures to have a key lock box installed on the exterior of the structure to aid the Goodlettsville Fire Department in gaining access to or within a structure when responding to calls for an emergency service, and to aid access into or within a building that is secured or is unduly difficult to gain entry due to being either unoccupied or the occupants are unable to respond. (as added by Ord. #12-774, April 2012)

7-702. Key lock box system. (1) The following structures which are built or substantially remodeled after May 1, 2012 shall be equipped with a key lock box at or near the main entrance or such other location as required the fire code officer, fire marshal and/or fire chief.
   (a) Commercial or industrial structures.
   (b) Multi-family-residential structures that have restricted access through locked doors but have a common corridor for access to the living units.
   (c) Schools, whether public or private.
   (d) Governmental structures and nursing care facilities unless the building is staffed or open twenty-four (24) hours.
(2) All new construction subject to § 7-702(1), shall have a key lock installed and operational prior to the issuance of an occupancy permit. All structures in existence on the effective date of this section and subject to § 7-702(1) shall have twelve (12) months from enactment date of this chapter to have a key lock box installed and operational.
(3) The type of key lock boxes to be implemented within the shall be a Knox Box brand system or such other rapid entry system of comparable quality which has been specifically authorized in writing by the fire marshal or fire chief as being an acceptable substitution for the Knox Box brand system. (as added by Ord. #12-774, April 2012)
7-703. **Installation.** (1) All Knox Boxes or its approved substitute, shall be installed to the left side of the main business door.

(2) All Knox Boxes or its approved substitute, shall be flush mounted sixty inches (60") from ground to the center of the entry if possible.

(3) In the event that the rapid entry box system cannot be installed at the aforesaid location and/or height the fire marshal or fire chief may designate in writing a different location and installation specifications.

(4) All Knox Boxes or its substitution, shall have a tamper switch installed in the building as an intrusion/burglar alarm.

(5) All realty and/or property with an electronic security gate shall have the Knox Box installed OUTSIDE of the gate.

(6) The fire marshal or the fire chief must approve any changes in the installation. (as added by Ord. #12-774, April 2012)

7-704. **Maintenance.** The operator of the building shall immediately notify the fire marshal or fire chief and provide the new keys when a lock box is changed or rekeyed. The key to such lock shall be secured in the Knox Box. (as added by Ord. #12-774, April 2012)

7-705. **Contents of lock box.** The contents of the lock box are as follows:

(1) Keys to locked points of ingress or egress, whether on the interior or exterior of such buildings.

(2) Keys to all mechanical rooms.

(3) Keys to all locked electrical rooms.

(4) Keys to elevator and their control rooms.

(5) Keys to the fire alarm panels.

(6) Keys (special) to re-set pull stations or other fire protective devices.

(7) Keys to any other areas as requested by the fire marshal or fire chief. (as added by Ord. #12-774, April 2012)

7-706. **Fire department responsibilities.** (1) No fire department personnel shall carry a Knox Box key.

(2) All Knox Box access keys shall be installed in a Knox Box Sentra-Loc system installed in the fire apparatus. (as added by Ord. #12-774, April 2012)

7-707. **Exceptions to requirement to install a key lock box system.** The following structures are exempt from the mandate to install a key lock box system:

(1) Single family structures and multi-family structures that do not meet the definition set forth in § 7-702(1)(b).

(2) Structures that have twenty-four (24) hours, three hundred sixty-five (365) day on-site security personnel, or have other personnel on site.
(3) Businesses that are open and staffed twenty-four (24) hours, three hundred sixty-five (365) days per year (which may include but are not limited to, nursing homes, hospitals, police stations, etc.).

(4) Rental storage facilities where there is a single lock on the separate storage pods that are enter supplied; provided, however, the entry security gate(s) will require a Knox Box if electronically controlled, or locked with a master key issued by the landlord to all tenants.

(5) Any facility not having an automatic area alarm system. (as added by Ord. #12-774, April 2012)

7-708. **Penalties.** Any person, entity or corporation who has violated any provisions of this chapter or who has failed to comply with any order issued by fire marshal or fire chief or has failed to comply with any order issued pursuant to any section thereof, shall upon conviction before the proper judicial authority, be punished by a fine of not more than fifty dollars ($50.00). Each day a violation continues shall be considered a separate offense. (as added by Ord. #12-774, April 2012)
TITLE 8

ALCOHOLIC BEVERAGES

CHAPTER
1. INTOXICATING LIQUORS.
2. BEER.
3. WINERIES.

CHAPTER 1

INTOXICATING LIQUORS

SECTION
8-101. Sale, etc., of intoxicating liquor regulated.
8-102. Definitions.
8-103. Manufacture prohibited.
8-104. Wholesale selling prohibited.
8-105. Application for license.
8-106. Interference with public convenience prohibited; licenses not transferable as to location.
8-107. Number of licenses limited.
8-109. Restrictions on license holders and employees.
8-110. Display of license.
8-111. Transfer of permits restricted.
8-112. Expiration and renewal of license.
8-113. New license after revocation.
8-114. Federal license, effect of.
8-115. Inspection fee.
8-116. Regulations for purchase and sale of intoxicating liquors.
8-117. Canvassers and solicitors prohibited.
8-118. Regulation of retail sales.
8-119. Failure to pay fees.
8-120. Inspection of books, etc.
8-121. Suspension or revocation of license.

\[^1\text{State law reference}
\text{Tennessee Code Annotated, title 57.}\]
8-101. Sale, etc., of intoxicating liquor regulated. It shall be unlawful to purchase or possess alcoholic beverages or to engage in the business of selling, storing, transporting, or distributing alcoholic beverages within the corporate limits of the City of Goodlettsville except as provided by Tennessee Code Annotated, title 57, and by rules and regulations promulgated thereunder, and as provided in this chapter. (2000 Code, § 8-101)

8-102. Definitions. Whenever used herein, unless the context requires otherwise:

(1) "Alcoholic beverage" or "beverage" means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, and wine and capable of being consumed by a human being, other than patented medicine, beer, or wine where the latter two (2) contain alcohol of five percent (5%) by weight or less.

(2) "Federal license" shall not mean tax receipt or permit.

(3) "Gallon" or "gallons" shall be construed to mean a wine gallon or wine gallons, of one hundred twenty eight (128) ounces. The word "quart" whenever used herein will be construed to mean one-fourth (1/4) of a wine gallon. The word "pint" wherever used shall be construed to mean one-eighth (1/8) of a wine gallon.

(4) "License" means the license issued herein and "licensee" means any person to whom such license has been issued.

(5) "Manufacturer" means and includes a distiller, vintner, and rectifier. "Manufacture" means and includes distilling and rectifying, and operating a winery.

(6) "Retail sale" or "sale at retail" means a sale to a consumer or to any person for any purpose other than for resale.

(7) "Retailer" means any person who sells at retail any beverage for the sale of which a license is required under the provisions herein.

(8) "Wholesale sale" or "sale at wholesale" means a sale to any person for purposes of resale.

(9) "Wholesaler" means any person who sells at wholesale any beverage for the sale of which a license is required under the provisions of Tennessee Code Annotated, title 57.

(10) "Wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climate, saccharine, and seasonal conditions, including champagne, sparkling, and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume. No other product shall be called "wine" unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominantly produced, or an artificial or imitation wine.

(11) Words importing the masculine gender shall include the feminine and the neuter, and singular shall include the plural. (2000 Code, § 8-102)
8-103. Manufacture prohibited. The manufacture of alcoholic beverages is prohibited within the corporate limits. (2000 Code, § 8-103)

8-104. Wholesale selling prohibited. No person, firm, or corporation shall engage in the business of selling alcoholic beverages at wholesale within the corporate limits. (2000 Code, § 8-104)

8-105. Application for license. For the retail sale of alcoholic beverages a license may be issued as herein provided. Any person, firm, or corporation desiring to sell alcoholic beverages to patrons or customers, in sealed packages only, and not for consumption on the premises, shall make application to the city manager for a retailer's license, which application shall be in writing on forms prescribed and furnished by the city manager; subject to the issuance of a retail license by the commissioner of finance and taxation, State of Tennessee, a majority of the board of commissioners may issue such retailer's license. Such retailer's license shall not be issued unless and until the applicant therefor shall pay to the city recorder a license fee of two hundred and fifty dollars ($250.00). (2000 Code, § 8-105)

8-106. Interference with public convenience prohibited; licenses not transferable as to location. No license shall be granted for the operation of a retail store for the sale of alcoholic beverages when, in the opinion of the board of commissioners, expressed by a majority thereof, the carrying on of such business at the premises covered by the application for a license would be too close to a church, school, or public institution, or otherwise inimical to the public interest. A retailer's license issued under this chapter shall not be valid except at the premises recited in the application, and any change of location of said business shall be cause for immediate revocation of said license by the city manager, unless the location is approved in writing by the city manager. (2000 Code, § 8-106)

8-107. Number of licenses limited. No more than two (2) retail licenses for the sale of alcoholic beverages shall be issued under this chapter. (2000 Code, § 8-107)

8-108. Bonds of licensees. Bonds required herein shall be executed by a surety company, duly authorized and qualified to do business in Tennessee. Bonds of retailers shall be five hundred dollars ($500.00). Said bond shall be conditioned that the principal thereof shall pay any fine which may be assessed against such principal. (2000 Code, § 8-108)

8-109. Restrictions on license holders and employees. (1) The license fee for every license hereunder shall be payable by the person making application for such license and to whom it is issued, and no other person shall
pay for any license issued under sections herein. In addition to all other penalties, a violation of this subsection shall authorize and require the revocation of the license, the fee for which was paid by another, and also the revocation of the license, if any, of the person so paying for the license of another.

(2) No retailer's license shall be issued to a person who is a holder of a public office, either appointive or elective, or who is a public employee, either national, state, city, or county. It shall be unlawful for any such person to have any interest in such retail business, directly or indirectly, either proprietary or by means of any loan, mortgage, or lien, or to participate in the profits of any such business.

(3) No retailer shall be a person who has been convicted of a felony involving moral turpitude within ten (10) years prior to the time he or the concern with which he is connected shall receive a license; provided, however, that this provision shall not apply to any person who has been so convicted but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction. In the case of any such conviction occurring after a license has been issued and received, the said license shall immediately be revoked if such convicted felon be an individual licensee, and if not, the partnership, corporation, or association with which he is connected shall immediately discharge him.

(4) No license shall under any condition be issued to any person who, within ten (10) years preceding application for such license or permit, shall have been convicted of any offense under the laws of the State of Tennessee or of any other state or of the United States prohibiting or regulating the sale, possession, transportation, storing, manufacturing, or otherwise handling intoxicating liquors or who has, during said period, been engaged in business alone or with others in violation of any of said laws or rules and regulations promulgated pursuant thereto, or as they existed or may exist thereafter.

(5) No manufacturer, brewer, or wholesaler shall have any interest in the business or building containing licensed premises of any other person having a license hereunder, or in the fixtures of any such person.

(6) It shall be unlawful for any person to have ownership in, or participate, either directly or indirectly, in the profits of any retail business licensed, unless his interest in said business and the nature, extent, and character thereof shall appear on the application; or if the interest is acquired after the issuance of a license, unless it shall be fully disclosed to the city manager and approved by him. Where such interest is owned by such person on or before the application for any license, the burden shall be upon such person to see that this section is fully complied with, whether he himself signs or prepares the application, or whether the same is prepared by another; or if said interest is acquired after the issuance of the license, the burden of said disclosure of the acquisition of such interest shall be upon the seller and the purchaser.
(7) No person shall be employed in the sale of alcoholic beverages except a citizen of the United States.

(8) No retailer, or any employee thereof, engaged in the sale of alcoholic beverages shall be a person under the age of eighteen (18) years, and it shall be unlawful for any retailer to employ any person under eighteen (18) years of age for the physical storage, sale, or distribution of alcoholic beverages, or to permit any such person under said age on its place of business to engage in the storage, sale, or distribution of alcoholic beverages.

(9) No retailer shall employ in the storage, sale, or distribution of alcoholic beverages, any person who, within ten (10) years prior to the date of his employment, shall have been convicted of a felony involving moral turpitude, and in case an employee should be convicted he shall immediately be discharged; provided, however, that this provision shall not apply to any person who has been so convicted, but whose rights of citizenship have been restored, or judgment of infamy has been removed by a court of competent jurisdiction.

(10) The issuance of a license does not vest a property right in the licensee, but is a privilege subject to revocation or suspension under this chapter.

(11) Misrepresentation of a material fact, or concealment of a material fact required to be shown in application for license shall be a violation of this chapter. (2000 Code, § 8-109)

8-110. **Display of license.** Persons granted a license to carry on the business or undertaking contemplated herein shall, before being qualified to do business, display and post, and keep displayed and posted, in the most conspicuous place in their premises, such license. (2000 Code, § 8-110)

8-111. **Transfer of permits restricted.** The holder of a license may not sell, assign, or transfer such license to any other person, and said license shall be good and valid only for the calendar year in which the same was issued. Provided, however, that licensees who are serving in the military forces of the United States in the time of war may appoint an agent to operate under the license of the licensee during the absence of the licensee. In such instances, the license shall continue to be carried and renewed in the name of the owner. The agent of the licensee shall conform to all the requirements of a licensee. No person who is eligible to obtain a license shall be eligible to serve as the agent of a licensee under this section. (2000 Code, § 8-111)

8-112. **Expiration and renewal of license.** Licenses issued under this chapter shall expire at the end of each calendar year and, subject to the provisions of this chapter, may be renewed each calendar year by payment of the above-mentioned license fee. (2000 Code, § 8-112)
8-113. **New license after revocation.** Where a license is revoked, no new license shall be issued to permit the sale of alcoholic beverages on the same premises until after the expiration of one (1) year from the date said revocation becomes final and effective. (2000 Code, § 2-113)

8-114. **Federal license, effect of.** The possession of any federal license to sell alcoholic beverages without the corresponding requisite state license, shall in all cases be prima facie evidence that the holder of such federal license is selling alcoholic beverages in violation of the terms of this chapter. (2000 Code, § 8-114)

8-115. **Inspection fee.** There is hereby imposed an inspection fee of five percent (5%) on all gross purchases of alcoholic beverages made by licensees under this chapter. The payment of said fee shall be accompanied by copies of all billings made to licensees by all wholesalers or distributors for said calendar month on a form prescribed by the city manager. Failure to pay said fee and make said report accurately within the time prescribed at the sole discretion of the city manager may be cause for suspension for as many as thirty (30) days, and at the sole discretion of the board of commissioners be cause for revocation of said license. (2000 Code, § 8-115)

8-116. **Regulations for purchase and sale of intoxicating liquors.** The following regulations shall apply in the purchase and sale of intoxicating liquors:

1. It shall be unlawful for any person in this city to buy any alcoholic beverages herein defined from any person who does not hold the appropriate license under this chapter authorizing the sale of said beverages to him.

2. No retailer shall purchase any alcoholic beverages from anyone other than a licensed wholesaler, nor shall any wholesaler sell any alcoholic beverages to anyone other than a licensed retailer.

3. No licensee shall sell intoxicating liquors at retail in connection with any other business or in the same store where any other business is carried on.

4. No retail store shall be located except on the ground floor and it shall have one (1) main entrance opening on a public street, and such place of business shall have no other entrance for use by the public except as hereafter provided. When a retail store is located on the corner of two (2) public streets, such retail store may maintain a door opening on each of the public streets. Provided, however, that any sales room adjoining the lobby of a hotel or other public building may maintain an additional door into such lobby so long as same shall be open to the public, and provided, further, that every retail store shall be provided with whatever entrances and exits may be required by existing or future ordinances.
(5) No holder of a license for the sale of alcoholic beverages for retail shall sell, deliver, or cause, permit, or procure to be sold or delivered, any alcoholic beverages on credit.

(6) No alcoholic beverages shall be sold for consumption on the premises of the seller.

(7) The sale and delivery of alcoholic beverages shall be confined to the premises of licensee, and curb service is not permitted.

(8) To the fullest extent, consistent with the nature of the establishment, full, free and unobstructed vision shall be afforded from the street and public highway to the interior of the place of sale or dispensing of alcoholic beverages there sold or dispensed.

(9) No form of entertainment, including pinball machines, music machines, or similar devices, shall be permitted to operate upon any premises from which alcoholic beverages are sold.

(10) No advertising by licensee, or signs, displays, posters, or designs intended to advertise any alcoholic beverage are permitted within the corporate limits of the City of Goodlettsville, except that a sign, subject to the approval of the city manager, may be erected upon the face of the premises occupied by the licensee.

(11) No retail store shall be located except on the easterly side of North Main Street in the 400 block and on the easterly side of Two Mile Parkway in the 700 block. (2000 Code, § 8-116, as amended by Ord. #14-820, Aug. 2014)

8-117. Canvassers and solicitors prohibited. No holder of a license issued shall employ any canvasser or solicitor for the purpose of receiving an order from a consumer for any alcoholic beverages at the residence or places of business of such consumer, nor shall any such licensee receive or accept any such order which shall have been solicited or received at the residence or place of business of such consumer. This section shall not be construed to prohibit the solicitation by a state licensed wholesaler of an order from any licensed retailer at the licensed premises. (2000 Code, § 8-117)

8-118. Regulation of retail sales. The following regulations shall apply to retail sales:

(1) No retailer shall directly or indirectly operate more than one (1) place of business for the sale of alcoholic beverages, and the word "indirectly" shall include and mean any kind of interest in another place of business, by way of stock ownership, loan, partner's interest, or otherwise.

(2) No retailer shall sell, lend, or give away any alcoholic beverages to any person who is drunk, nor shall any retailer selling alcoholic beverages sell, lend, or give away to any person accompanied by a person who is drunk.

(3) No retailer shall sell, lend, or give away any alcoholic beverages to a person under twenty-one (21) years of age.
(4) No retailer shall sell, lend, or give away any alcoholic beverages between 11:00 P.M. on Saturday and 8:00 A.M. on Monday of each week, and between 11:00 P.M. and 8:00 A.M. Monday through Saturday.

(5) No retailer shall sell, lend, or give away any alcoholic beverages on any day of a general or primary election or upon Christmas or Thanksgiving days.

(6) No retailer of alcoholic beverages shall keep or permit to be kept upon the licensed premises any alcoholic beverages in any unsealed bottles or other unsealed containers. (2000 Code, § 8-118)

8-119. Failure to pay fees. Whenever any of the persons licensed hereunder fails to account for or pay over to the city recorder any license fee or inspection fee, or defaults in any of the conditions of his bond, the city manager shall report the same to the city attorney who shall immediately institute the necessary action for the recovery of any such license or inspection fee. (2000 Code, § 8-119)

8-120. Inspection of books, etc. The city manager is authorized to examine the books, papers, and records of any dealer for the purpose of determining whether the provisions of this chapter are being complied with. Any refusal to permit the examination of any of such books, papers, and records, or the investigation and examination of such premises, shall constitute sufficient reason for the revocation of a license or the refusal to issue a license. (2000 Code, § 8-120)

8-121. Suspension or revocation of license. In addition to any pecuniary penalty, any violation of the terms of this chapter shall make mandatory the suspension of said license by the city manager for thirty (30) days and in the discretion of the board of commissioners may be cause for revocation of said license. (2000 Code, § 8-121)
CHAPTER 2

BEER\(^1\)

SECTION
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\(^1\)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).
8-230. Permit forfeited if permittee is convicted of certain offenses.
8-231. Suspension or revocation.
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8-201. **Definitions.** (1) "Applicant" shall mean the person on whose behalf an application for beer permit is filed.
(2) "Barrel" shall mean thirty-one (31) gallons.
(3) "Beer" means beer, ale or other malt beverages, or any other beverages having an alcoholic content as defined in Tennessee Code Annotated, §57-5-101(b), and any amendments thereto to become effective in the future; provided, however, that no more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other non-beverage ingredients containing alcohol.
(4) "Beer board or board" means that administrative body organized and empowered under the authority of Tennessee Code Annotated, §57-5-106.
(5) "Certified clerk" shall mean a clerk who has successfully satisfied the training requirements contained in this part, or who has received certification from a responsible vendor training program.
(6) "Clerk" shall mean any person working in a capacity to sell beer directly to consumers for off-premise consumption.
(7) "Commission" shall mean the Tennessee Alcoholic Beverage Commission.
(8) "Craft beer enterprise" shall mean a craft beer business whose primary business is the retail sale of craft beer.
(9) "Craft beer" shall mean beer manufactured by breweries with an annual production of six million (6,000,000) barrels or less.
(10) "Growler" shall mean a refillable rigid glass, plastic, aluminum or stainless steel container with a flip-top or screw-on lid that is no larger than two (2) liters (0.5283 gallons) into which craft beer is prefilled, filled or refilled for off-premises consumption.
(11) "Hotel/motel" shall mean any establishment which meets any definition found in Tennessee Code Annotated, §57-4-102 (20).
(12) "Manufacture" shall mean producing beer at a rate of at least two hundred (200) barrels each calendar year on the licensed premises.
(13) "Meals" shall be defined as any of the following:
   (a) Food sold in a heated state or heated by the seller;
   (b) Two (2) or more food ingredients mixed or combined by the seller for sale as a single item.
   (c) Food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins or straws.
   A plate does not include a container or packaging used to transport the food; or
(d) Non-alcoholic beverages, except for beverages sold in unopened containers to be consumed off-premises.

(14) "Outdoor venue" shall mean an outdoor location which does not meet the definition of premises as defined in § 8-201(19). It may or may not be on a separate non-adjacent parcel. It must be appropriately zoned for commercial activity.

(15) "Package retail sales" shall mean the sale of beer bottled or packaged at the manufacturer's or wholesaler's location and transported to the retail establishments.

(16) "Permit" shall mean any permit issued pursuant to this article.

(17) "Permittee" shall mean any person to whom any permit has been issued pursuant to this article.

(18) "Person" shall mean any private individual, partnership, joint venture, corporation, and any other business entity or association.

(19) "Premises" shall mean contiguous property owned, leased, or controlled by the permittee and so connected with the beer business in which the permittee is engaged as to form a component or integral part of it, including, but not limited to, the building and the parking areas surrounding it. Premises includes all decks, patios and other well-defined outdoor serving and consuming areas that are contiguous to the exterior of the building in which the business is located and that are operated by the business identified in the permit. A permit shall be valid for all decks, patios and other well-defined outdoor serving areas that are contiguous to the exterior of the building in which the business is located; that are operated by the business and only for a business operating under the name identified in the permit.

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

(21) "Responsible vendor training program" shall mean a training program related to the responsible sale of beer which has met all the statutory and regulatory requirements set forth in Tennessee Code Annotated, §57-5-601 et seq.

(22) "Restaurant" shall mean a business establishment whose primary business is the sale of prepared food to be consumed on the premise.

(23) "Storage" shall mean the storing or possessing of beer for the purpose of resale by the permit holder.

(24) "TABC" shall mean the Tennessee Alcoholic Beverage Commission.  

25) "The pronouns he, him and his" shall refer to persons of the female, as well as the male, gender, as applicable. (2000 Code, § 8-201, as replaced by Ord. #15-847, Sept. 2016)

8-202. Beer board created; powers. A beer board is hereby created for the City of Goodlettsville and named the Goodlettsville Beer Board. The board
shall have such power and authority as set forth in Tennessee Code Annotated, § 57-5-101, et seq. and shall have the absolute authority to issue permits for the sale of beer and to revoke the said permits duly issued for violation of any ordinance of the city or any governmental agency within Davidson County, Tennessee, and Sumner County, Tennessee, or for such cause as the board may consider necessary to promote the public health, morals and safety of the citizens of the City of Goodlettsville, Tennessee. (2000 Code, § 8-202, as amended by Ord. #04-646, Aug. 2004, modified, and replaced by Ord. #15-847, Sept. 2016)

8-203. Membership, appointment and compensation; removal of members and filling of vacancies. The Goodlettsville Beer Board shall consist of five (5) members who are residents of the City of Goodlettsville, one (1) of whom is a member of the board of commissioners to be appointed by the mayor and approved by the board of commissioners. Board members shall serve without compensation. They shall serve for terms of three (3) years. Any vacancy on the board for any reason shall be filled in the same manner as the previous appointment, and the individual so appointed will serve out the unexpired term. (2000 Code, § 8-203, as replaced by Ord. #15-847, Sept. 2016)

8-204. Issuance of permits by beer board. (1) The beer board is vested with full and complete authority to issue permits, which permits shall be issued only for locations which are within a commercially zoned area as indicated on the then current and applicable zoning map at the time the application is made, for the sale, storage, and warehousing of beer for on-premises consumption and off-premises consumption.

(2) The beer board may in its discretion issue a contingent permit to an applicant who has not yet met all of the requirements of this chapter for issuance of a permit. A contingent permit shall expire six (6) months from the date of issuance if all requirements of this chapter have not been satisfied, unless the board in its discretion grants a further extension of time. (2000 Code, § 8-204, as replaced by Ord. #15-847, Sept. 2016)

8-205. Permits for the manufacture of beer. Permits for the manufacture of craft beer shall be issued in accordance with the general requirements of this chapter. A manufacturer of beer can further apply for permits for retail sale for on-premises and/or off-premises consumption. Documentation by the manufacturer of the number of barrels produced each calendar year may be required. (2000 Code, § 8-205, as amended by Ord. #10-750, Oct. 2010, as replaced by Ord. #15-847, Sept. 2016)

2-206. Permits for the sale of beer. There are two (2) types of permits and each type has classes of permits within the type. The two (2) types of permits the beer board may issue are:
(1) A retailer's "off-premises" permit shall be issued for the sale of beer only for the consumption off the business premises in accordance with the provisions of this chapter.

(2) A retailer's "on-premises" permit shall be issued to any business engaged in the sale of beer where the beer is to be consumed by the purchaser or his guests upon the premises of the seller. A retailer's "on-premises" permit may be issued only for use in connection with these establishments defined in §§ 8-211 through 8-220 below.

A business can sell beer for both on-premises and off-premises consumption at the same location if otherwise permitted by law and this ordinance. Each type and class of permit is deemed to be a separate permit and requires a separate application processing fee. If the character of the establishment changes from the classification under which a permit was originally issued, the permittee will be required to obtain a new permit to conform to the type of establishment being operated by the permittee. (2000 Code, § 8-206, as amended by Ord. #15-831, Feb. 2016, and replaced by Ord. #15-847, Sept. 2016)

8-207. Permit required for engaging in beer business. It shall be unlawful for any person or entity to sell, store for sale, distribute for sale or manufacture beer without first making application to and obtaining a permit from the beer board pursuant to Tennessee Code Annotated, § 57-5-103. The application shall be made on such forms as the board shall prescribe and/or furnish, and shall be accompanied by a non-refundable application fee of five hundred dollars ($500.00). Said fee shall be in the form of cash, cashier's check, or company check made payable to the city. Each person signing an application must be a person of good moral character and certify that he has read and is familiar with the provisions of this chapter. For purposes of this chapter, "entity" means a firm, partnership, limited liability company, corporation, joint stock company, syndicate, association or any other legal entity whatsoever. (2000 Code, § 8-207, as replaced by Ord. #15-847, Sept. 2016)

8-208. Qualifications for permit. In order to qualify for a permit to sell beer, an applicant must fully satisfy, comply with and adhere to the following qualifications and criteria for the applicant and location for the sale of beer:

(1) No sale of such beverages shall be made except in accordance with the permit granted.

(2) Neither the applicant nor any persons employed or to be employed by the applicant in such distribution or sale of such beverages shall have ever been convicted of any violation of law regarding the prohibition, sale, possession, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.

(3) The applicant shall not have had a license for the sale of alcoholic beverages of any kind or nature revoked by any city, county, or state.
(4) The property upon which the business is operating is located in a zoning district approved for such use.

(5) The applicant shall execute an authorization enabling the city to receive from each and every wholesale supplier to the permittee, the dollar value and amounts of beer sold by the wholesaler or distributor to the permittee, at such time or times as the city may request such information. This authorization shall be in full force and effect during the entire time of the permit.

(6) The applicant shall not make a false statement in his application for any beer permit. Such a statement shall be cause for immediate revocation of the permit. (2000 Code, § 8-208, as replaced by Ord. #15-847, Sept. 2016)

8-209. **Minimum distance from dwellings, etc.** (1) No beer permit shall be issued to an applicant whose location is less than one hundred feet (100') from a building containing one to four (1 - 4) residential dwelling units (dwelling), a church, a park, a playground, a school, a State of Tennessee licensed day care center (day care center) or a nursery with the exception that there shall be no distance requirement between a permit location and any church, school, day care center or nursery that is established on or after January 1, 2011 that is located within a Core Commercial (CC), Commercial General (CG), Commercial Service (CS), Commercial Service Limited (CSL), Office Professional (OP) or Commercial Core Overlay (CCO) zoning district. The date on which a church, school, day care center or nursery is established will be the date of the certificate of occupancy for new construction or the date of the approved life safety inspection for existing structures.

(2) In determining the distance from a park or playground, the distance shall be measured in a straight line from the nearest point of the property boundary of the park or playground in a straight line to the center of the nearest main entrance of the applicant's facility. The distance from a dwelling, church, school, day care center and nursery shall be measured in a straight line from the nearest point of the structure of any dwelling, church, school, day care center, nursery or church to the center of the nearest main entrance of the applicant's facility. The applicant may be required to provide the documentation that the distances have been measured and certified by a professional engineer or registered surveyor and recorded on a drawing prepared by the engineer or surveyor and made available to the board at the expense of the applicant.

(3) The distance from a dwelling and the means and method of measuring such distance provided for herein shall not apply to locations holding permits prior to the adoption of the provisions of this chapter, nor to the renewal of such permits, but shall apply to permits issued after the adoption of the provisions thereof. The distance shall also not apply to an applicant for an on-premises permit whose location is a part of a planned unit development as defined by the Goodlettsville Zoning Ordinance and approved as a part of a master plan which includes residential and community facility activities
developed as a planned community. The provisions regarding the distance requirement to licensed day care centers and nurseries shall not apply to permittees holding a permit issued prior to the approval date of the provisions of this chapter and in violation of such provisions; provided renewal of such permits shall only be granted to those permittees as defined in this chapter holding valid permits on the effective date of the provisions of this chapter and to transferees or such permittees, who were operating under valid permits prior to the location of such licensed day care center or nursery within two hundred fifty feet (250') thereof.

(4) Nothing in this section shall be interpreted to allow the city to revoke, suspend, or deny a permit to a business selling, distributing, or manufacturing beer on the basis of its proximity to a church, school, or other place of public gathering if valid permit has been issued to the business prior to January 1, 1993. However, if beer is not sold at such a business for six (6) continuous months the protection provided herein ceases to apply. (2000 Code, § 8-209, as amended by Ord. #10-750, Oct. 2010, and replaced by Ord. #15-847, Sept. 2016)

8-210. Requirements to maintain any permit issued under this section. The following requirements shall be met at all times to maintain a permit issued by the city beer board.

(1) A permit holder shall not:
   (a) Operate a disorderly place.
   (b) Permit boisterous or disorderly conduct on the premises.
   (c) Sell or allow to be sold on the premises of the permittee, beer to any person using food stamps issued pursuant to state or federal law for the purchase of such beer.

(2) Hours and days of operations. It shall be unlawful to offer for sale or sell beer within the corporate limits of the city between the hours of 3:00 A.M. and 10:00 A.M. on Sunday and between the hours of 3:00 A.M. and 6:00 A.M. Monday through Saturday.

(3) Sales to minors or intoxicated persons. It shall be unlawful to sell or offer to sell beer to a person under the age of twenty-one (21) years or to a person who is visibly intoxicated.

(4) Sexually-oriented establishments prohibited. Alcoholic beverages shall not be sold or consumed on the premises of any sexually-oriented business as defined in the Goodlettsville Zoning Ordinance, or on the premises of any "adult-oriented establishment" as defined in Tennessee Code Annotated, § 7-51-1102 (6).

(5) Condition of premises generally. No retailer's permit shall be granted to any person whose premises are not neat, clean and in good repair, both inside and outside. The premises shall at all times be free from litter, weeds, trash and other forms of debris. Any tires, old appliances, motor vehicle
parts, tools, equipment or other similar materials shall not be displayed openly on the premises but must be stored inside an opaque enclosure.

(6) Inspection of beer businesses. The city manager, assistant city manager, members of the beer board and staff authorized by the city manager shall have the right to inspect at any and all times the entire premises and property where or upon or in which the beverages regulated by this chapter are sold, stored, transported or otherwise dispensed or distributed or handled, whether at retail or wholesale, in the city for any law violations.

(7) Continually operate the business. Any person who holds a permit shall continuously operate the business, and if any permit holder either voluntarily or involuntarily fails or refuses to carry on the business for a period of sixty (60) days, then said permit shall be revoked. Any such establishment for which two (2) consecutive months or for any three (3) months in any calendar year does not meet the established minimums of non-alcoholic sales shall have their permit revoked.

(8) Properly pay all taxes, fees, and charges. All property taxes, license fees or other charges owed by the permittee, or by the owners of the permittee, to the City or Davidson or Sumner County, Tennessee, must be kept current throughout the term of the license. This requirement shall not apply to the owners of a permittee that is a publicly held company.

(9) Maintain property in compliance with all state, county, and city regulatory requirements. The premises upon which the permit is granted shall at all times be in compliance with city zoning ordinances, and with all fire, health, safety and building codes of the city and/or the State of Tennessee.


8-211. Failure to maintain requirements. Failure on the part of any permittee to observe the requirements of this chapter after issuance of a permit shall constitute grounds for suspension or revocation of the permit. (2000 Code, § 8-211, as replaced by Ord. #12-778, May 2012, amended by Ord. #14-811, and replaced by Ord. #15-847, Sept. 2016)

8-212. On-premise consumption permits defined. The following classes of permits for on-premises consumption are established.

(1) Restaurant;
(2) Craft beer establishment;
(3) Hotel/motel;
(4) Caterer;
(5) Golf course; and
(6) Special venue.

Definitions for each of the classes are established in the section dedicated to the requirements and restrictions of each class. (2000 Code, § 8-213, as replaced by Ord. #15-847, Sept. 2016)
8-213. **Classification of existing permits.** All beer permits now issued and outstanding will be classified and placed in its appropriate category, and the holders of said beer permits shall be so notified, along with a copy of this ordinance. (Ord. #08-706, March 2008, as replaced by Ord. #15-847, Sept. 2016)

8-214. **Restaurant classification requirement and restrictions.**

1. An establishment must meet the restaurant requirements of Tennessee Code Annotated, § 57-4-102(29)A.

2. In the event that a restaurant contains a bar or bar area, food service shall be equally available to the bar and bar area as it is in other areas of the restaurant.

3. An establishment shall be eligible for a permit as a restaurant only if more than fifty percent (50%) of the gross revenue of the restaurant is generated from the serving of meals. Any such establishment for which two (2) consecutive months or for any three (3) months in any calendar year has fifty percent (50%) or less of its gross revenue from the serving of meals shall have its beer permit revoked.

4. Have a minimum of eighty (80) seats in which eighty percent (80%) must be in the interior of the building under a permanent roof and enclosed on all sides. The remaining twenty percent (20%) may be in an open air or patio area as permitted by subsection (5). Seats are to be counted by individual chairs or in the use of bench seats, twenty-two inches (22") would equal one (1) seat. Bench seats should not protrude past table edges. In case of any outdoor seating, the outdoor seating area must be accessible from the inside of the restaurant or eating place and the outdoor seating area must have some type of permanent enclosure around it, such as a wall or fencing. All table and chair locations are to meet all building, fire and life safety codes and regulations.

5. A permittee having this category of license shall be allowed to sell and serve on a patio or open air area, for which access is provided only by going through the interior of the building. The patio or open air area shall be enclosed by a permanent fence, railing, or similar structure, a minimum of forty-two inches (42") in height, which obstructs normal walking access to the patio or open air area, except by entry through the interior of the building. The fence, railing, or other structure shall have at least one (1) emergency exit, to be opened only in the event of an emergency and so marked, which will emit an audible sound, such as a bell, siren or other like sound, when the emergency exit is opened. Additional such exits may be required depending on the size of the fenced area, as specified in the Goodlettsville Fire Protection Ordinance.

6. Within thirty (30) minutes from the time that sale of beer has ceased as required by§ 8-210(b), all containers, glasses or other vessels of any type which have been used for serving and consumption of beer shall be removed by the permittee from the area or areas where the beer had been consumed and shall be placed in areas not for access by patrons of the establishment. (as added by Ord. #15-847, Sept. 2016)
8-215. Hotel/motel classification requirements and restrictions.

(1) It shall be lawful for the beer board to issue a permit for the sale of beer to hotels, motels, or inns, subject to the limitations and restrictions contained in the state law and the rules and regulations contained in the permit required by this chapter.

(2) Permits may be issued under this section to hotels, motels, or inns for sale and consumption on the premises in rooms where meals or lunches are served, all enclosed areas of the hotel/motel and in guests' rooms.

(3) Beer also may be sold and dispensed to adult guests only through locked, in-room units.

(4) Beer sold from a "convenience store" located within the confines of the sight and oversight of a paid employee may only be sold for consumption on the premises and to a guest of the hotel.

(5) The permittee is responsible for verifying the age and guest status of the purchaser.

(6) In the case of locked in-room units, a key separate from that used to enter the room shall be supplied and no person under the age of twenty-one (21) shall be issued or supplied with such a key. (as added by Ord. #15-847, Sept. 2016)

8-216. Craft beer enterprise requirements and restrictions.

(1) A craft beer enterprise shall meet the definition found in § 8-201.

(2) A craft beer enterprise may exist without a corresponding city manufacturing permit.

(3) A craft beer enterprise shall be required to have no less than thirty-four percent (34%) of the gross revenue of the enterprise generated from the serving of meals.

(4) Have a minimum of eighty (80) seats in which eighty percent (80%) must be in the interior of the building under a permanent roof and enclosed on all sides. The remaining twenty percent (20%) may be in an open air or patio area as permitted by subsection (5). Seats are to be counted by individual chairs or in the use of bench seats, twenty-two inches (22") would equal one (1) seat. Bench seats should not protrude past table edges. In case of any outdoor seating, the outdoor seating area must be accessible from the inside of the restaurant or eating place and the outdoor seating area must have some type of permanent enclosure around it, such as a wall or fencing. All table and chair locations are to meet all building, fire and life safety codes and regulations.

(5) A permittee having this category of license shall be allowed to sell and serve on a patio or open air area, for which access is provided only by going through the interior of the building. The patio or open air area shall be enclosed by a permanent fence, railing, or similar structure, a minimum of forty-two inches (42") in height, which obstructs normal walking access to the patio or open air area, except by entry through the interior of the building. The fence, railing, or other structure shall have at least one (1) emergency exit, to be
opened only in the event of an emergency and so marked, which will emit an audible sound, such as a bell, siren or other like sound, when the emergency exit is opened. Additional such exits may be required depending on the size of the fenced in area, as specified in the Goodlettsville Fire Protection Ordinance.

(6) Within thirty (30) minutes from the time that sale of beer has ceased as required by § 8-210(b), all containers, glasses or other vessels of any type which have been used for serving and consumption of beer shall be removed by permittee from the area or areas where the beer had been consumed and shall be placed in areas not for access by patrons of the establishment. (as added by Ord. #15-847, Sept. 2016)

8-217. **Caterer classification requirements and restrictions.**

(1) Meet the requirements of *Tennessee Code Annotated*, § 57-4-102(6) as a "caterer."

(2) Beer may be sold for consumption only at the permanent catering hall of the caterer or at a site for which the caterer has given advance notice to the city clerk.

(3) Only employees of a licensed caterer may serve beer at any event, whether at the caterer's designated premises or a remote venue.

(4) No caterer may provide only alcohol without meals present and available for consumption at any catered event. (as added by Ord. #15-847, Sept. 2016)

8-218. **Golf courses classification.** Proprietors of golf courses, on-premises shall mean within the building or on any decks, patios and other outdoor serving areas that are contiguous to the exterior of the building and/or the course. Where on premises consumption is permitted on a golf course, beer may be purchased either at the restaurant, club house or from a beverage cart. (as added by Ord. #15-847, Sept. 2016)

8-219. **Special venue classification.** The special venue classification is a conditional permit issued by the beer board, which has requirements and restrictions based on the unique issues created by the location and type of use of the applicant.

A Special Venue is defined as:

(1) A single premises in a permanent location affixed to the earth whose area is defined by a foundation, permanent fencing, or permanent surfacing.

(2) The primary purpose of the premises cannot be for the sale of goods at either retail or wholesale.

(3) The serving of food is not a requirement.

(4) The establishment does not qualify for any other classification or permit.
(5) The premises is defined as eligible to receive a permit to serve alcoholic beverages, in Davidson County or Sumner County, under Tennessee Code Annotated, chapter § 57-4-101 or is property currently owned in whole or in part by the city, and it is deemed appropriate that it have the right to sell beer. (as added by Ord. #15-847, Sept. 2016)

8-220. Special venue permit process. (1) An establishment wishing to receive a special venue permit shall make application to the city's beer board through its assigned representative on a special venue application provided by the city. The application shall provide all information required of any other application for an on-premises permit. Additionally, the applicant shall state why a special venue permit is required, as opposed to a more generally classified permit, as well as the specifics of how, where, and when the beer will be served.

(2) The beer board will meet to consider the application and cause a finding to be made as to whether the applicant is entitled such a permit. They may at that time also include such conditions, requirements and restrictions as they deem necessary for the safe and prudent sale of beer in the location identified as "special venue." (as added by Ord. #15-847, Sept. 2016)

8-221. Existing venues holding a specifically named on-premises consumption permit. Any venue holding an on-premises consumption permit at the time of the adoption of this ordinance, but not fitting into one of the other permit classes shall receive a special venue permit with such conditions that were imposed under the previously codified ordinance as of the date of the adoption of this ordinance.

All beer permits now issued and outstanding will be classified and placed in an appropriate category under this ordinance, and the holders of said beer permits shall be so notified and shall be provided a copy of this ordinance. (as added by Ord. #15-847, Sept. 2016)

8-222. Outdoor venue approval (special event). Beer may be sold on a temporary basis at an outdoor venue by businesses holding an on-premises permit under the following conditions:

(1) The location meets the Tennessee Alcoholic Beverage Commission's requirements for alcoholic service.

(2) An application has been submitted to the city clerk for the location and dates where the beer will be sold or provided.

(3) The permit fee of two hundred fifty dollars ($250.00) per application has been paid and a fee of fifty dollars ($50.00) per day of event.

(4) The city has adopted administrative policies that govern the process, timing, rules, and review procedures for outdoor venues. Copies of said policies shall be made available to all holders of permits for on-premises consumption. (as added by Ord. #15-847, Sept. 2016)
8-223. **Off-premises consumption sales.** The following classes of permits for off-premises consumption are established.

(1) Package retail sales;
(2) Growler sales. (as added by Ord. #15-847, Sept. 2016)

8-224. **Package retail classification requirements and restrictions.** (1) The monthly off-premises package retail beer sales of any establishment that holds an off-premises permit shall not exceed twenty-five percent (25%) of the gross sales of the establishment.

(2) The permittee shall not allow the sale of beer by way of a drive-in and/or a drive through window. (as added by Ord. #15-847, Sept. 2016)

8-225. **Growler classification requirements and restrictions.**

(1) A growler permit may be held by the holder of any other on-premises or off-premises permit holder. A growler permit may not be the only permit held by a permittee.

(2) Holders of the growler permit may fill or refill growlers on demand with beer for off-premises consumption provided the label as required by this section is affixed to the growler.

(3) Each growler must be securely sealed and removed from the premises in its original sealed condition. Each growler shall bear a twist-type closure, cork, stopper, or plug. At the time of the sale and/or refilling, a paper or plastic adhesive band, strip, or sleeve shall be applied to the container or bottle and extend over the top of the twist-type closure, cork, stopper, or plug forming a seal that must be broken upon opening of the container or bottle. The adhesive band, strip, or sleeve shall bear the name and address of the business filling the growler. The containers or bottles shall be labeled as a craft beer, contain the name of the beer, and bear the name, address and telephone number of the business selling the beer. Any known allergens shall also be included on any label.

(4) Growlers must be filled in a manner that is sanitary and meets all applicable food and alcohol handling laws and standards.

(5) Consumption of the contents of any growler on the premises where it was filled is strictly prohibited. However, the license may provide free samples of any beer on tap. Each such sample shall not exceed one (1) fluid ounce.

(6) Sales of growlers shall be limited to the legal hours during which the licensee may sell such alcoholic beverages and must be removed from the premises before the applicable closing time. (as added by Ord. #15-847, Sept. 2016)

8-226. **Prohibited acts pertaining to beer and beer places.** It is unlawful for any beer permit holder or his agent or employee:
(1) To employ any person convicted for the possession, sale, manufacturing or transportation of intoxicating liquor or any crime involving moral turpitude within the past ten (10) years;

(2) To employ any person that has been released from incarceration within the past ten (10) years for conviction of any crime involving moral turpitude. For purposes of this subsection, "moral turpitude" means premeditated murder, all sex related crimes, the illegal sale of Schedule I and II controlled substances, and crimes of fraud and embezzlement.

(3) To make or permit to be made any sale of beer to a person under twenty-one (21) years of age;

(4) To sell, give away, or allow beer to be consumed on any premises granted a permit under this chapter from 3:00 A.M. to 6:00 A.M. on weekdays and from 3:00 A.M. to 10:00 A.M. on Sundays;

(5) To allow any person under eighteen (18) years of age hereafter referred to as a minor to loiter or congregate about the premises. The burden of ascertaining the age of minor persons shall be on the permit holder and his agent or employee. When a minor is seated at a table, there shall be no beer served at the table unless such minor is accompanied by one or both of his parents, but only if served in conjunction with food;

(6) To make false statement of a material fact in his application for any beer permit;

(7) To operate a disorderly place;

(8) To knowingly allow beer to be passed from a lawful purchaser or possessor to any individual under the age of twenty-one (21) years of age for consumption on the premises of the permit holder. The burden of ascertaining the age of persons who may not lawfully possess beer shall be on the permit holder and his agent or employee;

(9) For a retailer to knowingly sell to a lawful purchaser who purchases beer for consumption by an individual under the age of twenty-one (21) years of age. The burden of ascertaining the age of persons who may lawfully possess beer shall be on the permit holder and his agent or employee;

(10) To permit boisterous or disorderly conduct on the premises;

(11) To sell or transfer the equipment or assets of the business authorized by his permit to another for the purpose of continuing the business on the same premises, unless he shall notify the board in writing immediately upon such sale or transfer, and unless he shall give the name and address of the purchaser within said notice. A beer permit holder shall surrender his license to the board within thirty (30) days after the sale or transfer is consummated;

(12) Make or allow any sale to any intoxicated person or to any mentally challenged, insane or otherwise mentally incapacitated person;

(13) Any intoxicated person to loiter on or about the premises;

(14) For a retailer or wholesaler, to store beer in any place other than the address listed on the permit;
(15) To sell or allow to be sold on the premises of the permittee beer to any person using food stamps issued pursuant to state or federal law for the purchase of such beer;
(16) To allow gambling or gambling devices of any kind or description contrary to state law on the premises;
(17) To allow solicitation for purposes of prostitution on the premises;
(18) To allow or engage in any criminal activity on the premises. (as added by Ord. #15-847, Sept. 2016)

8-227. Application for permit authorizing the sale of beer.
(1) Before any permit is issued by the beer board, the applicant shall make payment of a nonrefundable application fee in the sum of five hundred dollars ($500.00) to the city and file with the board a written application, under oath, containing the following information:
   (a) The name of the applicant
   (b) The residential and business address of the applicant. If the person applying for the permit is acting as agent for another person or entity, the name and address of such other person or entity shall be listed.
   (c) The owner or owners of the place of business must provide a copy as recorded in the Davidson or Sumner County Register of Deeds office of the deed for the property evidencing ownership of the premises upon which the sale of beer will be conducted. If the premises are subject to a lease or rental agreement, a copy of all executed documents evidencing the right to use the premises must be submitted with the application. A copy of the current lease or rental agreement must be kept on file with the board at all times. If a lease or rental agreement is renewed, a copy of the renewed lease or rental agreement must be provided to the board.
   (d) A valid copy of the applicant's Tennessee Department of Revenue sales and use tax certificate of registration.
   (e) An authorization for criminal history inquiry form must be provided for each person having at least five percent (5%) ownership interest in the business, along with a copy of each such person's driver's license. All criminal history checks are to be paid by the applicant.
(2) An application shall become null and void if it is not presented to the board at a public meeting within three (3) months after the application is filed, or if another application for a permit for the same location is approved before the application is presented to the board at a public meeting. (as added by Ord. #15-847, Sept. 2016)

8-228. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars ($100.00). Any person or entity engaged in the sale,
distribution, storage or manufacture of beer shall remit the tax on January 1, 1994, and each successive January 1, to the city. At the time each new permit is issued to any business subject to this tax, the permittee shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date.

The annual privilege tax notice of payment due shall be mailed to the permittee no later than thirty (30) days prior to January 1 of each year. Notice shall be mailed to the address specified by the permittee on the permit application. The annual privilege tax shall be payable and due no later than January 31 of each year. If a permittee does not pay the privilege tax by January 31 of each year, then the city shall notify the permittee in writing, either by certified mail or by hand delivery by a member of the city police department, which the privilege tax is past due. If a permittee does not pay the tax within ten (10) days after receiving notice of it delinquency, then the permit shall automatically become revoked and void and any further sales of the licensed beverage after that time shall be illegal and in violation of the city beer ordinance. (as added by Ord. #15-847, Sept. 2016)

8-229. Permits not transferable—cessation of business—relocation—name change—change of ownership. (1) Except as set forth in subsection (2) below, a permittee must return a permit to sell beer to the city clerk within fifteen (15) days of termination of the business, change in ownership, relocation of the business, or change of the business names. The provisions of this section regarding change in ownership shall not apply to a permittee that is a publicly held company. If the permittee is an entity other than a publicly held company, a change in ownership shall occur, for purposes of this chapter, when control of at least fifty percent (50%) interest, whether it be stock or otherwise, in the entity is transferred to a new owner. Notwithstanding the failure to return a beer permit, as provided herein, a permit shall expire on the date of termination of business, change of ownership, relocation of the business, or change of the business name.

(2) In the event that there is a change of ownership, as defined above, the new owner shall be allowed to make beer sales under a temporary permit until the next scheduled beer board meeting, provided that the new owner has filed with the beer board a completed application for a permit and prior permittee has not surrendered its permit and states in writing to the city clerk that the new owner shall be allowed to operate under the prior permit until the beer board acts on the new owner's application. Immediately upon the beer board's acting on the new owner's application, the prior permit shall terminate and the prior permittee shall immediately surrender that permit to the city clerk. Should the prior permittee fail to immediately surrender the permit to the city manager, the prior permittee shall not be eligible to apply for a beer permit within the city for a period of six (6) months thereafter. Any violation of any part or provision of this chapter by the new owner/applicant while the application is
pending shall automatically result in the application being denied and the applicant shall not be eligible to apply for a beer permit within the city for a period of six (6) months.

(3) In the event that there is a change of business name, the owner shall be allowed to make beer sales under the existing permit until the next scheduled beer board meeting, provided that owner has filed with the beer board a completed application for a new permit. Any violation of any part or provision of the city's beer ordinance by the owner/applicant during the period the application is pending shall automatically result in the application being denied and the applicant shall not be eligible to apply for a beer permit within the city for a period of six (6) months thereafter. (as added by Ord. #15-847, Sept. 2016)

8-230. Permit forfeited if permittee is convicted of certain offenses. Any permittee who, after obtaining a permit, is convicted by any court of competent jurisdiction of violating any of the laws regarding possession, sale, manufacture, and/or transportation of intoxicating liquor or other alcoholic beverages, or of any crime involving moral turpitude, shall immediately upon conviction forfeit the permit without further action by the beer board. (as added by Ord. #15-847, Sept. 2016)

8-231. Suspension or revocation. The beer board is vested with the full and complete power and authority to suspend, cancel, or revoke permits to sell beer upon the following grounds:

(1) Any violation of the provisions of this chapter.

(2) Any violation of any law of the State of Tennessee, now in existence or hereinafter adopted, regulating the sale, manufacture or distribution of beer.

(3) Any violation of the provisions of the laws of the State of Tennessee, now in existence or hereinafter enacted, regulating the sale, manufacture or distribution of beer.

(4) Any violation of the provisions of title 57, chapter 4, Tennessee Code Annotated, regarding the consumption of alcoholic beverages on premises, to the extent permitted by the provisions of said title 57. (as added by Ord. #15-847, Sept. 2016)

8-232. Procedure. (1) When the beer board has reason to believe that any permittee has violated any of the provisions of this chapter or any provision of state law regarding regulating the sale, manufacture or distribution of beer, the board is authorized in its discretion to notify the permittee of the violation in writing and to give notice that the permittee must appear and show cause why the permit should not be suspended or revoked for the alleged violations. The notice to appear and show cause shall state the nature of the violation and shall be served upon the permittee either by certified mail or by a member of the city police department. The notice shall be served on or mailed to the permittee at least ten (10) days before the date scheduled for the hearing. The Beer Board shall, at the public hearing, allow evidence to be presented on behalf of the holder of the permit and thereafter, in its discretion, either dismiss the charges or complaint, or suspend or revoke the permit. The action of the beer
board shall, in all such hearings, be final, subject only to review by a court of
competent jurisdiction as provided by state law. When a permit is revoked, no
new permit for the sale of beer shall be issued hereunder to the permittee, or to
any person or entity having any ownership interest in the permittee, until the
expiration of one (1) year from the date the revocation becomes final. If any
permittee has its beer permit revoked for a second time for the violation of the
provisions of this chapter or state law, then that permittee shall not be eligible
to apply for a new permit for a period of three (3) years from the date the
revocation becomes final. If any permittee has its beer permit revoked for a third
violation of the provisions of this chapter or the provisions of state law, then
that permittee shall not thereafter be granted a permit to sell beer within the
corporate limits of the city.

(2) If the state alcoholic beverage commission suspends or revokes a
license to sell alcoholic beverages on the premises at any establishment for any
violation or violations as provided in title 57, chapter 4, Tennessee Code
Annotated, and the commission notifies the beer board by certified mail, return
receipt requested, of the action taken by the Commission, and includes with
such notice the record of evidence and the determination made by the
commission in suspending or revoking the license of establishment, then upon
receipt of such notice, the beer board may temporarily suspend the beer permit
of the establishment and shall:

(a) Schedule a hearing for the next regularly scheduled meeting
of the beer board to be held at least fourteen (14) days following the date
the beer board receives the certified letter to provide an opportunity for
the permit holder to appear and show cause why the permit to sell beer
on the premises should not be suspended or revoked for a violation or
violations as provided in title 57, chapter 4, based on actions taken by the
commission; and

(b) Notify the individual or business entity, which is listed as
the permit holder at the same location where the alcoholic beverage
license had been suspended or revoked, of the date and time of the
hearing.

(3) If the beer board finds at a hearing that a sufficient violation or
violations have occurred as provided in title 57, chapter 4, at such location, then
the beer board may suspend or revoke the permit to the same extent and at least
for the same period of time as the commission has suspended or revoked the
license of the establishment.

(4) If the permit holder fails to appear or decides to surrender the
permit to the beer board in lieu of appearing at the hearing the permit may be
suspended or revoked by the beer board; provided, that if the permit is
suspended or revoked, no permit to sell beer on the premises shall be issued by
the beer board to any person for the location where the commission has
suspended or revoked the license for the period of time included in the decision
of the commission.
(5) Pursuant to Tennessee Code Annotated, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of Tennessee Code Annotated, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under Tennessee Code Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years.

(6) The decision of the beer board is final, and any party aggrieved thereby may appeal the decision of the beer board in accordance with Tennessee Code Annotated, § 57-5-108. (as added by Ord. #15-847, Sept. 2016, and amended by Ord. #18-916, April 2018)

8-233. Civil penalty in lieu of suspension. (1) Definition. "Responsible vendor" means a person, corporation or other entity that has been issued a permit to sell beer and has received certification by the Tennessee Alcoholic Beverage Commission under the "Tennessee Responsible Vendor Act of 2006," Tennessee Code Annotated, § 57-5-601, et seq.

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

The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars ($1,000.00) for each offense of making or permitting to be made any sales to minors or for any other offense.

If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose. (as added by Ord. #15-847, Sept. 2016)

8-234. Loss of clerk's certification for sale to a minor. If the beer board determines that a clerk of an off-premises beer permit holder certified
under *Tennessee Code Annotated*, § 57-5-606 sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board’s determination. (as added by Ord. #15-847, Sept. 2016)
CHAPTER 3

WINERIES

SECTION
8-301. Licenses; qualifications.
8-302. Restrictions on license holders.
8-303. Inspection of books.
8-304. Violations; enforcement.
8-305. Expiration and renewal of license.

8-301. Licenses; qualifications. (1) A winery license shall be authorized for the holder thereof to manufacture but not rectify or fortify alcoholic vinous beverages and the winery license shall authorize the holder to place the substance in containers or bottles.

(2) Such license shall not be issued until there be paid to the city a license fee of five hundred dollars ($500.00).

(3) No winery license shall be issued to individuals who are not residents of the State of Tennessee and have been for at least two (2) years preceding the application. Further, for a period of ten (10) years the person being granted the license must not have been convicted of any felony or any violation of any state or federal laws relating to alcoholic beverages or wine.

(2000 Code, § 8-301)

8-302. Restrictions on license holders. (1) No more than one (1) winery license shall be issued under this chapter.

(2) No winery shall be located except at 665 Long Hollow Pike, Goodlettsville, Tennessee.

(3) The winery shall not sell, lend, or give away any wine to any person who is intoxicated nor shall the winery sell, lend, or give away wine to a person accompanying such an intoxicated individual.

(4) No winery shall sell, lend, or give away any wine to a person under twenty-one (21) years of age.

(5) No winery shall sell, lend, or give away any wine between 11:00 P.M. and 8:00 A.M. on Sunday through Saturday.

(6) Wineries shall be allowed to operate on all holidays with the exception of Christmas and Thanksgiving.

(7) No winery licensed hereunder shall sell or permit to be sold any wine which has been chilled or refrigerated in any manner.

(8) No wine shall be sold for consumption on the premises of the seller.

(9) The sale of wine shall be confined to the premises, and curb service is not permitted.
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(10) The holder of a license shall not sell, assign, or transfer such license to any other person. (2000 Code, § 8-302, as amended by Ord. #03-637, Oct. 2003)

8-303. **Inspection of books.** The city manager is authorized to examine the books and records of any winery to determine its compliance with the terms of this chapter. Any refusal to permit such examination shall constitute sufficient reason for revocation or refusal to issue such license. (2000 Code, § 8-303)

8-304. **Violations; enforcement.** (1) Whenever any of the persons licensed hereunder fails to pay the license fee, inspection fee, or defaults in any of the conditions of his bond, the city manager shall proceed to revoke said license.

(2) Any violation of the terms of this chapter shall be punishable by a fine of not more than fifty dollars ($50.00) and/or a suspension or revocation of the license. (2000 Code, § 8-304)

8-305. **Expiration and renewal of license.** Licenses issued under this chapter shall expire at the end of each year and maybe renewed upon payment of a renewal fee of one hundred dollars ($100.00). (2000 Code, § 8-305)

9-101. "Going out of business" sales. It shall be unlawful for any person falsely to represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (2000 Code, § 9-101)
CHAPTER 2
PEDDLERS, ETC. 1

SECTION
9-201. Permit required.
9-203. Application for permit.
9-204. Issuance or refusal of permit.
9-205. Appeal.
9-206. Bond.
9-207. Loud noises and speaking devices.
9-208. Use for solicitations and displaying, selling, etc., goods and merchandise.
9-209. Exhibition of permit.
9-210. Policemen to enforce.
9-211. Revocation or suspension of permit.
9-212. Reapplication.
9-213. Expiration and renewal of permit.

9-201. Permit required. It shall be unlawful for any peddler, canvasser, solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (2000 Code, § 9-201)

9-202. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (2000 Code, § 9-202)

9-203. Application for permit. Applicants for a permit under this chapter must file with the city recorder a sworn written application containing the following:

1. Name and physical description of applicant.
2. Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.

1Municipal code reference
Privilege taxes: title 5.
9-3

(3) A brief description of the nature of the business and the goods to be sold.

(4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.

(5) The length of time for which the right to do business is desired.

(6) A recent clear photograph approximately two inches (2") square showing the head and shoulders of the applicant.

(7) The names of at least two (2) reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator properly to evaluate the applicant's moral reputation and business responsibility.

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

(9) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.

(10) At the time of filing the application, a fee of five dollars ($5.00) shall be paid to the city to cover the cost of investigating the facts stated therein. (2000 Code, § 9-203)

9-204. Issuance or refusal of permit. (1) Each application shall be referred to the chief of police for investigation. The chief shall report his findings to the city recorder within seventy-two (72) hours.

(2) If as a result of such investigation the chief reports the applicant's moral reputation and/or business responsibility to be unsatisfactory the city recorder shall notify the applicant that his application is disapproved and that no permit will be issued.

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The city recorder shall keep a permanent record of all permits issued. (2000 Code, § 9-204)

9-205. Appeal. Any person aggrieved by the action of the chief of police and/or the city recorder in the denial of a permit shall have the right to appeal to the board of commissioners. Such appeal shall be taken by filing with the mayor within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known
address at least five (5) days prior to the date set for hearing, or shall be
delivered by a police officer in the same manner as a summons at least three (3)
days prior to the date set for hearing. (2000 Code, § 9-205)

9-206. Bond. Every permittee shall file with the city recorder a surety
bond running to the city in the amount of one thousand dollars ($1,000.00). The
bond shall be conditioned that the permittee shall comply fully with all the
provisions of the ordinances of the City of Goodlettsville and the statutes of the
state regulating peddlers, canvassers, solicitors, transient merchants, itinerant
merchants, or itinerant vendors, as the case may be, and shall guarantee to any
citizen of the city that all money paid as a down payment will be accounted for
and applied according to the representations of the permittee, and further
 guaranteeing to any citizen of the city doing business with said permittee that
the property purchased will be delivered according to the representations of the
permittee. Action on such bond may be brought by any person aggrieved and for
whose benefit, among others, the bond is given, but the surety may, by paying,
pursuant to order of the court, the face amount of the bond to the clerk of the
court in which the suit is commenced, be relieved without costs of all further
liability. (2000 Code, § 9-206)

9-207. Loud noises and speaking devices. No permittee, nor any
person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any
sound amplifying device upon any of the sidewalks, streets, alleys, parks or
other public places of the city or upon private premises where sound of sufficient
volume is emitted or produced therefrom to be capable of being plainly heard
upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the
purpose of attracting attention to any goods, wares or merchandise which such
permittee proposes to sell. (2000 Code, § 9-207)

9-208. Use for solicitations and displaying, selling, etc., goods and
merchandise. (1) Except as permitted by other portions of this code, no person
shall use or occupy any portion of the public right-of-way, including any public
street, median, alley or sidewalk for the purpose of:
(a) Storing or exhibiting any goods, merchandise or other
materials.
(b) Selling or attempting to sell any goods, merchandise or other
materials or any services.
(2) No person shall stand on or otherwise occupy any portion of the
public right-of-way, including any public street, median, alley or sidewalk for
the purpose of soliciting or accepting a donation of money or any other item from
the occupant of any vehicle.
(3) No person shall, by means of a sign or other device of any kind, use
or occupy any portion of the public right-of-way, including any public street,
median, alley or sidewalk, to attempt to alert the driver or any occupant of a motor vehicle that is on a street to any commercial activity.

(4) Nothing in this section shall be construed to apply to:
(a) Licensees, lessees, franchisees, permittees, employees or contractors of the city, county or state authorized to engage in inspection, construction, repair or maintenance or in making traffic or engineerings surveys.
(b) Any of the following persons while engaged in the performance of their respective occupations; firefighting and rescue personnel, law enforcement personnel, emergency medical services personnel, health care workers or providers, military personnel, civil preparedness personnel, emergency management personnel, solid waste or recycling personnel; public works personnel or public utilities personnel.
(c) Use of public streets, alleys, sidewalks or other portions of the public right-of-way in areas which have been closed to vehicular traffic for festivals or other events or activities permitted by the city.

(5) Nothing in this section or in any other part of this code shall be construed as prohibiting the sale or distribution of newspapers, magazines, periodicals, handbills, flyers or similar materials, except that:
(a) Such activity shall be prohibited on any portion of any street within the city.
(b) Such materials shall not be handed to the occupant of any motor vehicle that is on a street, nor shall any action be taken which is intended or reasonably calculated to cause the vehicle occupant to hand anything to the person selling or distributing the materials.

(2000 Code, § 9-208, as replaced by Ord. #12-790, Nov. 2013)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (2000 Code, § 9-209)

9-210. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (2000 Code, § 9-210)

9-211. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the board of commissioners, after notice and hearing, for any of the following causes:
(a) Fraud, misrepresentation, or incorrect statement contained in the application for permit, or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant or itinerant vendor.
(b) Any violation of this chapter.
(c) Conviction of any crime or misdemeanor.
(d) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

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

(3) When reasonably necessary in the public interest, the mayor may suspend a permit pending the revocation hearing. (2000 Code, § 9-211)

9-212. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (2000 Code, § 9-212)

9-213. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (2000 Code, § 9-213)
CHAPTER 3
CHARITABLE SOLICITORS

SECTION
9-301. Permit required.
9-302. Prerequisites for a permit.
9-303. Denial of a permit.
9-304. Exhibition of permit.
9-305. Trespassing.

9-301. 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 recorder 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. (2000 Code, § 9-301)

9-302. Prerequisites for a permit. The recorder 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. (2000 Code, § 9-302)

9-303. 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. (2000 Code, § 9-303)
9-304. **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. (2000 Code, § 9-304)

9-305. **Trespassing.** It shall be unlawful and deemed to be a trespass for any permittee acting under this chapter to fail to leave promptly the private premises of any person who requests or directs him to leave. (2000 Code, § 9-305)

9-306. **Violations.** Any person violating any provision of this chapter or making a false or fraudulent statement either in his application for a permit or in the process of making a solicitation shall be subject to the penalty provided for violations of this municipal code. In addition to or in lieu of any pecuniary penalty, if a violator has been issued a permit, his permit shall be cancelled and revoked by the court. (2000 Code, § 9-306)
CHAPTER 4
CABLE TELEVISION

SECTION
9-401. To be furnished under franchise.

9-401. To be furnished under franchise. Cable television service shall be furnished to the City of Goodlettsville and its inhabitants under franchise as the board of commissioners shall grant. The rights, powers, duties and obligations of the City of Goodlettsville and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned. ¹ (2000 Code, § 9-401)

¹Complete details relating to cable television franchise agreements are of records in the office of the city recorder.
CHAPTER 5

MOBILE FOOD VENDORS

SECTION
9-501. Purpose.
9-503. Generally.
9-504. Locations and hours of operation.
9-505. Operating requirements.
9-506. Mobile food vendor permits.
9-507. Food truck rally permits.
9-508. Enforcement.
9-509. Appeals.
9-510. Permit fees.

9-501. Purpose. The city finds that allowing mobile food vendors to operate, subject to practical regulations and limitations, is beneficial to persons living and working within the city. This article recognizes the unique physical and operational characteristics of mobile food vending, establishes standards for mobile food vending operations and promotes practices that serve the health, safety and welfare of the public. (as added by Ord. #17-896, May 2017)

9-502. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Canteen truck" means a vehicle that operates to provide food services to workers at locations where access to such services is otherwise unavailable or impractical (e.g., a construction site); from which the operator sells food and beverages that require no on-site preparation or assembly other than the heating of pre-cooked foods; and is not advertised in any form to the general public except by virtue of signage on the vehicle. Products sold from canteen trucks may include fruits, vegetables, pre-cooked foods such as hot dogs, pre-packaged foods and pre-packaged drinks.

(2) "Commissary" means an establishment or facility in a fixed location that is used for the storage of supplies for a mobile food service vehicle, the preparation of food to be sold or served at a mobile food service vehicle, or the cleaning or servicing of a mobile food service vehicle or the equipment used in conjunction with a mobile food service vehicle.

(3) "Edible food products" means those products that are ready for immediate consumption, including prepackaged food and food cooked, prepared or assembled on-site. The term "edible food products" does not include fresh produce unless the produce has been packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared for consumption.
"Food truck" means a vehicle from which edible food products are cooked, prepared or assembled with the intent to sell such items to the general public, provided further that food trucks may also sell other edible food products and beverages that have been prepared or assembled elsewhere. Food truck operators may market their products to the public via advertising, including social media.

"Food truck rally" means a coordinated and advertised gathering of more than two (2) mobile food service vehicles in one location on a date certain with the intent to serve the public.

"Food truck rally permit" means a permit issued by the city for a food truck rally.

"Ice cream truck" means a vehicle from which the operator sells only pre-packaged frozen dairy or water-based food products and pre-packaged beverages. For purposes of this article, a non-motorized cart from which such products are sold shall be considered an ice cream truck.

"Location" means any single property parcel or any combination of contiguous parcels that are owned or controlled by a single entity or affiliated entities.

"Mobile food service vehicle" means a food truck, canteen truck or ice cream truck and includes any portable unit that is attached to a motorized vehicle and intended for use in the operation of a food truck, canteen truck or ice cream truck.

"Mobile food vendor permit" means a permit issued by the city for the operation of a mobile food service vehicle.

"Operate" means to sell food, beverages, and other permitted items from a mobile food service vehicle and includes all tenses of the word.

"Operator" means any person operating or permitted to operate a mobile food service vehicle.

"Permit administrator" means a person designated by the city manager to oversee the issuance, suspension and revocation of mobile food vendor permits and food truck rally permits.

"Vehicle" means every device in, upon or by which any person or property may be transported or drawn upon a street, including devices moved by human power. (as added by Ord. #17-896, May 2017)

**9-503. Generally.** (1) It is a violation to operate a mobile food service vehicle at any location except in compliance with the requirements of this article.

(2) Mobile food service vehicle operators must comply with all federal, state and local licensing and permitting regulations and all business tax, sales tax and other tax requirements.

(3) The city manager is hereby authorized to promulgate rules and regulations supplemental to the provisions herein for the purpose of carrying out
9-504. Locations and hours of operation. (1) Food trucks.

(a) Right-of-way/public property. Food trucks may not operate within the public right-of-way or on any city property except as may be specifically allowed by the city. When allowed in the public right-of-way, a food truck must be positioned so as to comply with the requirements of § 9-505(2) herein. Food trucks may not operate on property owned by a public entity other than the city unless specifically allowed by such public entity. No unattended food truck shall be left at any time in the right-of-way or parked on any other public property overnight.

(b) Private property. A food truck with a current mobile food vendor permit may operate on private property if allowed as a permitted use under the zoning title of this code, subject to the following conditions:

(i) Permission. Food trucks selling to the public from private property shall have the written permission of the property owner, which shall be made available to the city immediately upon request.

(ii) Unimproved properties. Regardless of any agreement with the owner of the property, a food truck may not operate on an unimproved parcel. For purposes of this section, a parcel is considered "improved" if it contains a building that may be occupied pursuant to applicable building codes.

(iii) Maximum number of food trucks. No more than two food trucks may operate at any location unless a food truck rally permit has been issued.

(iv) Placement on lot. Food truck operations, including any canopies, signage, equipment, and seating areas, may not occupy more than four parking spaces per food truck. Food trucks not parked within designated parking spaces shall not block fire lanes, designated traffic lanes or ingress or egress to or from a building or street.

(c) Restroom facility. Food truck operators operating at a location for a duration of more than three (3) hours must have a written agreement, available upon request by the city, that permits employees to have access to an indoor restroom in a building no more than one hundred fifty feet (150') from the vending location during all hours of operation.

(d) Hours of operation. Food trucks may operate beginning at 7:00 A.M. and ending at 9:00 P.M. unless otherwise restricted by the operator's mobile food vendor permit or by the property owner. The city may permit extended hours of operation for a food truck rally.
(2) **Canteen trucks.** (a) Right-of-way/public property. A canteen truck with a current mobile food vendor permit may operate from the right-of-way adjacent to a clearly delineated location to cater to on-site workers. A clearly delineated location is one in which the boundaries are defined by the use of fencing enclosing the location or where the surrounding area is undergoing construction activity. Canteen trucks may not operate within any other public right-of-way or on any city property except as may be specifically allowed by the city. When allowed in the public right-of-way, a canteen truck must be positioned so as to comply with the requirements of § 9-505(2) herein. Canteen trucks may not operate on property owned by a public entity other than the city unless specifically allowed by such public entity. No unattended canteen truck shall be left at any time in the right-of-way or parked on any other public property overnight.

(b) Private property. A canteen truck with a current mobile food vendor permit may operate on private property within commercial and industrial zoning districts, subject to the following conditions:

(i) Permission. Canteen trucks operating on private property shall have the written permission of the property owner, which shall be made available to the city immediately upon request.

(ii) Unimproved properties. A canteen truck may operate on an unimproved parcel only if the parcel or an adjoining parcel is undergoing construction activity.

(iii) Placement on lot. Canteen trucks shall not block fire lanes, designated traffic lanes or ingress or egress to or from a building or street.

(c) Hours of operation. Canteen trucks may operate beginning at 7:00 A.M. and ending at 6:00 P.M. unless otherwise restricted by the operator's mobile food vendor permit. A canteen truck shall not remain in the public right-of-way for more than one (1) hour during a day.

(3) **Ice cream trucks.** (a) Right-of-way/public property. An ice cream truck with a current mobile food vendor permit may operate from the right-of-way at any one location for no more than fifteen (15) minutes before relocating to another location not less than one-quarter mile from the previous location. When operating in the public right-of-way, an ice cream truck must be positioned so as to comply with the requirements of section § 9-505(2) herein. Ice cream trucks may not operate on any other property owned by the city or another public entity except as may be specifically allowed by the city or other public entity. No unattended ice cream truck shall be left at any time in the right-of-way or parked on any other public property overnight.
(b) **Private property.** An ice cream truck with a current mobile food vendor permit may operate on private property, subject to the following conditions:

(i) **Permission.** Ice cream trucks operating on private property shall have the written permission of the property owner, which shall be made available to the city immediately upon request.

(ii) **Unimproved properties.** Regardless of any agreement with the owner of the property, an ice cream truck may not operate on an unimproved parcel. For purposes of this section, a parcel is considered "improved" if it contains a building that may be occupied pursuant to applicable building codes.

(iii) **Placement on lot.** Ice cream trucks shall not block fire lanes, designated traffic lanes or ingress and egress to and from a building or street.

(c) **Hours of operation.** Ice cream trucks may operate beginning at 11:00 A.M. and ending at sunset unless otherwise restricted by the operator's mobile food vendor permit. (as added by Ord. #17-896, May 2017)

**9-505. Operating requirements.** (1) **Vehicle requirements.** (a) **Design and construction.** Mobile food service vehicles must be specifically designed and constructed for the purpose of preparation and sale of the specific type of food being sold and may not operate in any manner that is not compatible with the purpose for which the vehicle has been designed and constructed.

(b) **Licensing.** Mobile food service vehicles must be licensed and equipped in accordance with the rules and regulations of all local, state and federal agencies having jurisdiction over such vehicles. The preparation and sale of food from mobile food service vehicles must comply with all applicable local, state and federal laws and regulations.

(2) **Right-of-way.** (a) Mobile food service vehicles other than ice cream trucks may not operate, stop, stand or park in any area of the right-of-way that is intended for use by vehicular travel, except in the event of a street closure for a special event. Mobile food service vehicles, including ice cream trucks, may not operate, stop, stand or park that in any way violates the provisions of the title on traffic and vehicles of this code, impedes the flow of traffic, interferes with ingress or egress to or from any property or presents an unsafe condition for patrons, pedestrians or other vehicles.

(b) Mobile food service vehicles shall park facing the same direction as traffic, at a distance of no more than nine inches (9") between the curb face or edge of pavement and with the service window of the vehicle facing the curb or edge of pavement.
When a mobile food service vehicle is allowed to operate in the public right-of-way, no seating area shall be provided, except as permitted in conjunction with a street closure for a special event.

(3) Business access. No mobile food service vehicle may operate in a location that:

(a) Impedes the ingress to or egress from another business or otherwise causes undue interference with access to another business; or
(b) Blocks the lawfully placed signage of another business.
(c) Prevents access to another business by emergency vehicles.

(4) Pedestrians. If on or adjacent to a sidewalk, the components of a mobile food service vehicle's operations, including signage, seating areas and patron queue may not reduce the clear pedestrian path of travel on the sidewalk to less than six feet. All awnings or canopies of the vehicle shall be at least six feet, eight inches (6',8") above the sidewalk.

(5) Distance between units. A mobile food service vehicle may not operate within three feet (3') of any other mobile food service vehicle.

(6) Safety and fire prevention. All cooking, heating and electrical equipment and all cooking practices must comply with applicable safety regulations, including applicable fire and electrical codes and any other safety requirements imposed by the city's fire and rescue department. No cooking equipment other than a heating apparatus compliant with applicable safety regulations may be used in a canteen truck. No cooking or heating equipment may be used in an ice cream truck. All mobile food service vehicles must be equipped with fire extinguishers that are inspected annually and certified as meeting National Fire Protection Association standards. No power cord, cable or equipment shall be extended across any public street, sidewalk or other public property.

(7) Noise. No sounds may be produced by a mobile food service vehicle's operations.

(8) Support methods. No mobile food service vehicle may use stakes, rods or any other method of support that must be drilled, driven or otherwise fixed into or onto asphalt, pavement, curbs, sidewalks or buildings.

(9) Spills. To prevent discharges into waterways, drainage systems or public sewer systems, each food truck shall comply with all stormwater regulations of the city and all regulations regarding prohibited discharges to public sewers. In addition, each vehicle shall have a spill response plan to contain and remediate any discharge from the vehicle.

(10) Waste collection. The area of a mobile food service vehicle operation must be kept neat and orderly at all times. Operation of a mobile food service vehicle in an area is deemed acceptance by the operator of the responsibility for cleanliness of the area surrounding the operations (not less than fifty feet (50') from all parts of the vehicle) regardless of the occurrence or source of any waste in the area. During each period of operation at a location, the operator must provide proper trash receptacles for public use that are sufficient and suitable
to contain all trash generated by the mobile food service vehicle. All trash receptacles must be emptied when full, and all waste must be removed prior to departure of a mobile food service vehicle from a location.

(11) **Pedestrian service only.** Mobile food service vehicles shall serve pedestrians only. Drive-through or drive-in service is prohibited.

(12) **Signage.** Signage for each mobile food service vehicle shall be limited to signs on the exterior or interior of the vehicle and one sandwich board sign. All signs on the exterior of the vehicle shall be secured and shall not project more than six inches (6") from the vehicle. One (1) sandwich board sign may be placed outside the mobile food service vehicle, provided that the base of a sandwich board sign must be placed no further than two feet (2') beyond the mobile food service vehicle. Sandwich board signs shall not exceed eight (8) square feet per side or forty-eight (48") inches in height and shall not obstruct or impede pedestrian or vehicular traffic.

(13) **Alcohol sales.** Food trucks may not sell alcoholic beverages, except as may be specifically allowed by applicable state law and city ordinance. Canteen trucks and ice cream trucks are prohibited from selling alcoholic beverages.

(14) **Insurance.** (a) Mobile food service vehicles must maintain all motor vehicle insurance coverage required by applicable state and federal laws and regulations.

(b) Mobile food service vehicles operating on city property other than the right-of-way shall at all times maintain such further insurance coverage as may be required by the city manager. In the event the required coverage is not properly maintained, permission to operate on city property will be immediately revoked.

(15) **Exterior cooking equipment.** Any food preparation equipment outside of the mobile food service vehicle shall not obstruct vehicular or pedestrian traffic, and the use and operation of such equipment shall not create safety hazards for the public. Food shall not be served to customers directly from any outside food preparation equipment. Any smoker or other exterior equipment that generates heat shall be surrounded with at least three (3) traffic safety cones.

(16) **Commissary.** A commissary, as defined in this article, shall not be located in any residential zoning district unless permitted as a home occupation in compliance with the zoning title of this code. (as added by Ord. #17-896, May 2017)

9-506. **Mobile food vendor permits.** (1) **Required.** The designated permit administrator shall oversee the issuance, suspension and revocation of mobile food vendor permits. No mobile food service vehicle may operate within the city without a mobile food vendor permit issued by the city. A mobile food vendor permit authorizes the holder only to engage in the vending of products from a mobile food service vehicle in compliance with this code and as specified
on the permit. The mobile food vendor permit must be prominently displayed when the mobile food service vehicle is in operation. This section shall not apply to contractual arrangements between a mobile food service vehicle operator and any individual, group or entity for pre-arranged catering at a specific location for a period of not more than four (4) hours, provided that the mobile food service vehicle is not open to or serving the general public.

(2) **Application.** (a) In order to obtain a mobile food vendor permit, a mobile food service vehicle operator must complete an application form provided by the city. The application shall include the following information:

(i) Name and address of the owner of the vehicle.
(ii) Name and address of the operator of the vehicle.
(iii) Color photographs of the exterior (front, side, and back) of the vehicle in its final condition and with all markings under which it will operate.
(iv) A copy of the vehicle license and registration form reflecting the Vehicle Identification Number (VIN) of the vehicle.
(v) A copy of the state or county health department license or permit applicable to mobile food providers.
(vi) A copy of any alcoholic beverage licenses, if applicable.
(vii) A copy of the operator's business license.
(viii) A signed acknowledgment that the operator has read this article and will comply with all applicable requirements herein.
(ix) Any additional information required by the permit administrator.

(b) Submittal of an application for a mobile food vendor permit must be accompanied by payment of an application fee in the amount of fifty dollars ($50.00), provided that for any mobile food service vehicle previously found to be operating within the city without a current permit, the application fee shall be one hundred dollars ($100.00) per vehicle.

(c) Each mobile food vendor permit holder shall have an ongoing duty to provide the city with notice of any change to any of the information submitted with its permit application, including current photographs of the mobile food service vehicle in the event of any change in the appearance of or signage on the vehicle.

(3) **Issuance.** A mobile food vendor permit shall be issued upon verification that an application has been completed in accordance with the requirements of this section, except that no such permit will be issued to an operator whose permit is currently suspended or has been revoked within the preceding twelve (12) months, or to any person who intends to operate the same mobile food service vehicle for which the operator's permit is currently suspended or has been revoked within the preceding twelve (12) months. If the
permit administrator denies the application, such denial shall be in writing and provided to the applicant within fifteen (15) days of receipt of the application.

(4) Expiration. All mobile food vendor permits shall expire on December 31 of each year, or on such alternate date as may be set by the permit administrator. A mobile food vendor permit may be renewed for the next twelve (12) month period, provided that all applicable requirements are met and the permit is not currently suspended or has not been revoked within the preceding twelve (12) months. The fee for renewal shall be the same as the application fee for a new mobile food vendor permit.

(5) Transferability. A mobile food vendor permit may not be transferred except as part of the sale of a controlling interest in a business holding the permit or a sale of substantially all of the assets of a business holding the permit. The operator of the mobile food service vehicle shall notify the city within ten (10) days of any such sale and shall update any information that has been changed since the submittal of the application for the mobile food vendor permit.

(6) Temporary permit. If an operator of a mobile food service vehicle has not previously obtained a mobile food vendor permit and is found to be operating within the city, city staff may authorize the operator to continue operating for not more than two (2) hours, provided that the operations must comply with the location and hours of operation requirements set forth in § 9-504 herein. Thereafter, the operator shall not operate a mobile food service vehicle within the city without first paying the required application fee and obtaining a mobile food vendor permit as required by this section. (as added by Ord. #17-896, May 2017)

9-507. **Food truck rally permits.** (1) Applicability. All food truck rallies on public or private property require a food a special event permit. The permit administrator shall oversee the issuance of food truck special event permits. A special event permit shall be required for food truck rallies involving more than two (2) mobile food service vehicles or for events that include a food truck rally.

(2) **Application.** (a) In order to obtain a food truck rally special event permit, the entity or organization hosting the food truck rally must complete an application form provided by the city. The application shall include the following information:

(i) Name and address of the owner of the entity or organization hosting the food truck rally.

(ii) Name of person in charge of the food truck rally and a telephone number that may be used to contact such person during the food truck rally.

(iii) Name and address of the owner of the property on which the food truck rally will be held, along with the property owner's written authorization.
(iv) A site plan of the property on which the food truck rally will be held, showing proposed location of each food truck; location of any portable restroom facilities, if applicable; and location of any stages, tents, seating areas and any other facilities, structures or equipment to be used in conjunction with the food truck rally.

(v) Written description of the plans for the food truck rally, including parking locations, traffic control plans and the anticipated hours of operation.

(vi) A list of all mobile food service vehicles participating in the food truck rally, along with confirmation that each vehicle operator has obtained or will obtain a mobile food vendor permit from the city.

(b) Submittal of an application for a food truck rally special event requiring a special event permit must be accompanied by payment of the required application fee.

(c) An application for a food truck rally special event permit shall be filed with the permit administrator. An application for a food truck rally special event permit shall be filed with the permit administrator at least thirty (30) days prior to the date on which the food truck rally is to be held. At the discretion of the permit administrator, taking into account the feasibility of processing and approving the application, an application may be accepted by the permit administrator less than thirty (30) days prior to a food truck rally.

(3) Financial guarantees. (a) The permit administrator may establish requirements for the posting of a financial guarantee prior to issuance of a food truck rally special event permit to ensure that:

(i) The premises will be cleared of all debris during and after the food truck rally.

(ii) Any damage to the public right-of-way resulting from the food truck rally is repaired.

(b) Any financial guarantee required shall be returned to the applicant only after all costs for removal of debris or repairs to public right-of-way damage have been deducted. In the event the financial guarantee is not sufficient to cover such costs, the entity or organization hosting the food truck rally shall be responsible for paying all remaining costs.

(4) Issuance. The permit administrator shall issue a food truck rally permit if the city determines that the application is complete, that the food truck rally will comply with the standards set forth in this article, and that appropriate measures have been taken to protect the public health, safety, and welfare. If the permit administrator denies the application, such denial shall be in writing and provided to the applicant within fifteen (15) days of receipt of the application.
(5) **Conditions of approval.** (a) All food truck rally permits shall be subject to the following conditions:

(i) All participating mobile food service vehicles must hold a valid mobile food vendor permit.

(ii) All lighting and electrical equipment brought to the site shall be subject to applicable permitting and inspection requirements, including payment of applicable fees.

(iii) All tents, stages and other temporary facilities shall be subject to safety inspections by the city before use.

(iv) The location shall be cleared of all trash and debris at the end of the event and cleared of all temporary structures and restored to its previous condition within forty-eight (48) hours after the end of the event.

(v) Traffic control and pedestrian safety in the vicinity of the event shall be the responsibility of the permittee of the event. The city may require that city forces be employed to assist with traffic control and pedestrian safety. Costs anticipated by the city for these services shall be estimated by the city and paid at least ten (10) days in advance by the permittee as a condition of the permit. Following the event, any overpayment shall be refunded to the permittee, and any underpayment shall be billed to the permittee.

(b) In order to protect the health, safety, and welfare of the general public, to mitigate the potential impacts of the food truck rally, and to ensure compliance with applicable laws and regulations, the city may impose additional conditions and restrictions on the issuance of a food truck rally permit. Such conditions and restrictions may relate to, but are not limited to, hours of operation, layout, parking and security.

9-508. **Enforcement.** (1) **Citation.** Each of the following circumstances constitute a violation of this article, for which a citation may be issued by a codes enforcement officer or police officer of the city:

(a) Operation of a mobile food service vehicle without a current, valid permit, provided further that each day and each separate location at which a mobile food service vehicle is operated without a current, valid permit shall be considered a separate violation.

(b) Continuation of temporary mobile food service vehicle operations beyond the time period authorized by staff.

(c) Holding a food truck rally without a permit or failing to comply with the conditions of approval for a food truck rally permit.

(d) Failure to comply with any other provision of this article.

(2) **Responsibility for violations.** The city codes enforcement officers and police officers may, at their discretion in consideration of the situation, cite
any of the individuals or entities listed below for any violation of the provisions of this article:
(a) The operator of a mobile food service vehicle.
(b) An employee working at a mobile food service vehicle.
(c) The owner of the property on which a mobile food service vehicle is operated.
(d) The entity or organization hosting a food truck rally, or the person in charge of the food truck rally.
(3) Suspension of permit. A mobile food vendor permit shall be suspended by the permit administrator if:
(a) The applicant for the permit knowingly provided false information on the application.
(b) Two (2) violations of this article have occurred within a six (6) month period in conjunction with the mobile food service vehicle for which the permit has been issued.
(c) The operator of a mobile food service vehicle fails to maintain a current, valid vehicle registration, health department permit, business license or proof of required motor vehicle insurance coverage.
(4) Revocation of permit. A mobile food vendor permit shall be revoked by the permit administrator if:
(a) Four (4) violations of this article have occurred within a twelve (12) month period.
(b) A mobile food service vehicle is operated in an unlawful manner so as to constitute a breach of the peace or otherwise threaten the health, safety or general welfare of the public.
(5) Reinstatement. (a) Suspended permit. An operator may reinstate a suspended mobile food vendor permit by taking such actions as may be necessary to correct a mobile food service vehicle's noncompliance and paying a reinstatement fee of five hundred dollars ($500.00) to offset the city's cost of enforcement measures, inspections and compliance verifications.
(b) Revoked permit. An operator whose mobile food vendor permit has been revoked may apply for a new permit after twelve (12) months from the date of revocation, provided the operator has taken such actions as may be necessary to correct a mobile food service vehicle's noncompliance. The operator shall pay a permit reinstatement fee of five hundred dollars ($500.00) to offset the city's cost of enforcement measures, inspections and compliance verifications.
(c) No permit will be issued to any person who intends to operate the same mobile food service vehicle for which the operator's permit is currently suspended or has been revoked within the preceding twelve (12) months.
(6) **Notice.** Notice of the suspension or revocation of a mobile food vendor permit shall be issued to the operator in writing by the permit administrator. (as added by Ord. #17-896, May 2017)

**9-509. Appeals.**

(1) **Filing.** The denial, suspension or revocation of a mobile food vendor permit or the denial of a food truck rally permit by the permit administrator may be appealed by filing a written notice of appeal, establishing the grounds for the appeal, with the city manager no later than ten (10) business days following receipt of the notice of denial, suspension or revocation.

(2) **City manager's review.** When an appeal is filed with the city manager as set forth herein, the city manager may request such additional information from the operator and the permit administrator as may be deemed necessary. At the city manager's discretion, the appeal may be decided based on the written information and documentation submitted, or a hearing may be scheduled with the operator and the permit administrator. The city manager's decision shall be issued in writing, based on a written summation of the pertinent facts, and shall be final. The city manager may reverse the denial, suspension or revocation of a permit, or may reduce the waiting period required for reinstatement of a revoked permit if it is determined that the operator has taken reasonable steps to mitigate the violations leading to the revocation and to prevent future violations.

(3) **Refunds.** There shall be no refund of an application fee for a mobile food vendor permit or food truck rally special event permit that has been denied. There shall be no refund of a reinstatement fee for a suspended or revoked permit unless the city manager determines on appeal that the permit administrator acted in error in suspending or revoking the permit. (as added by Ord. #17-896, May 2017)

**9-510. Permit fees.**

(1) There is hereby established a mobile food vending permit application fee of fifty dollars ($50.00) per mobile food vehicle, unless a vendor is determined to be operating without a permit at which time the permit application permit fee would be one hundred dollars ($100.00).

(2) There is hereby created an annual mobile food vending permit fee of one hundred dollars ($100.00) per mobile food vehicle, per calendar year (January 1, through December 31). (as added by Ord. #17-896, May 2017)
TITLE 10

ANIMAL CONTROL

CHAPTER
1. IN GENERAL.

CHAPTER 1

IN GENERAL

SECTION
10-102. Pen or enclosure to be kept clean.
10-103. Adequate food, water, and shelter, etc., to be provided.
10-104. Keeping in such a manner as to become a nuisance prohibited.
10-105. Cruel treatment prohibited.
10-106. Violation.

10-101. **Running at large prohibited.** It shall be unlawful for any person owning or being in charge of any dogs or cats to run at large in any street, alley, or unenclosed lot within the corporate limits. (as added by Ord. #17-888, April 2017)

10-102. **Pen or enclosure to be kept clean.** When animals are kept within the corporate limits, the building, structure, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (as added by Ord. #17-888, April 2017)

10-103. **Adequate food, water, and shelter, etc., to be provided.** No animal 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. (as added by Ord. #17-888, April 2017)

10-104. **Keeping in such manner as to become a nuisance prohibited.** No animal shall be kept in such a place or condition as to become a nuisance either because of noise, odor, contagious disease, or other reason. (as added by Ord. #17-888, April 2017)

10-105. **Cruel treatment prohibited.** It shall be unlawful for any person to beat or otherwise abuse or injure any animal or fowl. (as added by Ord. #17-888, April 2017)
10-106. Violation. Anyone who is found in violation of this chapter shall be subject to a fine of not less than fifty dollars ($50.00) per offense, per day as adjudicated by the City of Goodlettsville Municipal Court. (as added by Ord. #17-888, April 2017)
TITLE 11

MUNICIPAL OFFENSES

CHAPTER
1. ALCOHOL.
2. FORTUNE TELLING, ETC.
3. OFFENSES AGAINST THE PEACE AND QUIET.
4. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
5. FIREARMS, WEAPONS AND MISSILES.
6. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
7. MISCELLANEOUS.
8. MINORS.
9. CURFEW FOR MINORS.
10. PRESENCE OF REGISTERED SEX OFFENDERS ON OR ABOUT PUBLIC PARKS AND RECREATION FACILITIES.

CHAPTER 1

ALCOHOL

SECTION
11-101. Drinking beer, etc., on streets, etc.
11-102. Minors in beer places.

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open container of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has an appropriate permit and/or license for on premises consumption. (2000 Code, § 11-101)

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

2Municipal code reference
Sale of alcoholic beverages, including beer: title 8.
11-02.  **Minors in beer places.** (1) No person 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.

(2) The prohibitions of this section shall not apply to children accompanied by their parents or other guardian. (2000 Code, § 11-102)
11-3

CHAPTER 2

FORTUNE TELLING, ETC.

SECTION
11-201. Fortune telling, etc.

11-201. **Fortune telling, etc.** It shall be unlawful for any person to conduct the business of, solicit for, or ply the trade of fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (2000 Code, § 11-201)
CHAPTER 3

OFFENSES AGAINST THE PEACE AND QUIET

SECTION
11-301. Anti-noise regulations.

11-301. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare is prohibited.

(1) Miscellaneous prohibited noises enumerated. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(a) Blowing horns. The sounding of any horn or signal device on any automobile, motorcycle, bus, truck, or other vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

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

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

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

(e) Use of vehicle. The use of any automobile, motorcycle, truck, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.
(f) Blowing whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper municipal authorities.

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

(h) Anti-noise regulations. The erection, demolition, alteration or repair of any building in any area, the use of any motor-driven construction equipment, and the construction or repair of streets and highways in any area, other than between the hours of 7:00 A.M. and sunset Monday through Friday, 9:00 A.M. until 6:00 P.M. Saturday and 12:00 noon until 6:00 P.M. on Sunday, is prohibited, except when the sounds generated by such activities are not plainly audible from adjacent properties, or when permitted by the city manager or their designee for a period not to exceed thirty (30) days at a time. The decision of the city manager or their designee to allow work to be done outside of such hours shall be based on one (1) or more of the following factors:
   (i) Public health or safety will be impaired by delay of the work.
   (ii) Unreasonable loss or inconvenience would result through delay, and public health or safety will not be impaired by allowing the work to proceed.
   (iii) The noise produced by such operations will not cause an unreasonable disturbance to the occupants of nearby properties. Additionally, construction, excavations or repairs of bridges, streets, highways, or public utility facilities at any time, by or on behalf of the city, the county, the state, or a public utility, shall be permitted when the public welfare and convenience renders it impracticable to perform such work during the day.

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

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

(k) Noises to attract attention. The use of any drum, loudspeaker, or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, or sale or display of merchandise.
(l) Loudspeakers or amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

(2) Exceptions. None of the terms or prohibitions hereof shall apply to or be enforced against:

(a) Municipal vehicles. Any vehicle of the city while engaged upon necessary public business.

(b) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the city, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.

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

(2000 Code, § 11-401, as amended by Ord. #16-865, May 2016)
CHAPTER 4
INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION
11-401. Impersonating a government officer or employee.
11-402. False emergency alarms.

11-401. Impersonating a government officer or employee. No person other than an official police officer of the city 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. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. Any person, not an officer wearing a uniform, badge, or insignia similar to that worn by any city, county, or state police, shall be prima facie guilty of a violation of this section. (2000 Code, § 11-502)

11-402. 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. (2000 Code, § 11-503)
CHAPTER 5

FIREARMS, WEAPONS AND MISSILES

SECTION

11-501. Weapons and firearms generally. (1) It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument.

(2) The foregoing prohibition shall not apply to members of the United States Armed Forces carrying such weapons as are prescribed by applicable regulations nor to any officer or policeman engaged in his official duties, in the execution of process, or while searching for or engaged in arresting persons suspected of having committed crimes.

(3) The prohibition shall not apply to persons who may have been summoned by such officer or policeman to assist in the discharge of his said duties, not to any conductor of any passenger or freight train of any steam railroad while he is on duty. (2000 Code, § 11-602)
CHAPTER 6

TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

SECTION
11-601. Trespassing.
11-602. Trespassing on trains.
11-603. Interference with traffic.

11-601. Trespassing. The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (2000 Code, § 11-701)

11-602. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (2000 Code, § 11-702)

11-603. 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. (2000 Code, § 11-704)
CHAPTER 7

MISCELLANEOUS

SECTION
11-701. Caves, wells, cisterns, etc.
11-702. Posting notices, etc.
11-703. Masks and disguises.
11-704. False identification--use prohibited.
11-705. Disorderly houses.
11-706. Hotels, rooming houses, etc. registers and registration.
11-707. Lewd conduct in commercial establishments prohibited.
11-708. Violations and penalty.

11-701. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by such person any cave, well, cistern, or other such opening in the ground which would be accessible to children, adults, livestock, pets or other creatures without an adequate cover or other safeguard expressly designed and intended to prevent entry and injury therein. (2000 Code, § 11-802)

11-702. Posting notices, etc. No person shall fasten, in any way, any show card, poster, billboard, sign or other advertising device upon any public or private property unless said person has obtained a permit or license from the chief of police after making application upon forms duly authorized by said chief of police. (2000 Code, § 11-803)

11-703. Masks and disguises. (1) Definitions. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this subsection:
   (a) "Mask." Any mask, device or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer.
   (b) "Public place." All walks, alleys, streets, boulevards, avenues, lanes, roads, highways or other ways or thoroughfares dedicated to public use or owned or maintained by public authority; all grounds and buildings owned, leased by, operated or maintained by public authority; all buildings owned, leased or operated for the use of organizations enjoying all tax exempt privileges as a charitable use.
   (2) Wearing in public places prohibited; exceptions. No person, while masked, shall be or appear on or in any public place in the City of Goodlettsville. The following persons are exempted from the provisions of this section:
   (a) All children under the age of sixteen (16).
(b) All workers while engaged in work wherein a covering is necessary for physical safety and protection against occupational hazards or because of the nature of the occupation or trade.

(c) Persons while wearing traditional holiday costumes.

(d) Persons while engaged in theatrical productions or masquerade balls.

(e) Persons wearing gas masks in civil defense drills and exercises or emergencies. (2000 Code, § 11-805)

11-704. False identification—use prohibited. It shall be unlawful for any person in the area of the City of Goodlettsville to offer, use or attempt to offer or use any means, manner, type or kind of paper, document, card, license or any other evidence of the identification of such person for the purpose of making sales or purchases of commodities, cashing checks, making other monetary transactions, to gain admission to any place or for any other purpose whatsoever, where such means, manner, type or kind of identification offered or used or which is attempted to be offered or used is false, fraudulent or incorrect in any manner or way or which misrepresents such person so offering or using the same or who attempts to offer or use the same, or which does not belong to such person, or which is altered, forged, defaced or changed in any respect, except such changes as are required or authorized by law. (2000 Code, § 11-807)

11-705. Disorderly houses. (1) No owner, lessee or proprietor of any house shall hold or permit dances or carousals for idle and dissolute company, or make, cause, permit or suffer to be made therein or thereabouts any loud or improper noises, or collect or permit to be collected therein or to resort thereto any drunken, noisy or disorderly persons.

(2) No person in charge or control of any house or room in which there is located a coin operated music machine, or in which food or drink is sold, or for admission to which a charge is made, shall hold or allow dances without a permit, or carousals therein, or make, cause, permit or suffer to be made therein or thereabout any loud or improper noises, or suffer to resort thereto or be therein any drunken, noisy or disorderly persons.

(3) It shall be unlawful for any person knowingly to visit any such house for the purpose of engaging any of the prohibited activities as set out in this section. (2000 Code, § 11-813)

11-706. Hotels, rooming houses, etc. registers and registration. (1) Every person operating a hotel or rooming house, engaged in the business of lodging transients, shall keep a book of register in which shall be listed the name and address of each of its guests or lodgers, together with the date of arrival and the date of departure.
Such book or register shall be kept so as to show arrivals and departures of guests for a period of at least six (6) months.

Every person operating a hotel or rooming house and the employees thereof shall exhibit such book or register to any member of the police department upon the written request of the chief of police or the chief of the detective department.

(2) It shall be unlawful for any person to write or cause to be written or knowingly permit to be written in any register in any hotel, lodging house, rooming house or other place whatsoever where transients are accommodated in the area of the City of Goodlettsville, any other or different name or designation than the true name of the person so registered therein, or the name by which such person is generally known. (2000 Code, § 11-821)

11-707. Lewd conduct in commercial establishments prohibited.

(1) It shall be unlawful for any person in any commercial establishment knowingly to commit the following acts:

(a) To expose to public view that portion of the breast which is defined to be the areola, the pubic hair, the cleft of the buttocks, or the genitals, when such exposure is patently offensive within contemporary community standards, has no serious scientific, literary, political, or artistic merit, and such conduct appeals to the prurient interest of the average person; or

(b) To perform acts of sexual intercourse, masturbation, sodomy, flagellation, or the fondling of the breasts, buttocks or genitals, when such acts are patently offensive within contemporary community standards, have no serious scientific, literary, political or artistic merit, and such conduct appeals to the prurient interest of the average person.

(2) It shall be unlawful for the owner of a commercial establishment, or his agent or employee, knowingly to employ any person or to permit any person in any commercial establishment:

(a) To expose to public view that portion of the breast which is defined to be the areola, the pubic hair, the cleft of the buttocks, or the genitals, when such exposure is patently offensive within contemporary community standards, has no serious scientific, literary, political, or artistic merit, and such conduct is calculated to appeal to the prurient interest of the viewing audience; or

(b) To perform acts of sexual intercourse, masturbation, sodomy, flagellation, or the fondling of the breasts, buttocks or genitals when such acts are patently offensive within contemporary community standards, have no serious scientific, literary, political, or artistic merit, and such conduct is calculated to appeal to the prurient interest of the viewing audience.

(3) Definitions. (a) "Areola." That portion of the breast to include the nipple and the red pigmented area surrounding it.
(b) "Commercial establishment." Any club, theater, hotel, motel, tavern, restaurant, or other place where live entertainment is performed before paying customers.

(c) "Patently offensive." That which goes substantially beyond customary levels of explicitness in the portrayal of sexual conduct.

(d) "Prurient interest." A shameful or morbid interest in sex.

Nothing contained in this section shall be construed to apply to exhibition, presentation, or performance of any play, ballet, drama, tableau, production or motion picture in any theater, concert hall, museum of fine arts, school, institution of higher learning, or other similar establishment which is primarily devoted to such exhibitions, presentations, shows or performances as a form of expression of opinion, communication, speech, ideas, information, art or drama as differentiated from commercial or business promotion or exploitation of the sexual nature of the human body for the purposes of advancing the economic welfare of a commercial enterprise. (2000 Code, § 11-824)

11-708. Violations and penalty. (1) Each and every violation of any sections set out in this chapter shall be punishable by a fine of up to fifty dollars ($50.00) and all other punishments and fines as authorized by this code. Each violation of every section as set out herein, shall constitute a separate offense for purposes of this section.

(2) Failure by anyone convicted under this chapter to pay the fine(s) as levied against him shall constitute a separate offense, and for each day said fine is not paid in accordance with the terms or conditions as set by the court shall constitute a separate offense punishable as set out in subsection (1) above.

(3) In addition to the fines as set out herein, the city is empowered to confiscate any and all dangerous weapons (as defined in Tennessee Code Annotated, § 39-6-1701) when used in the commission of any violation of this code for the laws of Davidson County or this state. (2000 Code, § 11-825)
CHAPTER 8

MINORS

SECTION
11-801. Indecent exposure accompanying with malevolent intent.
11-802. Contributing to delinquency or unruly behavior.
11-803. Admittance to theaters under certain conditions; penalty.
11-804. Wandering, playing, etc., when required in school; responsibility of parent, guardian.

11-801. Indecent exposure accompanying with malevolent intent. It shall be unlawful for any person with intent to make indecent, repulsive or improper advances or proposals to any child under eighteen (18) years of age, to take such child for a ride in a vehicle or to otherwise accompany such child, or attempt to do any of the foregoing. Where any such person, not being related to or known to such child, takes such child for a ride or invites such child for a ride in a vehicle or attempts to accompany such child, there shall be a presumption of an intent to make indecent, repulsive or improper advances or proposals to such child. (2000 Code, § 11-902)

11-802. Contributing to delinquency or unruly behavior. No adult shall contribute to or encourage the delinquency or unruly behavior of a child under age eighteen (18), whether by aiding or abetting or encouraging the child in the commission of an act of delinquency or unruly behavior, or by participating as a principal with the child in an act of delinquency or unruly behavior, or by aiding the child in concealing an act of delinquency or unruly behavior following its commission. (2000 Code, § 11-903)

11-803. Admittance to theaters under certain conditions; penalty. It shall be unlawful for any person to admit minors to any theatre open to the general public for which an admission price is charged, to view a motion picture which carries a rating indicating that minors will not be admitted.

It shall be unlawful for any person to admit minors to any theatre open to the general public for which an admission price is charged to view a motion picture which carries a rating indicating that minors will not be admitted unless accompanied by a parent or guardian when such minors are not accompanied by a parent or guardian.

Violation of this section shall, upon conviction, be punished as provided in this code. Each separate act of admitting a minor to a theatre in violation of this section shall constitute a violation of this section. (2000 Code, § 11-904)

11-804. Wandering, playing, etc., when required in school; responsibility of parent, guardian. A child who has not reached his
seventeenth (17th) birthday, and being subject to the state compulsory attendance law, *Tennessee Code Annotated*, § 49-6-3001, shall not loiter, idle, wander or play in or upon the public streets, highways, alleys, parks or other public places, buildings, businesses, places of amusement and entertainment, vacant lots or other unsupervised places during those hours he is required to be in school under the state compulsory school attendance law. Further, no child shall be taken into custody for violation of this section until an investigation with the proper school officials has been made to determine if the child is required to be in school.

No parent, guardian or other adult person who has been delegated the care and custody of such child under the age of seventeen (17), shall knowingly permit such child to violate the provisions of this section. A parent, guardian or other adult person who has been delegated the care or custody of such child found to be in violation of this section shall be punished as provided in this code. (2000 Code, § 11-905)
CHAPTER 9
CURFEW FOR MINORS

SECTION
11-901. Purpose.
11-902. Definitions.
11-903. Curfew enacted; exceptions.
11-904. Parental involvement in violation unlawful.
11-905. Involvement by owner or operator of vehicle unlawful.
11-906. Involvement by operator or employee of establishment unlawful.
11-907. Giving false information unlawful.
11-908. Enforcement.
11-909. Violations punishable by fine.

11-901. Purpose. The purpose of this chapter is to:
   (1) Promote the general welfare and protect the general public through the reduction of juvenile violence and crime within the city;
   (2) Promote the safety and well-being of minors, whose inexperience renders them particularly vulnerable to becoming participants in unlawful activity, particularly unlawful drug activity, and to being victimized by older criminals; and
   (3) Foster and strengthen parental responsibility for children.

11-902. Definitions. As used in this chapter, the following words have the following meanings:
   (1) "Curfew hours" means the hours of 12:30 A.M. through 6:00 A.M. each day.
   (2) "Emergency" means unforeseen circumstances, and the resulting condition or status, requiring immediate action to safeguard life, limb, or property. The word includes, but is not limited to, fires, natural disasters, automobile accidents, or other similar circumstances.
   (3) "Establishment" means any privately-owned business place within the city operated for a profit and to which the public is invited, including, but not limited to, any place of amusement or entertainment. The word “operator” with respect to an establishment means any person, firm, association, partnership (including its members or partners), and any corporation (including its officers) conducting or managing the establishment.
   (4) "Minor" means any person under eighteen (18) years of age who has not been emancipated under Tennessee Code Annotated, § 29-31-101, et seq.
   (5) "Parent" means: (a) A person who is a minor’s biological or adoptive parent and who has legal custody of the minor, including either parent if custody is shared under a court order or agreement;
(b) A person who is the biological or adoptive parent with whom a minor regularly resides;
(c) A person judicially appointed as the legal guardian of a minor; and/or
(d) A person eighteen (18) years of age or older standing in loco parentis (as indicated by authorization by a parent as defined in this definition for the person to assume the care or physical custody of the minor, or as indicated by any other circumstances).
(6) "Person" means an individual and not a legal entity.
(7) "Public place" means any place to which the public or a substantial portion of the public has access, including, but not limited to: streets, sidewalks, alleys, parks, and the common areas of schools, hospitals, apartment houses or buildings, office buildings, transportation facilities, and shops.
(8) "Remain" means
   (a) To linger or stay at or upon a place; or
   (b) To fail to leave a place when requested to do so by a law enforcement officer or by the owner, operator, or other person in control of that place.
(9) "Temporary care facility" means a non-locked, non-restrictive shelter at which a minor may wait, under visual supervision, to be retrieved by a parent. A minor waiting in a temporary care facility may not be handcuffed or secured by handcuffs or otherwise to any stationary object.

11-903. Curfew enacted; exceptions. It is unlawful for any minor, during curfew hours, to remain in or upon any public place within the city, to remain in any motor vehicle operating or parked on any public place within the city, or to remain in or upon the premises of any establishment within the city, unless:
(1) The minor is accompanied by a parent; or
(2) The minor is involved in an emergency; or
(3) The minor is engaged in an employment activity, or is going to or returning home from employment activity, without detour or stop; or
(4) The minor is on the sidewalk directly abutting a place where he or she resides with a parent; or
(5) The minor is attending an activity supervised by adults and sponsored by a school, religious, or civic organization, by a public organization or agency, or by a similar organization, or the minor is going to or returning from such an activity without detour or stop; or
(6) The minor is on a errand at the direction of a parent, and the minor has in his or her possession a writing signed by the parent containing the name, signature, address, and telephone number of the parent authorizing the errand, the telephone number where the parent may be reached during the errand, the name of the minor, and a brief description of the errand, the minor’s
destination(s) and the hours the minor is authorized to be engaged in the errand; or
(7) The minor is involved in interstate travel through, or beginning or terminating in, the City of Goodlettsville; or
(8) The minor is exercising First Amendment rights protected by the U.S. Constitution, such as the free exercise of religion, freedom of speech, and freedom of assembly.

11-904. **Parental involvement in violation unlawful.** It is unlawful for a minor’s parent knowingly to permit, allow, or encourage a violation of § 11-903 of this chapter.

11-905. **Involvement by owner or operator of vehicle unlawful.** It is unlawful for a person who is the owner or operator of a motor vehicle knowingly to permit, allow, or encourage a violation of § 11-903 of this chapter using the motor vehicle.

11-906. **Involvement by operator or employee of establishment unlawful.** It is unlawful for the operator or any employee of an establishment knowingly to permit, allow, or encourage a minor to remain on the premises of the establishment during curfew hours. It is a defense to prosecution under this section that the operator or employee promptly notified law enforcement officials that a minor was present during curfew hours and refused to leave.

11-907. **Giving false information unlawful.** It is unlawful for any person, including a minor, knowingly to give a false name, address, or telephone number to any law enforcement officer investigating a possible violation of § 11-903 of this chapter. Each violation of this section is punishable by a maximum fine of fifty dollars ($50.00).

11-908. **Enforcement.** (1) **Minors.** Before taking any enforcement action, a law enforcement officer who is notified of a possible violation of § 11-903 shall make an immediate investigation to determine whether or not the presence of the minor in a public place, motor vehicle, or establishment during curfew hours is a violation of that section. If the investigation reveals a violation and the minor has not previously been issued a warning, the officer shall issue a verbal warning to the minor to be followed by a written warning mailed by the police department to the minor and his/her parent(s). If the minor has previously been issued a warning for a violation, the officer shall charge the minor with a violation of § 11-903 and shall issue a citation requiring the minor to appear in court. In either case, the officer shall, as soon as practicable, release the minor to his/her parent(s) or place the minor in a temporary care facility for a period not to exceed the remainder of the curfew hours so the parent(s) may retrieve the minor. If a minor refuses to give an officer his/her name and address
or the name and address of his/her parent(s), or if no parent can be located before the end of the applicable curfew hours, or if located, no parent appears to accept custody of the minor, the minor may be taken to a crisis center or juvenile shelter and/or may be taken to a judge or juvenile intake officer of the juvenile court to be dealt with as required by law.

(2) **Others.** If an officer's investigation reveals that a person has violated §§ 11-903, 11-904, 11-905, or 11-906 of this chapter and the person has not been issued a warning with respect to a violation, the officer shall issue a verbal warning to the person to be followed by a written warning mailed by the police department to the person. If there has been a previous warning to the person, the officer shall charge the person with a violation and issue a citation directing the person to appear in court.

**11-909. Violations punishable by fine.** A violation of §§ 11-903, 11-904, 11-905, or 11-906 subsequent to receiving a verbal warning as provided in § 11-908 is punishable by a maximum fine of fifty dollars ($50.00) for each violation.
CHAPTER 10

PRESENCE OF REGISTERED SEX OFFENDERS ON OR ABOUT PUBLIC PARKS AND RECREATION FACILITIES

SECTION
11-1001. Definitions.
11-1002. Offense.
11-1003. Penalty.
11-1004. Posting of regulation.

11-1001. Definitions. (1) "Public park." Any publicly owned or maintained land or building which is designated by the City of Goodlettsville as a park or recreational facility.

(2) "Registered sex offender." An individual who is registered by any state or federal agency as a sex offender and whose name is published on any state or federal registered sex offender listing, including, but not limited to the sex offender registry established by Tennessee Code Annotated, §§ 40-39-201 though 40-39-211. (Ord. #08-712, Sept. 2008)

11-1002. Offense. It shall constitute a general offense against the regulations of the City of Goodlettsville for any person or persons registered as a sex offender with the State of Tennessee and or any other state or federal agency to knowingly enter into or on any public park owned, operated, or maintained by the City of Goodlettsville. (Ord. #08-712, Sept. 2008)

11-1003. Penalty. Anyone who is found in violation of this chapter shall be subject to a fine of fifty dollars ($50.00) per offense for each and every entry into the park, regardless of the time period involved, and shall constitute a separate offense under this chapter. (Ord. #08-712, Sept. 2008)

11-1004. Posting of regulation. The director of parks and recreation shall be charged with posting this regulation at the main entrance of each park within thirty (30) days of the passage of the ordinance creating this chapter. (Ord. #08-712, Sept. 2008)
TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER
1. VARIOUS CODES ADOPTED.
2. BUILDING PERMITS.
3. PROPERTY MAINTENANCE CODE.
4. OFFICE OF ADMINISTRATIVE HEARING OFFICER.

CHAPTER 1

VARIOUS CODES ADOPTED

SECTION
12-102. Officials.
12-103. Interference with officials.
12-104. Certificate of occupancy required.

2. The 2012 edition of the ICC International Residential Code, with the exception of section R313.2 (one- and two- family dwellings automatic fire sprinkler systems).

1 Municipal code references
   Fire protection, fireworks, and explosives: title 7.
   Planning and zoning: title 14.
   Streets and other public ways and places: title 16.
   Utilities and services: titles 18 and 19.

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

12-102. Officials. Within said ICC 2012 International Building Code and the ICC 2012 International Residential Code, and any subsequent revisions or additions thereunto, when reference is made to the duties of certain officials names therein, that designated official of the City of Goodlettsville, Tennessee, who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of said code are concerned. (Ord. #07-699, June 2007, as replaced by Ord. #13-792, Feb. 2013)

12-103. Interference with officials. It shall be unlawful for any person, whether owner or occupant, to refuse to permit the entry of any building official of the City of Goodlettsville or to interfere in any manner with the performance of the duties of such official. (2000 Code, § 12-103)

12-104. Certificate of occupancy required. It shall be unlawful to occupy any structure without having first obtained a certificate of occupancy. Anyone occupying a structure without having first obtained such certificate shall be subject to a civil penalty of one hundred dollars ($100.00) and may be forced to vacate the premises. (2000 Code, § 12-104)
CHAPTER 2

BUILDING PERMITS

SECTION
12-201. Building permit required.
12-202. Application and fee.
12-203. Criteria for granting permit.
12-204. Use and occupancy permit.
12-205. Records to be kept.
12-206. Tall buildings development fee.

12-201. Building permit required. Before commencing any work pertaining to the erection, construction, reconstruction, moving, alteration, or addition to any building or structure within the city, a building permit for each separate building or structure shall be secured from the city manager by the owner or his agent. The building permit shall state that the proposed construction, alteration, or repair of a building or structure is in compliance with the provisions of this chapter. (2000 Code, § 12-201)

12-202. Application and fee. All applications for a building permit shall be presented to the city manager for approval and issuance and shall be accompanied by a plat, drawn to scale, showing the actual dimensions of the parcel of land to be built upon, the size of the building to be erected, the position of the building upon the lot, and such other information as may be deemed necessary by the city manager in determining the right of the applicant to the permit sought.

The application shall be accompanied by a fee. (2000 Code, § 12-202, modified)

12-203. Criteria for granting permit. The city manager shall grant the permit if:
   1. He is satisfied that such work will not materially and adversely affect the public health, safety, and welfare; and
   2. If such work is not of such a character as might cause or create a public or private nuisance. (2000 Code, § 12-203)

12-204. Use and occupancy permit. Before occupying a new building and premises on vacant land, or before changing the use classification or enlarging the use in any building or on any land, a use and occupancy permit

1All codes department fees (and any amendments) are of record in the office of the city recorder.
shall be secured from the city manager by the owner or his agent. The use and occupancy permit shall state that the use of the building, structure, or land complies with the provisions of this chapter. Application for a use and occupancy permit shall be made with the application for a building permit, or may be directly applied for where no building permit is necessary and shall be issued or refused, in writing, within five (5) days after the city manager has been notified, in writing, that the building or premises is ready for occupancy. In the event no building permit is necessary, a charge of five dollars ($5.00) shall be made for the use and occupancy permit. (2000 Code, § 12-204)

12-205. Records to be kept. It shall be the duty of the city manager to keep a record of all building permits and of all permits for use and occupancy issued, and of all applications for such permits refused by reason of failure to comply with the provisions of this chapter, with notations thereon of the reason for refusal to issue the same. (2000 Code, § 12-205)

12-206. Tall buildings development fee. A tall buildings development fee is hereby established in the City of Goodlettsville said fee system to be implemented as follows:

Each person who shall receive development permission from the City of Goodlettsville to construct a tall building shall pay a development fee in the amount and manner set forth in this chapter.

1. Definitions. When used in this chapter, the following terms shall have the meanings herein ascribed to them:

   a. "Development permission" shall mean any rezoning, plat approval, master plan approval, site plan approval, special use permit approval, and/or building permit issuance by the city.

   b. "Feepayer" is the property owner or developer obligated to pay the development fee required by this chapter.

   c. "Increase in level of fire protection" shall mean the acquisition by the city of a new piece of fire fighting equipment of the aerial ladder or elevated platform type which will provide access to the upper stories of buildings.

   d. "Tall buildings" shall mean any building of any type occupancy in excess of three (3) stories or thirty feet (30') in height.

2. Payment of fee. At the time the feepayer pays the appropriate building permit fee, the development fee shall also be paid. Payment of such fee shall be the responsibility of the feepayer as defined above.

3. Basis of fee calculation. The development fee shall be a percentage relationship of the total cost of the building which requires payment of the fee. Said fee shall be calculated based upon the following schedule:
<table>
<thead>
<tr>
<th>Building cost</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to $1,000,000.00</td>
<td>0.025</td>
</tr>
<tr>
<td>$1,000,001.00 – $1,500,000.00</td>
<td>0.02</td>
</tr>
<tr>
<td>$1,500,001.00 – $2,000,000.00</td>
<td>0.015</td>
</tr>
<tr>
<td>$2,500,001.00 – $3,000,000.00</td>
<td>0.0125</td>
</tr>
<tr>
<td>$3,000,001.00 and over</td>
<td>0.005</td>
</tr>
</tbody>
</table>

4. **Development fee fund.** There is hereby established a separately earmarked development fee fund into which all development fees generated by this chapter shall be deposited. Said fund shall be used only for the purchase of required fire fighting equipment and apparatus.

5. **Termination of fee.** As of the time when the purchase of said fire fighting equipment has been realized and all debts incurred by the city paid, the tall building development fee shall be terminated. Any monies remaining in the fund shall be distributed on a pro rata basis to those feepayers who contributed to the fund.

6. **Liberal construction.** The provisions of this chapter shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, and welfare. (2000 Code, § 12-206)
CHAPTER 3

PROPERTY MAINTENANCE CODE

SECTION
12-301. Property maintenance code adopted.
12-302. Modifications.
12-303. Available in recorder's office.
12-304. Violations.

12-301. Property maintenance code adopted. The International Property Maintenance Code\(^1\), 2006 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as though it was fully copied herein. (2000 Code, § 12-301, modified)

12-302. Modifications. (1) Definitions. Whenever the property maintenance code refers to the "chief appointing authority," or the "chief administrator" it shall be deemed to be a reference to the board of commissioners. When the "building official" is named it shall, for the purposes of the property maintenance code, mean such person as the board of commissioners has appointed or designated to administer and enforce the provisions of the property maintenance code.

(2) Section 302.4 of the International Property Maintenance Code shall read: 302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve inches (12") in height. All noxious plant growth shall be prohibited. Weeds shall be all grasses, annual plants and vegetation other than trees or shrubs provided; however, this term shall not include cultivated flowers or gardens.

Upon failure of the owner or agent having charge of the property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent of the property.

(3) Section 304.2 of the International Property Maintenance Code shall read: 304.2 Protective Treatment. 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,

\(^1\)Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
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 exterior surfaces shall be repainted in a low reflective, subtle, neutral, or earth tone colors. The use of high intensity or metallic paints colors shall be prohibited except for accents. All paint colors shall encompass the entire surface. 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 shall be coated to inhibit such rust and corrosion and shall be stabilized and coated to inhibit future rust and corrosion. All metal surfaces shall be coated in a low reflective, subtle, neutral, or earth tone colors. The use of high intensity or metallic coating colors shall be prohibited except for accents. All coatings shall encompass the entire surface. Oxidation stains shall be removed from exterior surfaces. All oxidized surfaces shall be repainted or coated in a low reflective, subtle, neutral, or earth tone colors. The use of high intensity or metallic paint or coating colors shall be prohibited except for accents. All paint or coating colors shall encompass the entire surface.

(4) Section 302.10 shall be added to the International Property Maintenance Code, Exterior Property Areas, and shall read:

302.10 Graffiti. 302.10.1 General. The purpose of this section is to reduce the potential for blight and gang violence due to graffiti. It shall be unlawful for any person to deface property with graffiti or to permit graffiti to be placed upon property that they own.

302.10.2 Definitions. "Graffiti" shall mean marks, symbols, signs, letters, pictures, names, phrases or sentences, which are painted or inscribed, marked or otherwise placed on real property or other surfaces for the purpose of defacing said property, or making a personal statement that is inconsistent with the zoned character of the neighborhood or, contributes to continued defacement and blighting conditions in the neighborhood.

"Property" shall mean a building structure, garage, shed, fence, deck, signage, culvert, bridge, landing or other improvement to a parcel of land, or the public way.

"Reasonable time" shall mean five (5) calendar days from the posting of the property unless the codes director or their designee shall approve a greater period of time.

"Remove(al)" shall mean to obliterate and eliminate graffiti by such means as will restore the property to its condition existing prior to defacement by graffiti.

302.10.3 Graffiti Prohibited. 1. It shall be unlawful for any person to paint, inscribe, mark, or otherwise apply graffiti on any public or private property located within the corporate limits of the city.

2. It shall be unlawful for the owner of any property to permit graffiti to remain in a manner visible to persons using rights-of-way and public or private parking areas to the general public, provided the codes director or their
designee has given the property owner proper notice to remove the graffiti within the specified period as prescribed in sections 107.2 and 107.3 of the International Property Maintenance Code, 2006 edition, and said period has elapsed.

302.10.4 Hardship. 1. In the event a private property owner has a financial hardship and the codes director or their designee determines that graffiti is located on private property in a manner visible to persons using right-of-way accessible to the general public, the city manager is authorized to provide for the removal of the graffiti or otherwise furnish the owner with materials necessary to accomplish such removal. Said funds and materials shall come from the public works department operating budget.

2. Financial hardship must be verified by appropriate documentation provided by the property owner to the City of Goodlettsville or their designee and verified at an income level at or below fifty percent (50%) of the median income as stated annually by the Department of Housing and Urban Development for Metropolitan Nashville, Davidson County.

3. The city manager shall not authorize the undertaking that provides for the painting or repair of any more extensive area than the area where the graffiti is located.

4. Prior to commencing removal of the graffiti, the city manager or their designee shall obtain the written consent from the affected property owner to access their property and that releases and holds harmless the city from any damage or workmanship that results for the work performed.

302.10.5 Violations and Penalties for Non-Removal. It shall be unlawful for any person, firm, corporation, agent, or government entity to violate or fail to comply with a notice of violation to remove graffiti from their property. Any violations of this section or property maintenance code as herein adopted and as herein adopted and modified shall be punishable by a fine of fifty dollars ($50.00) for each day or portion thereof that a violation continues after due notice has been served and shall be considered separate offenses.

302.10.6 Violations and Penalties for Painting, Inscribing, Marking or Otherwise Applying Graffiti. Any violation of Section 302.10.3(1) is hereby determined to be an act of willful misconduct as defined by the Tennessee Code Annotated for which victims suffering damages have the right to reimbursement from the violator for said damages. Further, any parent or guardian, having custody and control of a minor who violates Section 302.10.3(1) shall be jointly and severally liable for such damages. The city at the discretion of the city manager, undertake to recover damages on behalf of any victim suffering damages as a result of any violation of this section.

302.10.7 Community Service. Alternative Remedy. In lieu of, or as a part of, prosecuting a civil action pursuant to the terms of Section 302.10.3(1), the city manager or their designee shall be authorized to offer a minor or his or her parent or guardian an option to perform such community service as the city manager or their designee deems appropriate.

12-303. **Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated § 6-54-502 one (1) copy of the property maintenance code has been placed on file in the city recorder's office and shall be kept there for the use and inspection of the public. (2000 Code, § 12-303, modified)

12-304. **Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the property maintenance code as herein adopted by reference and modified. (2000 Code, § 12-304, modified)
CHAPTER 4

OFFICE OF ADMINISTRATIVE HEARING OFFICER

SECTION
12-401. Municipal administrative hearing officer.
12-402. Communication by administrative hearing officer and parties.
12-403. Appearance by parties and/or counsel.
12-404. Pre-hearing conference and orders.
12-405. Appointment of administrative hearing officer/administrative law judge.
12-406. Training and continuing education.
12-407. Jurisdiction not exclusive.
12-408. Citations for violations - written notice.
12-411. Petitions for intervention.
12-412. Regulating course of proceedings - hearing open to public.
12-413. Evidence and affidavits; notice.
12-414. Final orders.
12-415. Final order effective date.
12-418. Appeal to court of appeals.

12-401. Municipal administrative hearing officer. (1) In accordance with Tennessee Code Annotated, title 6, chapter 54, part 10, there is hereby created the office of administrative hearing officer to hear violations of any of the provisions codified in the City of Goodlettsville Municipal Code relating to building and property maintenance including:

(a) Building codes found in International Building Code 2006;
(b) Residential codes found in 2006 International Residential Code;
(c) Plumbing codes found in 2006 International Plumbing Code;
(d) Gas codes in the 2006 International Gas Code;
(e) Mechanical codes in the 2006 International Mechanical Code;
(f) Energy codes in the 2006 International Energy Code;
(g) Property maintenance codes in the 2006 International Property Maintenance Code; and
(h) All ordinances regulating any subject matter commonly found in the above-described codes.

The administrative hearing officer is not authorized to hear violation of codes adopted by the state fire marshal pursuant to Tennessee Code Annotated,

The utilization of the administrative hearing officer shall be at the discretion of the administrative hearing officer and shall be an alternative to the enforcement in the city of City of Goodlettsville Municipal Court.

(2) There is hereby created one (1) administrative hearing officer(s) position to be appointed pursuant to § 12-405 below.

(3) The amount of compensation for the administrative hearing officer shall be approved by the board of commissioners.

(4) Clerical and administrative support for the office of administrative hearing officer shall be provided as determined by the city manager.

(5) The administrative hearing officer shall perform all of the duties and abide by all of the requirements provided in Tennessee Code Annotated, title 6, chapter 54, section 1001, et seq. (as added by Ord. #11-766, Dec. 2011)

12-402. Communication by administrative hearing officer and parties. (1) Unless required for the disposition of ex parte matters specifically authorized by statute, an administrative hearing officer presiding over a contested case proceeding may not communicate, directly or indirectly, regarding any issue in the proceeding, while the proceeding is pending, with any person without notice and opportunity for all parties to participate in the communication.

(2) Notwithstanding subsection (1), an administrative hearing officer may communicate with municipal employees or officials regarding a matter pending before the administrative body or may receive aid from staff assistants, members of the staff of the city attorney or a licensed attorney, if such persons do not receive ex parte communications of a type that the administrative hearing officer would be prohibited from receiving, and do not furnish, augment, diminish or modify the evidence in the record.

(3) Unless required for the disposition of ex parte matters specifically authorized by statute, no party to a contested case, and no other person may communicate, directly or indirectly, in connection with any issue in that proceeding, while the proceeding is pending, with any person serving as an administrative hearing officer without notice and opportunity for all parties to participate in the communication.

(4) If, before serving as an administrative hearing officer in a contested case, a person receives an ex parte communication of a type that may not properly be received while serving, the person, promptly after starting to serve, shall disclose the communication in the manner prescribed in subsection (5).

(5) An administrative hearing officer who receives an ex parte communication in violation of this section shall place on the record of the pending matter all written communications received, all written responses to the communications, and a memorandum stating the substance of all oral
communications received, all responses made, and the identity of each person from whom the person received an ex parte communication, and shall advise all parties that these matters have been placed on the page record. Any party desiring to rebut the ex parte communication shall be allowed to do so, upon requesting the opportunity for rebuttal within ten (10) business days after notice of the communication. (as added by Ord. #11-766, Dec. 2011)

12-403. **Appearance by parties and/or counsel.** (1) Any party may participate in the hearing in person or, if the party is a corporation or other artificial person, by a duly authorized representative.

   (2) Whether or not participating in person, any party may be advised and represented at the party's own expense by counsel, unless prohibited by any provision of law, other representative. (as added by Ord. #110766, Dec. 2011)

12-404. **Pre-hearing conference and orders.** (1) (a) In any action set for hearing, the administrative hearing officer, upon the administrative hearing officer's own motion, or upon motion of one (1) of the parties or such party's qualified representatives, may direct the parties or the attorneys for the parties, or both, to appear before the administrative hearing officer for a conference to consider:

   (i) The simplification of issues;

   (ii) The possibility of obtaining admissions of fact and of documents that will avoid unnecessary proof;

   (iii) The limitation of the number of witnesses; and

   (iv) Such other matters as may aid in the disposition of the action.

   (b) The administrative hearing officer shall make an order that recites the action taken at the conference, and the agreements made by the parties as to any of the matters considered, and that limits the issues for hearing to those not disposed of by admissions or agreements of the parties. Such order when entered controls the subsequent course of the action, unless modified at the hearing to prevent manifest in justice.

   (2) Upon reasonable notice to all parties, the administrative hearing officer may convene a hearing or convert a pre-hearing conference to a hearing, to be conducted by the administrative hearing officer sitting alone, to consider argument or evidence, or both, on any question of law.

   (3) In the discretion of the administrative hearing officer, all or part of the pre-hearing conference may be conducted by telephone, television or other electronic means, record. Any party desiring to rebut the ex parte communication shall be allowed to do so, upon requesting the opportunity for rebuttal within ten (10) business days after notice of the communication if each participant in the conference has an opportunity to participate in, to hear, and, if technically feasible, to see the entire proceeding while it is taking place.
If a pre-hearing conference is not held, the administrative hearing officer may issue a pre-hearing order, based on the pleadings, to regulate the conduct of the proceedings. (as added by Ord. #311-766, Dec. 2011)

**12-405. Appointment of administrative hearing officer/administrative law judge.** (1) The administrative hearing officer shall be appointed by the city manager and serve at the pleasure of the city manager. Such administrative hearing officer may be hired on a part-time or full-time basis, by contract or by interlocal agreement with one (1) or more eligible municipalities.

(2) An administrative hearing officer shall be one (1) of the following:
   - Licensed building inspector;
   - Licensed plumbing inspector;
   - Licensed electrical inspector;
   - Licensed attorney;
   - Licensed architect;
   - Licensed engineer; or

(3) The city may also contract with the Administrative Procedures Division, office of the Tennessee Secretary of State to employ an administrative law judge on a temporary basis to serve as an administrative hearing officer. Such administrative law judge shall not be subject to the training or continuing education requirements of subsections 6-54-1007 (a) and (b). (as added by Ord. #11-766, Dec. 2011)

**12-406. Training and continuing education.** (1) Each person appointed to serve as an administrative hearing officer shall, within the six (6) month period immediately following the date of such appointment, participate in a program of training conducted by The University of Tennessee's Municipal Technical Advisory Service, (MTAS) or its designee(s). MTAS shall issue a certificate of participation to each person whose attendance is satisfactory.

(2) Each person actively serving as an administrative hearing officer shall complete six (6) hours of continuing education every calendar year. The education required by this section shall be in addition to any other continuing education requirements required for other professional licenses held by the administrative hearing officer(s). No continuing education hours from one (1) calendar year may be carried over to a subsequent calendar year. (as added by Ord. #11-766, Dec. 2011)

**12-407. Jurisdiction not exclusive.** The power and authority of vested in the office of administrative hearing is not exclusive and does not terminate or diminish any other existing municipal power or authority. The board of commissioners may direct a municipal officer or employee to develop criteria for determining when to exercise administrative enforcement. (as added by Ord. #11-766, Dec. 2011)
12-408. Citations for violations - written notice. (1) Upon the issuance of a citation for violation of a municipal ordinance referenced in the city's administrative hearing ordinance, the issuing officer shall provide written notice of:

(a) A short and plain statement of the matters asserted. If the issuing officer is unable to state the matters in detail at the time the citation is served, the initial notice may be limited to a statement of the issues involved and the ordinance violations alleged. Thereafter, upon timely, written application a more definite and detailed statement shall be furnished ten (10) business days prior to the time set for the hearing;

(b) A short and plain description of the city's administrative hearing process including references to state and local statutory authority;

(c) Contact information for the city's administrative hearing office; and

(d) Time frame in which the hearing officer will review the citation and determine the fine and remedial period, if any.

(2) Citations issued for violations of ordinances referenced in the city's administrative hearing ordinance shall be signed by the alleged violator at the time of issuance. If an alleged violator refuses to sign, the issuing officer shall note the refusal and attest to the alleged violator's receipt of the citation. An alleged violator's signature on a citation is not admission of guilt.

(3) Citations issued upon absentee property owners may be served via certified mail sent to the last known address of the recorded owner of the property.

(4) Citations issued for violations of ordinances referenced in the city's administrative hearing ordinance shall be transmitted to an administrative hearing officer within two (2) business days of issuance. (as added by Ord. #11-766, Dec. 2011)

12-409. Review of citation - levy of fines. (1) Upon receipt of a citation issued pursuant to section 107, the administrative hearing officer shall, within seven (7) business days of receipt, review the appropriateness of an alleged violation. Upon determining that a violation does exist, the hearing officer has the authority to levy a fine upon the alleged violator in accordance with this section. Any fine levied by a hearing officer must be reasonable based upon the totality of the circumstances.

(a) For violations occurring upon residential property a hearing officer has the authority to levy a fine upon the violator not to exceed five hundred dollars ($500.00) per violation. For purposes of the administrative hearing officer program, "residential property" means a single family dwelling principally used as the property owner's primary residence and the real property upon which it sits.
(b) For violations occurring upon non-residential property a hearing officer has the authority to levy a fine upon the violator not to exceed five hundred dollars ($500.00) per violation per day. For purposes of the administrative hearing officer program, "non-residential property" means all real property, structures, buildings and dwellings that are not residential property.

(2) If a fine is levied pursuant to subsection (1), the hearing officer shall set a reasonable period of time to allow the alleged violator to remedy the violation alleged in the citation before the fine is imposed. The remedial period shall be no less than ten (10) or greater than one hundred twenty (120) calendar days, except where failure to remedy the alleged violation in less than ten (10) calendar days would pose an imminent threat to the health, safety or welfare of persons or property in the adjacent area.

(3) Upon the levy of a fine pursuant to subsection (1), the hearing officer shall within seven (7) business days, provide via certified mail notice to the alleged violator of:

(a) The fine and remedial period established pursuant to subsections (1) and (2);

(b) A statement of the time, place, nature of the hearing, and the right to be represented by counsel; and

(c) A statement of the legal authority and jurisdiction under which the hearing is to be held, including a reference to the particular sections of the statutes and rules involved.

(4) The date of the hearing shall be no less than thirty (30) calendar days following the issuance of the citation. To confirm the hearing, the alleged violator must make a written request for the hearing to the hearing officer within seven (7) business days of receipt of the notice required in subsection (3).

(5) If an alleged violator demonstrates to the issuing officer's satisfaction that the allegations contained in the citation have been remedied to the issuing officer's satisfaction, the fine levied pursuant to subsection (1) shall not be imposed or if already imposed cease; and the hearing date, if the hearing has not yet occurred, shall be cancelled. (as added by Ord. #11-766, Dec. 2011)

12-410. Party in default. (1) If a party fails to attend or participate in a pre-hearing conference, hearing or other stage of a contested case, the administrative hearing officer may hold the party in default and either adjourn the proceedings or conduct them without the participation of that party, having due regard for the interest of justice and the orderly and prompt conduct of the proceedings.

(2) If the proceedings are conducted without the participation of the party in default, the administrative hearing officer shall include in the final order a written notice of default and a written statement of the grounds for the default. (as added by Ord. #11-766, Dec. 2011)
12-411. Petitions for intervention. (1) The administrative hearing officer shall grant one (1) or more petitions for intervention if:
   (a) The petition is submitted in writing to the administrative hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) business days before the hearing;
   (b) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and
   (c) The administrative hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.
(2) If a petitioner qualifies for intervention, the administrative hearing officer may impose conditions upon the intervenor's participation in the proceedings, either at the time that intervention is granted or at any subsequent time. Conditions may include:
   (a) Limiting the intervenor's participation to designated issues in which the intervenor has a particular interest demonstrated by the petition;
   (b) Limiting the intervenor's participation so as to promote the orderly and prompt conduct of the proceedings; and
   (c) Requiring two (2) or more intervenors to combine their participation in the proceedings.
(3) The administrative hearing officer, at least twenty-four (24) hours before the hearing, shall render an order granting or denying each pending petition for intervention, specifying any conditions, and briefly stating the reasons for the order. The administrative hearing officer may modify the order at any time, stating the reasons for the modification. The administrative hearing officer shall promptly give notice of an order granting, denying or modifying intervention to the petitioner for intervention and to all parties.  (as added by Ord. #11-766, Dec. 2011)

12-412. Regulating course of proceedings - hearing open to public. (1) The administrative hearing officer shall regulate the course of the proceedings, in conformity with the pre-hearing order, if any.
   (2) To the extent necessary for full disclosure of all relevant facts and issues, the administrative hearing officer shall afford to all parties the opportunity to respond, present evidence and argument, conduct cross examination, and submit rebuttal evidence, except as restricted by a limited grant of intervention or by the pre-hearing order.
   (3) In the discretion of the administrative hearing officer and by agreement of the parties, all or part of the hearing may be conducted by telephone, television or other electronic means, if each participant in the hearing
has an opportunity to participate in, to hear, and, if technically feasible, to see the entire proceedings while taking place.

(4) The hearing shall be open to public observation pursuant to Tennessee Code Annotated, title 8, chapter 44, unless otherwise provided by state or federal law. To the extent that a hearing is conducted by telephone, television or other electronic means, the availability of public observation shall be satisfied by giving members of the public an opportunity, at reasonable times, to hear the tape recording and to inspect any transcript produced, if any. (as added by Ord. #11-766, Dec. 2011)

12-413. Evidence and affidavits; notice. (1) In an administrative hearing:

(a) The administrative hearing officer shall admit and give probative effect to evidence admissible in a court, and when necessary to ascertain facts not reasonably susceptible to proof under the rules of court, evidence not admissible there under may be admitted if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. The administrative hearing officer shall give effect to the rules of privilege recognized by law and to statutes protecting the confidentiality of certain records, and shall exclude evidence which in his or her judgment is irrelevant, immaterial or unduly repetitious;

(b) At any time not less than ten (10) business days prior to a hearing or a continued hearing, any party shall deliver to the opposing party a copy of any affidavit such party proposes to introduce in evidence, together with a notice in the form provided in subsection (2). Unless the opposing party, within seven (7) business days after delivery, delivers to the proponent a request to cross examine an affiant, the opposing party's right to cross examination of such affiant is waived and the affidavit, if introduced in evidence, shall be given the same effect as if the affiant had testified orally. If an opportunity to cross examine an affiant is not afforded after a proper request is made as provided in this subsection (b), the affidavit shall not be admitted into evidence. "Delivery," for purposes of this section, means actual receipt;

(c) The administrative hearing officer may admit affidavits not submitted in accordance with this section where necessary to prevent injustice;

(d) Documentary evidence otherwise admissible may be received in the form of copies or excerpts, or by incorporation by reference to material already on file with the municipality. Upon request, parties shall be given an opportunity to compare the copy with the original, if reasonably available; and

(e) (i) Official notice may be taken of:

(A) Any fact that could be judicially noticed in the courts of this state;
(B) The record of other proceedings before the agency; or

(C) Technical or scientific matters within the administrative hearing officer's specialized knowledge; and

(ii) Parties must be notified before or during the hearing, or before the issuance of any final order that is based in whole or in part on facts or material notice, of the specific facts or material noticed and the source thereof, including any staff memoranda and data, and be afforded an opportunity to contest and rebut the facts or material so noticed.

(2) The notice referred to in subdivision (2) shall contain the following information and be substantially in the following form:

The accompanying affidavit of _______________ (here insert name of affiant) will be introduced as evidence at the hearing in ______________________ (here insert title of proceeding).

______________ (here insert name of affiant) will not be called to testify orally and you will not be entitled to question such affiant unless you notify _______________ (here insert name of the proponent or the proponent's attorney) at ______________________ (here insert address) that you wish to cross-examine such affiant. To be effective, your request must be mailed or delivered to ______________ (here insert name of proponent or the proponent's attorney) on or before (here insert a date seven (7) business days after the date of mailing or delivering the affidavit to the opposing party). (as added by Ord. #11-766, Dec. 2011)

12-414. Final orders. (1) An administrative hearing officer shall render a final order in all cases brought before his or her body.

(2) A final order shall include conclusions of law, the policy reasons therefore, and findings of fact for all aspects of the order, including the remedy prescribed. Findings of fact, if set forth in language that is no more than mere repetition or paraphrase of the relevant provision of law, shall be accompanied by a concise and explicit statement of the underlying facts of record to support the findings. The final order must also include a statement of the available procedures and time limits for seeking reconsideration or other administrative relief and the time limits for seeking judicial review of the final order.

(3) Findings of fact shall be based exclusively upon the evidence of record in the adjudicative proceeding and on matters officially noticed in that proceeding. The administrative hearing officer's experience, technical competence and specialized knowledge may be utilized in the evaluation of evidence.

(4) If an individual serving or designated to serve as an administrative hearing officer becomes unavailable, for any reason, before rendition of the final order, a qualified substitute shall be appointed. The substitute shall use any
existing record and may conduct any further proceedings as is appropriate in the
interest of justice.

(5) The administrative hearing officer may allow the parties a
designated amount of time after conclusion of the hearing for the submission of
proposed findings.

(6) A final order rendered pursuant to subsection (a) shall be rendered
in writing within seven (7) business days after conclusion of the hearing or after
submission of proposed findings unless such period is waived or extended with
the written consent of all parties or for good cause shown.

(7) The administrative hearing officer shall cause copies of the final
order under subsection (1) to be delivered to each party. (as added by Ord.
#11-766, Dec. 2011)

12-415. Final order effective date. (1) All final orders shall state
when the order is entered and effective.

(2) A party may not be required to comply with a final order unless the
final order has been mailed to the last known address of the party or unless the
party has actual knowledge of the final order. (as added by Ord. #11-766, Dec. 2011)

12-416. Collection of fines, judgments and debts. The city may
collect a fine levied pursuant to this section by any legal means available to a
municipality to collect any other fine, judgment or debt. (as added by Ord.
#11-766, Dec. 2011)

12-417. Judicial review of final order. (1) A person who is aggrieved
by a final decision in a contested case is entitled to judicial review pursuant to
Tennessee Code Annotated, title 6, chapter 54, part 10, which shall be the only
available method of judicial review.

(2) Proceedings for judicial review of a final order are instituted by
filing a petition for review in the chancery court in the county where the
municipality lies. Such petition must be filed within sixty (60) calendar days
after the entry of the final order that is the subject of the review.

(3) The filing of the petition for review does not itself stay enforcement
of the final order. The reviewing court may order a stay on appropriate terms,
but if it is shown to the satisfaction of the reviewing court, in a hearing that
shall be held within ten (10) business days of a request for hearing by either
party, that any party or the public at large may suffer injury by reason of the
granting of a stay, then no stay shall be granted until a good and sufficient
bond, in an amount fixed and approved by the court, shall be given by the
petitioner conditioned to indemnify the other persons who might be so injured
and if no bond amount is sufficient, the stay shall be denied.

(4) Within forty-five (45) calendar days after service of the petition, or
within further time allowed by the court, the administrative hearing officer
shall transmit to their viewing court the original or a certified copy of the entire record of the proceeding under review. By stipulation of all the parties of the review proceedings, the record maybe shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional cost. The court may require or permit subsequent corrections or additions to the record.

(5) If, before the date set for hearing, application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the administrative proceeding, the court may order that the additional evidence be taken before the administrative hearing officer upon conditions determined by the court. The administrative hearing officer may modify its findings and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings or decisions with the reviewing court.

(6) The procedure ordinarily followed in the reviewing court will be followed in the review of contested cases decided by the administrative hearing officer, except as otherwise provided in this chapter. The administrative hearing officer that issued the decision to be reviewed is not required to file a responsive pleading.

(7) The review shall be conducted by the court without a jury and shall be confined to the record. In cases of alleged irregularities in procedure before the administrative hearing officer, not shown in the record, proof thereon may be taken in the court.

(8) The court may affirm the decision of the administrative hearing officer or remand the case for further proceedings. The court may reverse or modify the decision if the rights of the petitioner have been prejudiced because the administrative findings, inferences, conclusions or decisions are:

(a) In violation of constitutional or statutory provisions;
(b) In excess of the statutory authority of the administrative hearing officer;
(c) Made upon unlawful procedure;
(d) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; or
(e) Unsupported by evidence that is both substantial and material in the light of the entire record. In determining the substantiability of evidence, the court shall take into account whatever in the record fairly detracts from its weight, but the court shall not substitute its judgment for that of the administrative hearing officer as to the weight of the evidence on questions of fact.

(9) No administrative hearing decision pursuant to a hearing shall be reversed, remanded or modified by the reviewing court unless for errors that affect the merits of such decision.
The reviewing court shall reduce its findings of fact and conclusions of law to writing and make them parts of the record. (as added by Ord. #11-766, Dec. 2011)

12-418. Appeal to court of appeals. (1) An aggrieved party may obtain a review of any final judgment of the chancery court under this chapter by appeal to the Court of Appeals of Tennessee.

(2) The record certified to the chancery court and the record in the chancery court shall constitute the record in an appeal. Evidence taken in court pursuant to title 24 shall become a part of the record.

(3) The procedure on appeal shall be governed by the Tennessee Rules of Appellate Procedure. (as added by Ord. #11-766, Dec. 2011)
CHAPTER 1

MISCELLANEOUS

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. (2000 Code, § 13-101)

13-102. 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. (2000 Code, § 13-102)

13-103. 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 to effectively prevent the breeding of mosquitoes. (2000 Code, § 13-103)

1Municipal code references
Littering, etc.: title 13, chapter 3.
13-104. **Dead animals.** Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (2000 Code, § 13-104)

13-105. **Health and sanitation nuisances.** It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (2000 Code, § 13-105)

13-106. **Occupancy of mobile homes, house trailers, other vehicles.** 1. No person shall park or locate and occupy any mobile home, house trailer or other vehicle of any kind or any structure unless it complies with all local plumbing, electrical, sanitary or building codes applicable to stationary structures and the proposed location conforms to the zoning provisions of the city and unless a permit therefore shall have been first duly issued by the codes department, as provided for in the building code. This provision shall not apply to mobile homes parked in a legally established mobile home park or to modular homes which have been properly permitted and located.

2. No person shall park any recreational vehicle, motor home, or travel trailer for a period of more than twenty-four (24) hours and occupy such vehicle overnight, except on property specifically established and operating as a camping area or campground.

3. Within any camping area or campground, no designated camping space shall be occupied for a period of longer than thirty (30) consecutive days. (2000 Code, § 13-106)
CHAPTER 2
DANGEROUS BUILDINGS

SECTION
13-201. Findings of the board.
13-203. "Public officer" designated; powers.
13-204. Initiation of proceedings; hearings.
13-205. Orders to owners of unfit structures.
13-206. When public officer may repair, remove or demolish, etc.
13-207. Lien for expenses; sale of salvaged materials; other powers not limited.
13-208. Basis for finding of unfitness.
13-209. Service of complaints or orders.
13-210. Enjoining enforcement of order.
13-211. Additional powers of public officer.
13-212. Powers conferred are supplemental.

13-201. Findings of the board. Pursuant to Tennessee Code Annotated, § 13-211-101, et seq., the board of commissioners finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary conditions, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety, and morals, or otherwise inimical to the welfare of the residents of the city. (2000 Code, § 13-201)

13-202. Definitions. As used in this part, unless the context otherwise requires:
1. "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.
2. "Governing body" shall mean the city commission.
3. "Municipality" shall mean the City of Goodlettsville, Tennessee.
4. "Owner" shall mean the holder of the title in fee simple and every mortgagee of record.
5. "Parties in interest" shall mean all individuals, associations, corporations and others who have interests of record in a dwelling and any who are in possession thereof.
6. "Place of public accommodation" means any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited.
7. "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the municipality or state relating to health, fire, building regulations, or other activities concerning structures in the municipality.

8. "Public officer" means any officer or officers of a municipality or the executive director or other chief executive officer of any commission or authority established by such municipality or jointly with any other municipality who is authorized by ordinance adopted hereunder to exercise the power prescribed by such ordinances and by this chapter.

9. "Structures" shall mean any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (2000 Code, § 13-202)

13-203. "Public officer" designated; powers. The codes enforcement officer or building inspector is hereby designated and appointed a "public officer" under this chapter, with authority to exercise the powers prescribed in this chapter, which powers shall be supplemental to all others held by this officer. (2000 Code, § 13-203)

13-204. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses any basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in court of law or equity shall not be controlling in hearings before the public officer. (2000 Code, § 13-204)

13-205. Orders to owners of unfit structures. If after such notice and hearing as provided for in the preceding section the public officer determines that the structure under consideration is unfit for human occupancy or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(1) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent (50%) of the reasonable value), requiring the owner, during the
time specified in the order, to repair, alter, or improve such structure to render it fit for human occupancy or use or to vacate and close the structure for human occupancy or use; or

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (exceeding fifty percent (50%) of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (2000 Code, § 13-205)

13-206. When public officer may repair, remove or demolish, etc.
If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a notice with the following words: "This building is unfit for human occupancy or use; the use or occupation of this building for human occupancy or use is prohibited and unlawful." If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (2000 Code, § 13-206)

13-207. Lien for expenses; sale of salvaged materials; other powers not limited.
The amount of the cost of any repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the Register of Deeds of Davidson or Sumner County, in whichever county the property lies, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one or all of the owners of properties against whom said costs have been assessed and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the
chancery court of the county in which the property lies by the public officer, shall be secured in such a manner as may be directed by such court, and shall be disbursed by such court provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the City of Goodlettsville to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (2000 Code, § 13-207)

13-208. Basis for finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Goodlettsville; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities, lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanliness. (2000 Code, § 13-208)

13-209. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such person is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of the such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the register's office of the county in which the property is located, and such filing shall have the same force and effect as other lis pendens notices provided by law. (2000 Code, § 13-209)

13-210. Enjoining enforcement of order. Any person affected by an order issued by the public officer served pursuant to this chapter may file a suit in chancery court for an injunction restraining the public officer from carrying out the provisions of this order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such bill in the court. The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (2000 Code, § 13-210)
13-211. **Additional powers of public officer.** The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein and supplemental to any other authority which he or she may have:

1. To investigate conditions of the structures in the city in order to determine which structures therein are unfit for human occupation or use;
2. To administer oaths, affirmations, examine witnesses and receive evidence;
3. To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
4. To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter, and
5. To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (2000 Code, § 13-211)

13-212. **Powers conferred are supplemental.** This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (2000 Code, § 13-212)

13-213. **Structures unfit for human occupation deemed unlawful.** It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. Violations of this section shall subject the offender to a penalty of up to five hundred dollars ($500.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (2000 Code, § 13-213)
CHAPTER 3

LITTER, WEEDS, ETC.

SECTION
13-301. Littering streets and private property prohibited.
13-302. Weeds, etc.
13-303. Open storage of abandoned vehicles, etc., prohibited.
13-304. Contractors, etc., to keep construction sites clean.
13-305. Loose cargo to be covered.
13-306. Suitable containers to be provided at packing and loading operations.
13-308. Inspections; notice to remove; removal by city; reimbursement by owner.
13-309. Abatement of conditions; owners' liability; expenses constitute lien; penalty and interest.
13-310. Definitions.
13-311. Landscape maintenance standards.

13-301. Littering streets and private property prohibited. It shall be unlawful for any person or persons to throw, scatter, or distribute trash, rubbish, or litter on the public streets and highways of the City of Goodlettsville or to distribute, throw, or scatter rubbish or litter on private property within the city. (2000 Code, § 13-301)

13-302. Weeds, etc. It shall be unlawful for any person or persons to permit on their property within the City of Goodlettsville the unrestricted growth of weeds, high grass and other vegetation, or the accumulation of trash, refuse, rubbish, litter, or any other substance, animal or thing, to such an extent that such growth or accumulation is injurious to the health and welfare of an inhabitant of the City of Goodlettsville. Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection. (2000 Code, § 13-302)

13-303. Open storage of abandoned vehicles, etc., prohibited. It shall be unlawful for the owner or occupant of a building, structure or property to utilize the premises of such property for the open storage of any abandoned motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trash, garbage, etc., upon notice from the city manager or his designee. (2000 Code, § 13-303)
13-304. Contractors, etc., to keep construction sites clean. It shall be unlawful for the owner, agent or contractor in charge of any construction or demolition site to cause, maintain, permit or allow to be caused, maintained or permitted the accumulation of any litter on the site before, during or after completion of the construction or demolition project. (2000 Code, § 13-304)

13-305. Loose cargo to be covered. 1. It shall be unlawful for any person, firm, corporation, institution or organization to transport any loose cargo by truck or other motor vehicle within the corporate limits of the city unless said cargo is covered and secured in such manner as to prevent depositing of litter on public and private property.

2. The duty and responsibility imposed by subsection (1) shall be applicable alike to the owner of the truck or other vehicle, the operator thereof, and the person, firm, corporation, institution or organization from whose residence or establishment the cargo originated.

3. In the prosecution charging a violation of subsection (1), lack of adequate covering and securing shall in itself constitute proof a violation has been committed. (2000 Code, § 13-305)

13-306. Suitable containers to be provided at packing and loading operations. Any owner or occupant of an establishment or institution at which litter is attendant to the packing and unpacking and loading and unloading of materials at exterior locations shall provide suitable containers there for the disposal and storage of such litter and shall make appropriate arrangements for the collection thereof. (2000 Code, § 13-306)

13-307. Violations. Any person found to be in violation of this chapter shall be guilty of a misdemeanor and subject to a fine of not less than five dollars ($5.00) nor more than five hundred dollars ($500.00) upon conviction of said offense in the Goodlettsville Municipal Court. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (2000 Code, § 13-307)

13-308. Inspections; notice to remove; removal by city; reimbursement by owner. The City Manager of the City of Goodlettsville or those persons he may designate, shall inspect any property within the City of Goodlettsville suspected of being in violation of §§ 13-302, 13-303 or 13-304. In the event the city manager determines that a violation of this chapter exists, the city manager will cause to be sent a notice to the property owners as shown upon the tax book of the city. Said notice shall advise the owners that there exists a violation of this chapter and that in the event compliance is not effected within ten (10) calendar days or in the case of the excessive and unrestricted growth of grass or weeds seventy-two (72) hours from the date of mailing such notice, the City of Goodlettsville will cause removal of the condition to be
accomplished, and the expense thereof plus a fifty dollar ($50.00) service fee charged to the property and the owners thereof. The notice shall be forwarded to the last known address of all owners of the subject property by either first class or certified mail as appropriate. In the event the removal of the offending condition shall not have been accomplished in the time allowed in the aforementioned notice, the city manager is further authorized and directed to cause the removal to be done at the expense of the City of Goodlettsville. Such removal may be by private contractor or as specified in § 13-309 below. The city manager shall then notify the owners of the property of the amount of such expense in the manner as hereinabove, and shall further notify such owners that reimbursement of such expense is required within ten (10) days from the date of such notice. Failure to reimburse the city within the specified time will result in a lien being placed on the property as specified in § 13-309. (2000 Code, § 13-308)

13-309. Abatement of conditions; owners' liability; expenses constitute lien; penalty and interest. The Department of Public Works of the City of Goodlettsville, after notification of the property owners as set out in § 13-308 above, shall have authority to abate the conditions described in §§ 13-302, 13-303 or 13-304, by removing from the property the condition or substance or thing causing the violation as hereinabove set forth. All owners of property shall be liable jointly and separately for the expense of removal of the condition, substance or thing upon their property, and the property itself shall be subject to suit for reimbursement of such expenses. In the event the expense of such removal shall not have been paid within the ten (10) day period allowed following notice as hereinabove provided, then the expenses shall be entered upon the tax books of the city as a lien against such parcel of property whereon such expense was incurred. In the event such expense shall not have been reimbursed by the date upon which taxes are due and payable for the year in which same was incurred, then the city manager shall cause to be added to said amounts penalty and interest as are applicable to delinquent assessments which shall constitute a lien on property. (2000 Code, § 13-309)

13-310. Definitions. For the purpose of this chapter the following words shall have the meaning given herein:

1. "Abandoned motor vehicle" is any motorized vehicle that is in a state of disrepair and is incapable of being moved under its power or does not carry current licenses and registration.

2. "Litter" is "garbage," "refuse," and "rubbish" as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

3. "Refuse" is all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.
4. "Rubbish" is nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass bedding, crockery and similar materials. (2000 Code, § 13-310)

13-311. **Landscape maintenance standards.** It shall be unlawful for the owner of any building, structure or property located within all commercial, industrial, commercial planned unit development and multi-family dwelling zoning districts not to properly maintain landscaped areas of such premises. Maintained landscaped areas will include all trees, shrubs, ornamental grasses and ground cover associated thereto located on said properties. The property's landscape is to be maintained in a healthy and growing condition, and must immediately be replaced with plant material of similar size and variety if it becomes damaged, destroyed or removed. Landscaped areas shall be kept free of trash, litter, weeds and other such materials or plants not a part of the landscaping. (Ord. #10-737, April 2010)
CHAPTER 4

JUNKYARDS

SECTION


13-401. Junkyards. All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

1. All junk stored or kept in such yards shall be so kept that it will not catch and hold water in which mosquitoes may breed and so that it will not constitute a place, or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

2. All such junkyards shall be enclosed within close fitting plank or metal solid fences touching the ground on the bottom and being not less than six feet (6’) in height, such fence to be built so that it will be impossible for stray cats and/or stray dogs to have access to such junkyards.

3. Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (2000 Code, § 13-401)

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1State law reference

The provisions of this section were taken substantially from the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the case of Hagaman v. Slaughter, 49 Tenn. App. 338, 354 S.W.2d 818 (1961).
CHAPTER 5
MOTOR VEHICLES

SECTION

13-501. Inoperable motor vehicles. (1) Except as provided for in the zoning code, no inoperable or currently unregistered motor vehicle shall be openly parked or stored on any premises within the City of Goodlettsville. Furthermore, no vehicle shall be at any time in a state of major disassembly or disrepair, nor shall it be in the process of being stripped or dismantled, nor shall it undergo a major overhaul, including body work, on any private property within the City of Goodlettsville. This section shall not apply to a motor vehicle on the premises of a business enterprise involved solely in the repair, renovation or servicing of motor vehicles, or a vehicle inside a structure or similarly enclosed area designed and approved for such purposes.

(2) Except as provided in subsection (1), the parking, storage, or accumulation of an inoperable or unregistered motor vehicle on any premises within the City of Goodlettsville, the disassembly, stripping, dismantling, or major overhaul, including body work, of any motor vehicle, or the parking or storage of any motor vehicle in a state of major disrepair on any private property within the City of Goodlettsville shall constitute a nuisance detrimental to the health, safety and welfare of the inhabitants of the area of the City of Goodlettsville. It shall be the duty of the registered owner of the motor vehicle, the owner of record of the property, or the person in possession of the private property upon which the motor vehicle is located, to abate the nuisance through the removal of the motor vehicle from the City of Goodlettsville, or to have the motor vehicle stored inside a fully enclosed structure or similarly enclosed area designed and approved for such purposes.

(3) Every motor vehicle located on private property shall be either stored inside a fully enclosed structure or similarly enclosed area designed and approved for such purposes, or parked or stored in a safe manner on a paved or graveled area, other than a sidewalk. Such paved or graveled parking area for private residential property shall not exceed twenty-five percent (25%) of the total lot area. In any case where this provision is found to be in conflict with any provision included in title 14, Zoning, of the Goodlettsville Municipal Code, the zoning provision shall prevail. This section shall not be applicable to any vehicle for which a valid disabled driver license plate or placard has been issued pursuant to Tennessee Code Annotated, § 55-21-101, et seq., and is visibly displayed on or in the vehicle.
(4) Painting of motor vehicles is prohibited unless conducted inside an approved spray booth.

(5) Every motor vehicle parked or stored on a paved or graveled area of any residentially-zoned property pursuant to subsection (3) of this section must contain an engine, radiator, hood, all doors, trunk lid, bumpers, fenders, four (4) wheels with inflated tires, all windows, both front and rear windshields, a battery, a gas cap, and a complete exhaust system. An exception to citation for violation of this subsection shall be made if a vehicle is missing no more than two (2) of the aforementioned parts.

(6) Every motor vehicle parked or stored on a paved or graveled lot of any commercial business which operates in the sale, lease or exchange of new or used motor vehicles within the City of Goodlettsville, must be maintained in operating condition, start and operate without mechanical assistance. Motor vehicles shall be parked in spaces not less than ten feet by twenty feet (10’ x 20’). (Ord. #09-734, Dec. 2009)

13-502. Prohibited parking of vehicles in off-street parking areas in commercial zones. (1) This sections applies to the parking of commercial vehicles in any off-street parking area in any commercial zone (CC, CG, CS, CSL, OP, CCO, CPUD, CPUDL, GOPUDL and ROPUD).

(2) No semi-tractor or semi-trailer may be permitted by the property owner to park in an off-street parking area in a commercial zone, unless:
   (a) The vehicle is in the process of making or picking up a delivery; or
   (b) The property is operated as a truck terminal a truck stop, an automotive repair shop where repairs are to be performed on the vehicle.

(3) No recreational vehicle may be permitted by the property owner to park overnight in an off-street parking area in a commercial zone, unless the property is operated as a recreational vehicle park; and automotive repair shop where repairs are to be performed on the vehicle; a licensed motor vehicle dealer; or a self-storage facility.

(4) A fine of fifty dollars ($50.00) for each violation of time duration restricted parking section 44.12 (parking of vehicles in off-street parking areas in commercial zones.) shall apply to violations of this chapter. (as added by Ord. #13-791, Feb. 2013)
13-601. Parking lots. (1) All parking lots and paved areas including curbs and wheel stops are to be maintained in a neat and clean condition.

(2) All parking and paved areas shall be maintained in a good state of repair, which shall include proper drainage and the routine cleaning/clearing of drains to prevent the accumulation of pools of water and the correction and removal of all ruts, potholes, and broken pavement.

(3) All parking spaces and fire lanes shall be maintained in a manner which clearly delineates said spaces and shall include maintenance of parking space striping, fire lanes, fire hydrants, directional markings, stop bars, or other indicators. All of the aforementioned shall be maintained as to assure visibility in both daylight and dark conditions. All parking space striping, directional markings and stop bars must be visible from one hundred feet (100') at any time. All fire lanes and fire hydrants shall be striped with white and red reflective paint.

(4) All wheel stops, curbing and any other paved surfaces shall be free of breaks, cracks and other deficiencies. Additionally, all parking areas shall be maintained in the original constructed condition as required by the City of Goodlettsville Zoning Ordinances.

(5) This section shall apply to all ingress or egress drives of parking areas.

(6) All permanent parking lot lighting shall always be maintained in proper working condition, including the prompt replacement of bulbs, ballasts, and sensors. (Ord. #09-735, Feb. 2010, as amended by Ord. #12-776, April 2012)
TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. SIGN REGULATIONS.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

14-102. Organization, powers, duties, etc.

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of eleven (11) members; one (1) of these shall be the mayor or a member of the board of commissioners designated by the mayor. The other ten (10) shall be appointed by the mayor. Only one (1) member of the board of commissioners shall serve on the planning commission at any time. All members of the planning commission shall serve as such without compensation. The terms of the ten (10) members appointed by the mayor shall be for four (4) years each. The term of the mayor or the mayor's designee from the board of commissioners shall run concurrently with their board of commissioners' term of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (Ord. #06-688, Dec. 2006, as amended by Ord. #12-773, March 2012)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (2000 Code, § 14-102)
CHAPTER 2

ZONING ORDINANCE

SECTION
14-203. Application of regulations.
14-204. Establishment of districts and provisions for official zoning map.
14-205. Residential district regulations.
14-206. Commercial district regulations.
14-207. Industrial district regulations.
14-208. Supplementary district regulations.
14-209. Floodplain districts.
14-210. Planned unit development district regulations.
14-211. Performance standards.
14-212. Provisions governing nonconforming uses and nonconforming buildings or other structures.
14-213. Administration and enforcement.
14-214. Legal status provisions.

14-201. Provisions relating to construction of language and definitions. (1) Intent and purpose. This ordinance is enacted pursuant to Tennessee Code Annotated, title 13 for the following purposes:

(a) To promote and protect the public health, safety, morals, comfort, convenience, and general welfare of the people;
(b) To divide the city into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, business, commercial, manufacturing, and other specified uses;
(c) To protect the character and maintain the stability of residential, business, commercial, and manufacturing areas within the city, and to promote the orderly and beneficial development of such areas;
(d) To provide adequate light, air, privacy, and convenience of access to property;
(e) To regulate the intensity of open spaces surrounding buildings that is necessary to provide adequate light and air and protect the public health;
(f) To establish building lines and the location of buildings designated for residential, business, commercial, manufacturing, or other uses within such lines;
(g) To fix reasonable standards to which buildings or structures shall conform;
(h) To prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts;

(i) To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder;

(j) To limit congestion in the public streets and so protect the public health, safety, convenience, and general welfare by providing for the off-street parking of motor vehicles and for the loading and unloading of commercial vehicles;

(k) To provide protection against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and general welfare;

(l) To prevent overcrowding of land and undue concentration of structures so far as is possible and appropriate in each district by regulating the use and the bulk of buildings in relation to the land surrounding them;

(m) To conserve the taxable value of land and the buildings thereon throughout the city;

(n) To provide for the gradual elimination of those uses of land, buildings and structures which do not conform to the standards of the districts in which they are respectively located and which are adversely affecting the development and taxable value of property in each district;

(o) To provide for condemnation of such nonconforming buildings and structures and of land as the board of commissioners shall determine is necessary or appropriate for the rehabilitation of the area blighted by such buildings or structures;

(p) To define and limit the powers and duties of the administrative officers and bodies as provided herein; and

(q) To include in the general purposes additionally the specific purposes stated in the various chapters throughout this ordinance.

(2) Rules for construction of language. In the construction of this title, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise:

(a) The particular shall control the general;

(b) The word "shall" is always mandatory and not discretionary;

(c) The word "may" is permissive;

(d) The word "lot" shall include the words "piece" or "parcel";

(e) The word "structure" includes all other structures, or parts thereof, of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for";
(f) In the case of any difference of meaning or implication between the text of this title and any caption, illustration or table the text shall control;

(g) The word "permitted" or words "permitted as of right," means permitted without meeting the requirements for a conditional use permit;

(h) The words "conditionally permitted" or "permitted by conditional use permit" mean permitted subject to the requirements for a conditional use by special permit pursuant to § 14-213 of this title, and all other applicable provisions;

(i) Words used in the present tense shall include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary;

(j) Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:

(i) "And" indicates that all connected items, conditions, provisions or events shall apply;

(ii) "Or" indicates that any of the connected items, conditions, provisions, or events shall apply;

(iii) "Either...or" indicates that the connected items, conditions, provisions or events shall apply single but not in combination; and

(k) All public officials, bodies, and agencies to which reference is made are those of the City of Goodlettsville, Tennessee.

(l) "Food truck" means a vehicle from which edible food products are cooked, prepared or assembled with the intent to sell such items to the general public, provided further that food trucks may also sell other edible food products and beverages that have been prepared or assembled elsewhere.

(m) "Mobile food service vehicle" means a food truck, canteen truck or ice cream truck and includes any portable unit that is attached to a motorized vehicle and intended for use in the operation of a food truck, canteen truck or ice cream truck.

(3) Definitions. Except where definitions are specifically included in various sections of this title words in the text or tables of this title shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail.

(a) "Accessory." An activity or structure that is customarily associated with and is appropriately incidental and subordinate to a principal activity and/or structure and located on the same zone lot, except as provided for under the provisions of accessory off street parking.

(b) "Activity." The performance of a function or operation, which constitutes the use of land.
(c) "Adult entertainment." Any exhibition of any adult-oriented motion picture, live performance, display or dance of any type, which has a significant or substantial portion of such performance, any actual or simulated performance of specified sexual activities, including removal of articles of clothing or appearing unclothed.

(d) "Adult-oriented establishment." Any commercial establishment, business or service, or portion thereof, which offers, as its principal or predominant stock and trade, sexually oriented or any combination or form thereof, whether printed, filmed, recorded or live and which restricts or purports to restrict admission to adults or any class of adults. "Adult-oriented establishment" includes but is not limited to:

(i) "Adult book stores" any corporation, partnership or business of any kind which has as its principal or predominant stock or trade, books, magazines or other periodicals and which offers, sells, provides or rents for a fee:

(A) Any sexually-oriented material which is available for viewing by patrons on the premises by means of the operation of movie machines or slide projectors; or

(B) Any sexually-oriented material which has a substantial portion of its contents devoted pictorial depiction of sadism, masochism or bestiality; or

(C) Any sexually-oriented material which has as its principal theme the depiction of sexual activity by, or lascivious exhibition of, the uncovered genitals, pubic region or buttocks of children who are or appear to be under eighteen (18) years of age.

(ii) "Adult theatres" an enclosed building used for presenting film presentations which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities for observation by patrons therein; and

(iii) "Adult peep shows" includes all adult show, exhibitions, performances or presentations which contain acts of depictions of specified sexual activities.

(iv) "Specified sexual activities" means activities, services or performances that include the following sexual activities and/or the exhibition of the following anatomical areas:

(A) Human genitals in a state of sexual stimulation or arousal;

(B) Acts of human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio or any excretory function, or representation thereof; or

(C) Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.
(v) "Sexually-oriented material" means any book, article, magazine, publication or written matter of any kind, drawing, etching, painting, photograph, motion picture film or sound recording, which depicts sexual activity, actual or simulated, involving human beings or human beings and animals, or which exhibit uncovered human genitals or pubic region in a lewd or lascivious manner or which depicts human male genitals in a discernibly turgid state, even if completely covered.

(e) "Alley." A public way intended to provide only secondary vehicular access to abutting properties.

(f) "Attached." Joined together by party wall(s).

(g) "Bar." A place of business where alcoholic beverages are sold to be consumed on the premises and where meals are served as well as drinks.

(h) "Basement." A story where the floor is more than twelve inches (12"), but not more than one-half (1/2) of its story height, below the average level of the adjoining ground (as distinguished from a "cellar" which is a story more than one-half (1/2) below such level).

(i) "Bed and breakfast homestay." An owner-occupied building or portion thereof offering transient lodging accommodations and breakfast to guests where rent is paid in money. Such building shall be considered as a one-family detached dwelling or an extension of the one-family dwelling with detached accessory guest buildings under the provisions of item (I) for purposes of use classification and shall be permitted only through a conditional use permit issued by the board of appeals.

(j) "Building." A structure permanently affixed to the ground, with a roof, and intended for the shelter or enclosure of persons or property. Where roofed structures are separated from each other by party walls having no openings for passage, each portion so separated shall be considered a separate building.

(k) "Brew pub." A restaurant at which beer is brewed on site in small batches for on-premise consumption.

(l) "Bulk." Describes the size of buildings or other structures, and their relationship to each other and to open areas and lot lines, and therefore includes:

(i) The size (including height and floor area) of buildings or other structures;

(ii) The area of the zoning lot upon which a residential building is located, and the number of dwelling units within such buildings in relation to the area of the zoning lot;

(iii) The location of exterior walls of buildings or structures in relation to lot lines, to other walls of the same building, to legally required windows, or to other structures; and
(iv) All open areas relating to buildings or other structures and their relationship thereto.

(m) "Cellar." (See basement.)

(n) "Common open space." A parcel or parcels of land and/or an area of water within the site designated as a planned unit development to be permanently preserved and designed and intended for use or enjoyment of the occupants of said development or set aside as permanent undeveloped open space. The open space this may contain such complementary structures and improvements as necessary and appropriate for the benefit and enjoyment of the occupants of such development and may be developed as a golf course with appropriate ancillary uses.

(o) "Commercial community gardening facility." An individual or group of individuals growing and harvesting food crops and/or non-food, ornamental crops, such as flowers, for commercial sale or for personal or group use, consumption, or donation. Commercial community gardens may be divided into separate plots for cultivation by one (1) or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

(p) "Completely enclosed." Refers to a building or other structure having a roof, and separated on all sides from the adjacent open area or from other buildings or other structures, by exterior walls or party walls, pierced only by windows or entrance and exit doors normally provided for persons, goods or vehicles.

(q) "Conditional use." A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning division or districts but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as conditional uses, if specific provisions for such use are made in this ordinance. For the purposes of this ordinance, conditional uses shall be construed as synonymous with special exceptions as authorized by Tennessee Code Annotated, § 13-7-206.

(r) "Court." An open, unoccupied space other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

(s) "Curb level." The mean of the elevations of the side lot lines extended to the street line.

(t) "Development area per dwelling unit." The net amount of land area of a single zone lot required for each dwelling unit to be placed on the zone lot. (May also be referred to as density).

(u) "Duplex." See dwelling, two-family detached.
(v) "Dwelling." A building, or portion thereof, designed or used exclusively for residential occupancy, but not including transient occupancy.

(w) "Dwelling, attached." A building containing three (3) or more one-family dwelling units on individual lots with each dwelling unit being separated from the others by a party wall.

(x) "Dwelling detached." A building located on a single zone lot containing not more than two (2) dwelling units surrounded by yards or open area on the same zone lot.

(y) "Dwelling, mobile home." A one (1) section manufactured home on a single chassis designed to be occupied as a single living unit.

(z) "Dwelling, multi-family." A building containing three or more dwelling units. The term includes cooperative apartments, condominiums and the like.

(aa) "Dwelling, one-family." A building containing only one (1) dwelling unit. The term is general, including such specialized forms as one-family detached, one-family semi-detached and one-family attached houses. For regulatory purposes, the term is not to include mobile homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, or other forms of portable or temporary housing.

(bb) "Dwelling, one-family detached." A building containing one (1) dwelling unit located on an individual lot. This shall include multi-sectional manufactured homes, provided that such homes shall have the same general appearance as site built homes in the area, including a roof with a minimum pitch of 5/12, an enclosed foundation, and base foundation landscaping. Such foundation shall not include exposed concrete block.

(cc) "Dwelling, semi-detached." A building containing not more than two (2) dwelling units, attached at a side to not more than one other building containing not more than two (2) dwelling units by a party wall without openings with each building having a separate lot with dimensions meeting regulations for the district.

(dd) "Dwelling, two-family detached." A detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families, also known as a duplex.

(ee) "Dwelling unit." A room or rooms connected together constituting a separate independent living facility for one (1) family only, including permanent living, sleeping, eating, cooking, bathing and sanitary facilities.

(ff) "Extended stay hotel or motel." A hotel or motel as defined in which the guest rooms have separate sleeping and living areas and may include limited kitchen facilities.

(gg) "Family." One (1) person, or two (2) or more persons occupying a single dwelling unit, provided that unless all members are
related by blood or marriage, no such dwelling unit shall contain over five (5) persons, further provided that domestic servants and temporary nonpaying quests may be accommodated. Family shall not be construed to include a fraternity, sorority, club, or institutional group. Provided that family shall include eight (8) or fewer unrelated, mentally retarded, mentally handicapped, or physically handicapped persons plus two (2) additional persons acting as house parents or guardians who need not be related.

(hh) "Floor area." The total of the gross horizontal areas of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings or the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two feet (2') within the roof line of any building or portion thereof without walls, but excluding the following:

(i) Areas used for off-street parking spaces or loading berths and driveways and maneuvering aisles relating thereto where required in this title; and

(ii) In the case of non-residential facilities: arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display, storage, service, or production areas.

(jj) "Floor area ratio." The total floor area on a zone lot, divided by the lot area of that zone lot. (For example, a building containing twenty thousand (20,000) square feet of floor area on a zone lot of ten thousand (10,000) square feet has a floor area ratio of (2.0).

(kk) "Gross area." An area of land which is inclusive of all land uses and streets, and other public areas located within the development.

(ll) "Height." The vertical distance measured from the highest point of a structure (but excluding HVAC systems on roofs) to the average finished grade across the front of the structure.

(mm) "Home occupations." An accessory activity of a non-residential nature which is performed within the dwelling unit or an accessory structure thereto and which is incidental to the residential use of the property and subject further to the supplemental provisions contained in § 14-208.
(nn) "Hotel." An establishment providing transient lodging which includes a twenty-four (24) hour front desk attendant, restaurant, food service, room service, laundry and dry cleaning service, meeting rooms, health club or swimming pool, and concierge/guest services and in which the guest rooms are accessible from an indoor corridor.

(oo) "Incidental alterations":

(i) Changes or replacements in the nonstructural parts of a building or other structure without limitations to the following examples:

(A) Alterations of interior partitions to improve livability in a nonconforming residential building, provided that no additional dwelling units are created;
(B) A minor addition to the exterior of a residential building, such as an open porch;
(C) Alterations of interior non-load-bearing partitions in all other types of buildings or other structures;
(D) Replacement of, minor change in, capacity of utility pipes, ducts or conduits; or

(ii) Changes or replacements in the structural parts of a buildings or other structure, limited to the following examples or others of similar character or extent:

(A) Making windows or doors in exterior walls;
(B) replacement of building facades having non-load-bearing capacity
(C) Strengthening the floor load-bearing capacity, in not more than ten percent (10%) of the total floor area, to permit the accommodation of specialized machinery or equipment.

(pp) "Land with incidental improvements." A tract of land which contains improvements including buildings or other structures having a total assessed valuation of four thousand dollars ($4,000.00) or less.

(qq) "Landowner." The legal or beneficial owner or owners of all the land proposed to be included in a planned unit development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than fifty (50) years in duration, or other person having an enforceable proprietary interest may be considered a "landowner" for the purpose of this title.

(rr) "Landscaping." The planting and maintenance of trees, shrubs, lawns, and other vegetative ground cover or materials, provided that terraces, fountains, retaining walls, street furniture, sculptures, or other art objects, and similar accessory features may be included as landscaping if integrally designed.

(ss) "Lot." For purposes of this title, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use,
coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street.

(tt) "Lot area." The entire area of a zone lot.

(uu) "Lot area per dwelling unit." That portion of the lot area required for each dwelling unit located on a zone lot. This may also be known as the development area per dwelling unit.

(vv) "Lot coverage." That portion of a zone lot which when viewed directly from above, could be covered by a building or any part of a building.

(ww) "Lot frontage." The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under yards.

(xx) "Lot line." A boundary of a zone lot.

(yy) "Lot measurements":

(i) Depth of a lot shall be considered to be the distance from the midpoint of the front lot line to the midpoint of the rear lot line.

(ii) Width of a lot shall be considered to be the distance along a straight line connecting the side lot lines measured across the lot at the point of the required front yard setback.

.zz) "Lot of record." A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

(aaa) "Lot types." The diagram (Figure 1) which follows illustrates terminology used in this ordinance with reference to corner lots, interior lots, reversed frontage lots and through lots;

[Diagram of Figure 1]

In the diagram, A=corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior
angle of less than one hundred thirty-five degrees (135°). See lots marked a (1) in the diagram.
B=interior lot, defined as a lot other than a corner lot with only one (1) frontage of a street.
C=through lot, defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as double frontage lots.
D=reversed frontage lot, defined as a lot on which the frontage is at right angles or approximately right angles (interior angle less than one hundred thirty-five degrees (135°)) to the general pattern in the area. A reversed frontage lot may also be a corner lot (A-D in the diagram), an interior lot (B-D) or through lot (C-D).

(bbb) "Master plan." Used within the context of the planned unit development provisions, master plan refers to either a preliminary plan, which may be approved by the Goodlettsville Municipal/Regional Planning Commission, or a final plan, which may be approved by the Goodlettsville Municipal/Regional Planning Commission. The "master plan" shall mean the proposal for the development of a planned unit development including, but not limiting to, the requirements for a preliminary plan as stipulated in this title and those for a final plan as stipulated in this title.

(ccc) "Mobile home." (See dwelling, mobile home.)

(ddd) "Mobile home park." A development which is designed and constructed to accommodate mobile homes.

(eee) "Mobile home space." A designated area within a mobile home park for the exclusive use of the occupants of a single home.

(fff) "Mobile home stand." That part of an individual mobile home space which has been reserved for the placement of the mobile home.

(ggg) "Motel." An establishment providing transient lodging which includes a twenty-four (24) hour front desk attendant, room service, may or may not include restaurants but no in-room food preparation and in which the guest rooms are accessible from outdoor parking areas or walkways and are rented on a less than monthly basis.

(hhh) "Non-complying":

(i) Any lawful building or other structure which does not comply with any one (1) or more of the applicable bulk regulations, or

(ii) Any lawful use other than a nonconforming use, which does not comply with any part of any one (1) or more of the applicable regulations pertinent to:

(A) Location along district boundary;
(B) Signs; or
(C) Accessory off-street parking and loading; either on the effective date of this ordinance or as a result of any subsequent amendment.

(iii) Any lot of record which, at the time of adoption of this ordinance, does not contain sufficient lot area to meet the area requirements for the district in which it is located.

(iii) Non-conforming use. A use of a building or other structure or of a tract of land which does not conform to any one (1) or more of the applicable use regulations of the district in which it is located, either on the effective date of this ordinance or as a result of any subsequent amendment.

(jjj) "Overall density." The dwelling units per gross acre of the total area within a residential development.

(kkk) "Party wall." A wall on an interior lot line separating two (2) individual dwelling units which are attached at that wall and which is constructed as a fire wall extending from the footings through the roof without openings and would prohibit the spread of fire from one dwelling unit to another.

(lll) "Person." An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

(mmm) "Planned unit development." A development of land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of phases. A Planned Unit Development (PUD) includes all principal and accessory structures and uses related to the character of the development and is built according to general and detailed plans for all buildings, streets, utilities, drainage facilities, lots, building locations and landscaping. The development may include areas, facilities and improvements for common use and enjoyment that are and will continue to be privately-owned and maintained.

(nn) "Principal activity." An activity which fulfills a primary function of an establishment, institution, household, or other entity.

(ooo) "Required yard." That portion of a zone lot that is required by the specific district regulations to be open from the ground to the sky and may contain only explicitly listed obstructions.

(ppp) "Residence." A building or part of a building containing one (1) or more dwelling units or rooming units, including one-family or two-family houses, multiple dwellings, boarding or rooming houses, or apartment hotels. However, residences do not include:

(i) Such transient accommodations as transient hotels, motels, tourist homes, or similar establishments, or
(ii) Dormitories, fraternity or sorority houses, monasteries, or convents, or similar establishments containing group living or sleeping accommodations, or 
(iii) Nurses' residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility buildings or portions of buildings used for community facilities, or 
(iv) In a mixed building, that part of the buildings used for a non-residential uses, except uses accessory to residential use. 
(qqq) "Rooming unit." A unit of occupancy of semi-permanent residential activity.
(rrr) "Semi-permanent residential establishment." An establishment where lodging is provided for compensation partly on a monthly or longer basis and partly for a shorter time period, but excluding institutional living arrangements involving the provision of a specific kind of forced residence, such as nursing homes, orphanages, half-way houses, asylums and prisons.
(sss) "Setback line." A line running parallel to the street which establishes the minimum distance the principal building must be setback from the street line.
(ttt) "Single ownership." Means a proprietary interest of a landowner as defined herein.
(uuu) "Single Room Occupancy (SRO) residential facility." An establishment providing multiple single room rental units with or without cooking facilities on a monthly or longer basis. These facilities shall be considered to be transient habitation for use; provided however, that due to the duration of stay of the rentals, for zoning purposes an SRO shall be classified as a residential activity.
(vvv) "Story." A portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it, provided that the following shall not be deemed a story:
(i) A basement or cellar if the finished floor level directly above is not more than six feet (6') above the average adjoining elevation of finished grade; or
(ii) An attic or similar space under a gable, hip, or gambrel roof, where the wall plates of any exterior walls are not more than two feet (2') above the floor of such space; and further provided, that a story shall not exceed fourteen feet (14') between floors.
(www) "Street." A publicly maintained right-of-way, other than an alley, which affords a primary means of access to abutting property.
(xxx) "Street line." A lot line dividing a lot from an abutting street.
(yyy) "Structure." An object constructed or installed by man, including but not limited to buildings, signs, towers, smokestacks, and overhead transmission lines.

(zzz) "Tourist oriented limited manufacturing." Limited scale manufacturing activities including the processing, assembling, packaging, treatment, or fabrication of beverage and food products, clothes, furniture, furnishings, and similar uses oriented toward tourist retail sales and services and the facility shall include on-site retail sales and services of the products manufactured at the facility.

(aaaa) "Use." The performance of a function or operation which constitutes the use of land.

(bbbb) "Use and occupancy permit." A written permit issued by the codes administrator required before occupying or commencing to use any building or other structure or any zone lot.

(cccc) "Yard." That part of a zone lot extending open and unobstructed from the lowest level to the sky along the entire length of a lot line, and from a lot line equivalent from a depth or width set forth in the applicable regulations.

(dddd) "Yard, diagram." The following "yard diagram" (Figure 2) shall be used in clarifying the usage of the "line" and "yard" definitions of this title:

![Figure 2](image)

(eeee) "Yard, front." Extending along the full length of a front lot line. In the case of a corner lot, a yard of at least full depth required for a front yard in these regulations, and extending along the full length of a street line shall also be established. Each lot shall have a designated front yard.

(ffff) "Yard, rear." An open space, except for permitted accessory structures, extending for the full length of a rear lot line.

(gggg) "Yard, side." An open unoccupied space extending along a side lot line from the required front yard to the required rear yard. In the
case of a corner lot, any yard which abuts a street line and which is not designated a front yard shall be considered a side yard and shall meet the same requirements as a front yard. In the case of a through lot, side yards shall extend between the required front yards, except when such corner lots are required by these regulations specifically to have more than one (1) front yard.

(hhhh) "Zone or zoning lot." A parcel of contiguous land which is or may be developed or utilized under one (1) ownership as a site for a use or group of uses and which is of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have minimum frontage on an improved, dedicated and accepted public street, or on an approved private street, and may consist of:

(i) A lot of record, a portion of a lot of record, a combination of lots of records; or a parcel described by metes and bounds;

(ii) A tract of land, either un-subdivided or consisting of two (2) or more contiguous lots of record, located within a single block, which on the effective date of this title or any subsequent amendment was in single ownership, or

(iii) A tract of land within a single block, which at the time of filing for a zoning permit (or, if no zoning permit is required, at the time of filing for a use and occupancy permit) is designated by its owner or developer as a tract all of which is to be used, developed, or built upon as a unit under single ownership.

For the purpose of this definition, the ownership of a zone lot shall be deemed to include a lease of not less than fifty (50) years duration as defined under "landowner."

(iii) "Zoning permit." A written permit issued by the codes administrator that is required before commencing any construction, reconstruction, or alteration of any building or structure or before establishing, extending, or changing any activity or use on any zone lot and may be construed the same as a building permit required by the building code. (Ord. #06-674, June 2006, modified, as amended by Ord. #14-817, May 2014, Ord. 16-869, July 2016, Ord. #17-886, Jan 2017, Ord. #17-905, July 2017, and Ord. #18-915, April 2018)

14-202. Use classification. (1) General classification rules. The provisions of this chapter shall be known as the use classifications. The purpose of these provisions is to classify land uses into a number of specifically defined types on the basis of common functional characteristics and similar compatibility with other uses, thereby with criteria which are directly relevant to the public interest. These provisions shall apply throughout the zoning regulations. Where there is a question concerning the appropriate activity
classification for any use not listed herein, the board of appeals shall make the
determination based upon the characteristics of the unlisted use.

(2) **Listing of activity classifications.** All activities are hereby classified
into the following activity types:

(a) **Residential activities:**
- Permanent
  - (i) Dwelling, attached
  - (ii) Dwelling, one-family detached
  - (iii) Dwelling, semi-attached
  - (iv) Dwelling, two-family detached
  - (v) Dwelling, mobile home
  - (vi) Dwelling, multi-family
  - (vii) Mobile home park
- Semi-permanent:
  - (i) Apartment hotel
  - (ii) Boarding or rooming houses
  - (iii) Residential hotel

(b) **Community facility activities:**
- Administrative
- Community assembly
- Community education
- Cultural and recreation services
- Essential service
- Extensive impact
- Health care
- Institutional care
- Intermediate impact
- Personal and group care facilities
- Religious facilities

(c) **Commercial activities:**
- Animal care and veterinarian services
- Automotive parking
- Automotive repair and cleaning
- Automotive servicing
- Building materials and farm equipment
- Consumer repair services
- Construction sales and services
- Convenience commercial
- Entertainment and amusement services
- Financial, consulting, and administrative
- Food and beverage service
- Food service drive-in and drive-thru
- General business and communication services
- General personal service
(xv) General retail trade
(xvi) Group assembly
(xvii) Medical and professional services
(xviii) Scrap operations
(xix) Transient habitation
(xx) Transport and warehousing
(xxi) Undertaking services
(xxii) Vehicular, craft, and related equipment sales, retail and delivery
(xxiii) Wholesale sales

(d) Manufacturing activities:
(i) Limited
(ii) Intermediate
(iii) Extensive

(e) Agricultural, resource production, and extractive activities:
(i) Agricultural services
(ii) Crop and animal raising
(iii) Mining and quarrying
(iv) Plant and forest nurseries
(v) Confined animal feeding operations

(3) Accessory uses. In addition to the principal activities expressed above, each activity type shall be deemed to include activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity. Such accessory activities shall be controlled in the same manner as principal activities except as otherwise expressly provided in this title.

Such accessory activities may include, but are not limited to, the activities indicated below:

(a) Off-street parking and loading serving a principal activity, whether located on the same zone lot or on a different zone lot, but only if the facilities involved are reserved for the residents, employees, patrons or other persons participating in the principal activity.

(b) Home occupations accessory to a residential activity shall be carried on within a dwelling unit, or rooming unit, or by one (1) or more occupants of the dwelling unit or rooming unit subject to further restrictions contained in § 14-208(1)(o). Home occupation shall not include the manufacture and repair of transportation, equipment, a barbershop, a beauty shop, parlor or salon, or any similar type of operation where clientele or patrons are served on the premises.

(c) Child care for four (4) or less pre-teenage children. The dwelling unit in which this activity occurs shall meet all applicable state and local regulations.

(d) Child care for pre-teenage children when operated by a health care, commercial or industrial activity where the care is provided solely for the children of their employees. The facility shall be located on
the same zone lot as the principal activity and meet all applicable state and local regulations for a day care center for children.

(e) Residential occupancy in connection with a principal non-residential activity on the same zone lot.

(f) Operation of a cafeteria for employees, residents, patrons or other participating in the principal activity by an organization engaged in a community facility activity on the same zone lot. Where the principal activity is permitted by conditional use only, an accessory cafeteria must be approved as a part of the action granting said permit.

(g) Sale of goods on the same zone lot as a principal community facility activity, but only if such goods are available only to persons participating in the principal activity.

(h) Production of goods for sale by a firm engaged in a principal commercial activity on the same zone lot, but only if:
   (i) All goods so produced are sold at retail by the same firm either on the same or other zone lots;
   (ii) Such production does not occupy more than forty-nine percent (49%) of the total floor area and open sales, display, storage and service area occupied by such firm on the zone lot;
   (iii) Such production does not in any case occupy more than two thousand (2,000) square feet of such floor area; and
   (iv) Such production only be permitted in an enclosed building.

(i) Storage of goods sold by a principal commercial activity engaged in by the same firm on the same zone lot, and such storage does not occupy more than forty-nine percent (49%) of the total floor area.

(j) Operation of an administrative office of a firm engaged in a principal manufacturing or commercial activity on the same zone lot, but only if such office does not occupy more than forty-nine percent (49%) of the total floor area and open sales, display, storage, production, and service area occupied by the same firm on the same zone lot.

(k) Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same zone lot, or on another of several zone lots being developed at the same time.

(l) Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into ten (10) or more zone lots.

(m) Storage of flammable and combustible liquids and gases, provided that:
   (i) The provisions of this section regulate the above ground storage of flammable and combustible liquids and gases when such storage is an accessory to another principal, residential or commercial activity on the same zone lot. The provisions which
regulate the storage of flammable and combustible liquids and gases as a matter of right in CG districts are contained in the performance standards for commercial districts. The provisions which regulate the storage of flammable and combustible liquids and gases in industrial districts are contained in the performance standards for industrial districts.

(ii) In agricultural districts, no more than one thousand (1,000) gallons of gasoline or diesel fuel, as an accessory activity, may be stored above ground on a single zone lot.

(iii) In all zoning districts, no more than five hundred (500) gallons of home heating oil or liquefied petroleum gas (LPG) per dwelling unit, up to a total of five thousand (5,000) gallons on a single zone lot, may be stored above ground as an accessory activity to a residential activity.

(iv) In all zoning districts other than the agricultural districts above, no more than twenty-five (25) gallons or water gallon equivalents of any other flammable or combustible liquid or gas may be stored above ground on a single zone lot as an accessory activity to a residential activity.

(v) In all zoning districts where the sale of fuel for motor vehicle occurs as an accessory use to convenience sales and service or to automotive servicing, no more than five thousand (5,000) gallons of gasoline, diesel fuel or Liquefied Petroleum Gas (LPG) may be stored above ground on the same zone lot as a part of such accessory sales.

(vi) In any and all zoning districts where retail sales are permitted, flammable and combustible liquids and gases may be stored, displayed and conveyed in the amounts and containers customarily associated with such sales.

(vii) In any and all zoning districts, up to five thousand (5,000) gallons of heating oil or Liquefied Petroleum Gas (LPG) may be stored above ground for heating non-residential buildings.

(viii) In any and all zoning districts, no above-ground storage tank, container or vessel in which flammable or combustible liquids or gases are kept may be located in any required front, rear or side yard. Further, the location, construction and installation of all such tanks, containers or vessels must meet the provisions of the International Building Code and the most current NFPA standard.

(4) Classification of combinations of principal activities. The following rules shall apply where a single zone lot contains activities which resemble two (2) or more different activity types and which are not classified as accessory activities.
(a) Separate classification of each establishment. The principal activities on a single zone lot by each individual establishment, management, or institution shall be classified separately.

(b) Separate classification of different classes of activities conducted by a single establishment. If the principal activities conducted by a single establishment, management, or institution resemble two (2) or more different classes of activities, the principal activities of each class shall be classified separately.

(c) Classification of different activities within the same class, conducted by a single establishment. If principal activities conducted on a single zone lot by a single establishment, management, or institution resemble two or more activity types within the same class of activities, all such principal activities shall be classified in the activity type within said class the description of which type most closely portrays the overall nature of such activities.

(5) Residential activities. (a) Permanent residential. The occupancy of living accommodations on a monthly or longer basis with none of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis. This shall not include institutional living arrangements involving the provision of any kind of special care or forced residence such as nursing homes, orphanages, asylums, half-way houses or prisons, except as provided by general law of the state. The following dwelling types as defined by this ordinance are permanent residential activities, however, only those dwelling types as indicated by individual district regulations may be permitted therein.

(i) Dwelling, attached
(ii) Dwelling, one-family detached
(iii) Dwelling, two-family detached
(iv) Dwelling, semi-detached
(v) Dwelling, mobile home
(vi) Dwelling, multi-family
(vii) Mobile home park

(b) Semi-permanent residential. The occupancy of living accommodations partly on a monthly or longer basis and partly for a shorter time period, but with less than thirty percent (30%) of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis. This shall not include institutional living arrangements involving the provision of a special kind of care or forced residence, such as nursing homes, orphanages, asylums, half-way houses, and prisons, except as provided by general law of the state, nor any type dormitory, fraternity or sorority houses, or similar group living or sleeping accommodations. The following dwelling or rooming unit types as defined by this ordinance are considered as semi-permanent residential activities, however, only those dwelling or
rooming unit types as indicated by individual district regulations may be permitted therein.

(i) Apartment hotel  
(ii) Boarding or rooming house  
(iii) Residential hotel

(6) Community facility activities. (a) Administrative services include the activities typically performed by public administrative offices. These activities would include:

(i) City, county, state, and federal offices  
(ii) Civil defense facilities  
(iii) Court buildings  
(iv) Fire department facilities  
(v) Police department facilities  
(vi) Post offices

(b) Community assembly includes the activities typically performed by or at institutions and installations for various social, athletic, and recreational purposes. These activities do not include facilities primarily utilized for profit. They would include:

(i) Civic, social, fraternal, and philanthropic associations  
(ii) Private (nonprofit) clubs, lodges, meeting halls, and recreation centers  
(iii) Temporary nonprofit festivals

(c) Community education includes the activities of an educational nature typically performed by the following institutions:

(i) Public and private nursery schools  
(ii) Kindergarten, primary, and secondary schools

This does not include special training and schooling services offered by private individuals for profit nor technical schools, colleges, or universities.

(d) Cultural and recreational services includes the activities of a cultural or recreational nature which are either owned by, or operated for the use and enjoyment of, the general public. This does not embrace such facilities which are privately-owned and operated for profit. These activities would include:

(i) Art galleries  
(ii) Libraries  
(iii) Museums  
(iv) Parks, playgrounds, and playfields  
(v) Planetariums and aquariums  
(vi) Recreational centers and gymnasiums  
(vii) Swimming pools and beaches  
(viii) Zoological and botanical gardens

(e) Essential services includes the maintenance and operation of the following installations:
(i) Electrical and gas substations
(ii) Pumping facilities for water and sewer systems
(iii) Telephone switching facilities

(f) Extensive impact facilities includes the activities that have a high degree of impact upon surrounding land use due to their hazards or nuisance characteristics, as well as traffic generation, parking, and land requirements and typically performed by, or the maintenance and operation of, the following institutions and installations:

(i) Airports, air cargo terminals, heliports, or other aeronautical devices
(ii) Correction and detention institutions
(iii) Electricity generating facilities and transmission lines
(iv) Garbage incineration plants including co-generation facilities
(v) Major fuel transmission lines and facilities
(vi) Major mail processing centers
(vii) Military installations
(viii) Public and private utility corporations and
(ix) Truck yards, including storage yards
(x) Radio and television transmission facilities
(xi) Railroad, bus, and transit terminals
(xii) Railroad yards and other transportation equipment
(xiii) Marshaling and storage yards
(xiv) Sanitary landfill
(xv) Sewage treatment plants
(xvi) Stadiums, sports arenas, auditoriums, and bandstands
(xvii) Water treatment plants

(g) Health care facilities includes the activities typically performed by the following institutions but not including the offices, clinics, etc., of private physicians or other health care professionals:

(i) Centers for observation or rehabilitation
(ii) Convalescent homes
(iii) Hospitals
(iv) Medical clinics

(h) Institutional care facilities includes activities providing residential services to unrelated individuals who are delinquent minors, psychotic, or paroled from detention institutions. These activities would include:

(i) Group living arrangements
(ii) Halfway houses

(i) Intermediate impact facilities includes the activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or
potential nuisances and typically performed by, or the maintenance and operation of, the following institutions or installations:

(i) Cemeteries, columbariums, and mausoleums
(ii) Colleges, junior colleges, and universities, but excluding profit-making business schools
(iii) Golf
(iv) Water storage facilities

(j) Personal and group care facilities includes the activities and facilities to provide for the care of pre-teenage children, excluding living accommodations for the clientele, the elderly and/or disabled and handicapped persons needing special care or supervision but excluding facilities oriented toward medical care and also excluding facilities for delinquent, criminally dangerous, or psychotic people. These activities would include:

(i) Associations for physically or mentally handicapped persons
(ii) Child care facilities
(iii) Group home for physically or mentally handicapped persons
(iv) Nursing homes
(v) Retirement or rest homes (without health care)

(k) Religious facilities includes the activities or facilities utilized by various religious organizations for worship functions but excluding any facility the primary function of which is to produce products or printed matter for sale or general distribution, any retail sales or commercial overnight accommodations. The activities include:

(i) Chapels
(ii) Churches
(iii) Convents or monasteries
(iv) Sanctuaries
(v) Synagogues
(vi) Temples

(6) Commercial activities. (a) Animal care and veterinarian services includes the provision of animal care, treatment, and boarding services.

(i) Pet day care
(ii) Pet grooming and cleaning
(iii) Veterinarian clinics and kennels

(b) Automotive parking includes the parking and/or storage of motor vehicles but excluding junk or scrap vehicles.

(c) Automotive repair and cleaning includes establishments primarily engaged in furnishing auto repair services to the general public. The activities include:

(i) Auto cleaning and detailing services
(ii) Auto engine repair and replacement shops
(iii) Auto glass repair and replacement shops
(iv) Auto inspection and diagnostic services
(v) Auto paint shops
(vi) Auto towing services
(vii) Auto transmission repair shops
(viii) Car washes
(ix) Radiator and muffler shops
(x) Tire retreading and repair shops

(d) Automotive servicing includes the sale, from the premises, of goods and the provision of services which are generally required for the operation and maintenance of motor vehicles and fulfilling motorist's needs. Activities include:

(i) Gasoline service stations, excluding fuel services for trucks over ten thousand (10,000) pounds in gross vehicle weight
(ii) Sale and installation of tires, batteries, accessories, and replacement items
(iii) Lubricating services
(iv) Performance of minor repairs (brakes, tune-up and similar service)
(v) Wheel alignment

(e) Building materials and farm equipment includes the retail and wholesale sales and storage of materials used in the construction of buildings and other structures as well as the retail and wholesale sale and storage of implements, equipment, feed and seed used in agricultural pursuits.

(i) Farm equipment and supplies
(ii) Feed milling and sales
(iii) Heating, plumbing, and electrical supplies
(iv) Lumber and other building materials dealers
(v) Seed storage and sales

(f) Consumer repair services includes the servicing and repair of appliances, furniture, and equipment generally used or owned by individuals.

(i) Electrical repair shops
(ii) Furniture repair, upholstery and refinishing shops
(iii) Gunsmith shops
(iv) Instrument repair shops
(v) Lawn mower repair shops
(vi) Locksmith shops
(vii) Office equipment cleaning and repair
(viii) Refrigeration and air conditioning repair
(ix) Saddlery repair shops
(g) Construction sales and services includes the offices, buildings, and shops of various types of contractors as well as incidental on-site construction and storage.

(i) Builder's hardware
(ii) Carpentering contractors
(iii) Concrete contractors
(iv) Excavation contractors
(v) General building contractors
(vi) Glazing contractors
(vii) Highway and street construction contractors
(viii) Masonry, stonework, tile setting and plastering contractors
(ix) Painting and paper hanging
(x) Plumbing, heating and electrical contractors
(xi) Roofing and sheet metal contractors

(h) Convenience commercial includes the retail sale, from the premises, of groceries, drugs and other frequently needed personal convenience items, as well as the provision of personal convenience services that are typically needed frequently or recurrently; provided that no establishment shall exceed five thousand (5,000) square feet of gross floor area.

(i) Bakeries
(ii) Barber shops
(iii) Beauty shops
(iv) Drug stores
(v) Grocery stores
(vi) Hardware stores (no outside storage)
(vii) Laundry and dry cleaning pick-up stations
(viii) Newsstands (excluding adult bookstores as defined)
(ix) Self-service gasoline pumps, excluding fuel services for trucks over ten thousand (10,000) pounds in gross vehicle weight
(x) Shoe repair services

(i) Entertainment and amusement services includes the provision of cultural, entertainment, educational and athletic services, other than those classified as community facility activities, to assembled groups of spectators or participants.

(i) Art galleries (commercial)
(ii) Batting and golf driving ranges
(iii) Bowling alleys and billiard parlors
(iv) Coin operated amusement arcades
(v) Exhibition halls and auditoriums
(vi) Motion picture theaters (excluding adult entertainment as defined)
(vii) Skating rinks
(viii) Theaters - legitimate
(ix) Theatrical producers, bands, orchestras and entertainers

(j) Financial, consultative and administrative services includes the provision of financial, insurance, real estate brokerage and general business offices, as well as advice, designs, information or consultations of a professional nature (other than those classified as community facility activities, medical service, or business and communication services).

(i) Accounting, auditing, and bookkeeping services
(ii) Agricultural credit institution
(iii) Artists studios (excluding commercial artists)
(iv) Attorneys and law offices
(v) Banking and bank-related functions
(vi) Consulting scientists
(vii) Credit unions
(viii) Educational and scientific research services
(ix) Engineering, architectural, and planning services
(x) Holding and investment organizations
(xi) Insurance carriers, agents, brokers, and service
(xii) Money management and investment offices
(xiii) Real estate brokers, managers and appraisers
(xiv) Rediscount and financing institutions for credit agencies other than banks
(xv) Savings and loan associations
(xvi) Securities commodities, brokers, dealers, and exchanges
(xvii) Songwriters, music arrangers, writers and lecturers
(xviii) Title offices

(k) Food and beverage service includes the retail sale of prepared food or beverages for primarily on-premises consumption within the principal structure on the zone lot.

(i) Bars
(ii) Brew pubs
(iii) Restaurants

(l) Food service drive-in and drive-thru includes the retail sale of prepared food or beverages for either home or on premises consumption either within the principal structure or within a parked car on the same zone lot or with the principal structure having a pick-up window with a drive-thru lane.

(i) Drive-in restaurants
(ii) Restaurants with drive-thru service

(m) General business and communication services includes the provision of services of a clerical, goods brokerage, and communications
of a minor processing nature, copying and blueprinting services, custom printing (except books) but exclude the sale and/or storage of goods and chattel unless otherwise permitted by this ordinance.

(i) Advertising agencies and services
(ii) Commercial cleaning services
(iii) Commercial testing laboratories
(iv) Communications services
(v) Radio and television broadcasting studios
(vi) Telegraph offices and message centers
(vii) Telephone exchanges and relay towers
(viii) Television and recording production studios
(ix) Computer and data processing services
(x) Credit reporting, adjustment, and collection agencies
(xi) Detective agencies and protective services
(xii) Drafting services
(xiii) Employment, personnel, and temporary help services
(xiv) Exterminating services
(xv) Interior decorator and consulting services
(xvi) Mailing, reproduction, and commercial art services
(xvii) Management, consulting, and public relations services
(xviii) Membership organizations
(xix) Automobile clubs
(xx) Better business bureaus
(xxi) Chamber of commerce
(xxii) Labor unions
(xxiii) Political organizations
(xxiv) Professional associations
(xxv) News syndicates
(xxvi) Photo-finishing services
(xxvii) Research and development laboratories
(xxviii) Trading stamp services

(n) General personal services includes the provision to individuals of informational and instructional services as well as the provision of care and maintenance for personal items. These activities do not include the storage or sale of goods or chattel unless otherwise permitted herein.

(i) Automatic Teller Machines (ATM)
(ii) Barber shops
(iii) Beauty shops and salons
(iv) Decorating services
(v) Laundry, cleaning, and garment services
(vi) Mini warehouses (included by conditional use only)
(vii) Miscellaneous personal services
(viii) Clothing rental agencies
(ix) Health spas
(x) Photographic studios
(xi) Shoe repair shops
(xii) Special training and schooling services
(xiii) Art and music schools
(xiv) Barber and beauty schools
(xv) Business schools
(xvi) Dancing schools/exercise studios
(xvii) Driving schools
(xviii) Watch, clock and jewelry repair

(o) General retail trade includes the retail sales or rental from the premises, primarily for personal or household use, of goods and/or services but excluding goods and services listed in the other classifications herein.

(i) Antique and second hand merchandise stores
(ii) Automotive parts (no exterior storage)
(iii) Bakeries
(iv) Book and stationery stores (excluding adult bookstores)
(v) Camera stores
(vi) Candy, nut and confectionery stores
(vii) Children's and infant's stores
(viii) Convenience markets including gasoline and diesel fuel sales for cars and trucks
(ix) Dairy products stores
(x) Department stores
(xi) Drapery, curtain, and upholstery stores
(xii) Drug stores and proprietary stores
(xiii) Family clothing stores
(xiv) Floor covering stores
(xv) Florists
(xvi) Fruit stores and vegetable markets
(xvii) Furniture stores
(xviii) Furriers and fur shops
(xix) Gift shops
(xx) Grocery stores
(xxi) Hardware store
(xxii) Hobby, toy, and game stores
(xxiii) Household appliance stores
(xxiv) Jewelry stores
(xxv) Lawn and garden supplies, retail nurseries
(xxvi) Liquor stores
(xxvii) Luggage shops
(xxviii) Meat and seafood markets
(xxix) Men's and boy's clothing and furnishing stores
(xxx) Miscellaneous apparel and accessory stores
(xxi) Bathing suit stores
(xxii) Custom tailors
(xxiii) Shirt shops
(xxiv) Sports apparel stores
(xxv) Uniform stores
(xxvi) Miscellaneous general merchandise stores
(xxvii) Direct selling organizations
(xxviii) Mail order houses
(xxix) Miscellaneous home furnishings stores
(XXX) Bedding and linen stores
(xxii) Cookware stores
(xxiii) Cutlery stores
(xxiv) Glassware and china shops
(xxv) Lamp and shade shops
(xxvi) Paint and wallpaper stores
(xxvii) Music stores
(xxviii) News stands
(xxix) Radio and television stores
(xl) Retail bakeries
(xli) Sewing and piece goods stores
(xlii) Shoe stores
(xliii) Sporting goods stores
(xliv) Tobacco shops
(xlv) Variety stores
(xlv) Women's accessory and specialty stores
(xlvi) Women's ready-to-wear store

(p) Group assembly includes the provision of cultural, entertainment, educational, and athletic services, other than those classified as community facilities, to large groups of assembled spectators and/or participants (one hundred fifty (150) or more) or that have a substantial potential impact upon adjoining property.

(i) Amusement parks
(ii) Commercial camp grounds
(iii) Commercial (recreational) resorts
(iv) Commercial sports arenas and playing fields
(v) Drag strips
(vi) Race tracks (auto, motorcycle, dog, and horse)

(q) Medical services includes the provision of therapeutic, preventive, or corrective personal treatment services by physicians, dentists, and other practitioners, as well as testing and analysis services of which is provided in an office environment.

(i) Chiropractors offices
(ii) Consulting scientists
(iii) Dental offices and laboratories
(iv) Optometrists
(v) Physicians' offices and clinics (out patient services only)
(vi) Psychologists and psychotherapists

(r) Scrap operations includes firms engaged in the storage and/or sale, from the premises, of used or waste material or other items except when such activities are incidental to a manufacturing activity.
(i) Automobile junk yards
(ii) Salvage operations

(s) Transient habitation includes the provision of lodging services for transient guests. The term shall include four (4) different types of activities as defined in § 14-203(3).
(i) Hotel
(ii) Motel
(iii) Extended stay hotel/motel
(iv) Single room occupancy residential facility (SRO)

(t) Transport and warehousing includes the provision of warehousing, storage, freight handling, shipping, and trucking services.
(i) Bus and truck maintenance and repair
(ii) Food lockers
(iii) General warehousing
(iv) Household goods storage
(v) Packing and crating services
(vi) Refrigerated warehousing
(vii) Truck stops with facilities for fueling, parking and washing
(viii) Truck terminals and freight handling services
(ix) Wrecker services

(u) Undertaking services includes the provision of undertaking and funeral services involving the care and preparation of the human deceased prior to burial.
(i) Cemeteries
(ii) Funeral homes
(iii) Undertakers

(v) Vehicular, craft, and related equipment includes the retail or wholesale sale or rental from the premises of watercraft, vehicular and related equipment with incidental maintenance.
(i) Boat and motor dealers
(ii) Mobile home dealers
(iii) Motor vehicle dealers
(iv) Motorcycle dealers
(v) Motor vehicle leasing
(vi) Recreational vehicles, including All-Terrain Vehicles (ATV) and utility trailer dealers
(w) Wholesale sales includes the storage and sale from the premises of goods to other firms for resale, as well as the storage of goods and their transfer to retail outlets; but exclude sale or storage of motor vehicles, except for parts and accessories. These would include such uses as:

(i) Apparel, piece goods, and notions
(ii) Automotive parts and supplies
(iii) Beer, wine, and distilled alcoholic beverages
(iv) Chemicals and allied products
(v) Drugs, drug proprietary, and sundries
(vi) Electrical goods and appliances
(vii) Farm products raw materials
(viii) Farm supplies
(ix) Furniture and home furnishings
(x) Groceries and related products
(xi) Hardware, plumbing, and heating equipment and supplies
(xii) Lumber and other construction materials
(xiii) Machinery, equipment, and supplies
(xiv) Metals and minerals
(xv) Paints, varnishes, and supplies
(xvi) Petroleum and petroleum products
(xvii) Sporting, recreational, photographic, and hobby goods
(xviii) Tobacco and tobacco products
(xix) Toys and supplies

(8) Manufacturing activities. Manufacturing activities include the on-site production of: (a) Limited manufacturing activities includes the following operations:

(i) The manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of the following products if all such operations are carried out within completely enclosed buildings:

(A) Apparel and apparel accessories
(B) Art objects
(C) Bakery goods
(D) Beverages (non alcoholic)
(E) Dairy products
(F) Instruments for medical, dental, engineering, scientific, and other professional purposes
(G) Optical instruments and lens
(H) Printed matter
(I) Signs
(ii) Activities and operations which includes the following:

(A) Book binding
(B) Cabinets and similar products
(C) Data processing service
(D) Photocopying
(E) Photoengraving
(F) Precision machining of dies, jigs, and fixtures
(G) Printing
(H) Publishing
(I) Record pressing
(J) Schools for instruction of industrial processes such as welding, HVAC, etc.
(K) Upholstering
(L) Welding

(b) Intermediate manufacturing activities includes the following:

(i) The manufacture, compounding, assembling, packaging, treatment or fabrication of products except for the following:

(A) Cotton seed oil
(B) Explosives
(C) Fireworks
(D) Organic fertilizers

(ii) Other activities and operations except for the following:

(A) Abrasive, asbestos, and non-metallic mineral processing
(B) Arsenals
(C) Asphalitic cement plants
(D) Atomic reactors
(E) Automobile wrecking yards, scrap and waste materials
(F) Cement and/or concrete plants
(G) Chemical manufacturing in excess of one (1) ton per day
(H) Cotton ginning
(I) Fat rendering
(J) Foundries
(K) Grain milling
(L) Offal processing
(M) Ore reduction
(N) Paper mills
(O) Petroleum defining
(P) Pulp manufacturing
(Q) Radioactive materials waste handling
(R) Rolling and finishing of ferrous materials
(S) Slaughtering of animals
(T) Smelting and refining of metals and alloys
(U) Steel works (other than those listed)
(V) Tanning
(W) Waste disposal by compacting or incineration, as a principal use

(c) Extensive manufacturing activities includes all of the exceptions listed above under intermediate manufacturing except for the following:

(i) Arsenals
(ii) Atomic reactors
(iii) Explosives manufacturing and storage
(iv) Fireworks manufacturing
(v) Hazardous wastes storage and/or transfer
(vi) Radioactive waste handling

(d) High technology manufacturing, assembly and processing. Manufacturing, assembly and/or processing subject to the following standards:

(i) All noise and vibration shall be limited to the interior of the structure;
(ii) The use emits no odors, dust, gas, radiation, broadcast interference, glare, or hazard; and
(iii) The nature of the business is such that products developed require employees with technical knowledge of the process and product.

(9) Agricultural, resource production, and extractive activities.

(a) Agricultural services includes various activities designed to provide needed services for agricultural activities and are appropriately located in close proximity thereto.

(i) Crop drying, storage, and processing
(ii) Crop planting, cultivating, and protection services
(iii) Horticultural services
(iv) Soil preparation services
(v) Veterinary services for large animals

(b) Confined animal feeding operations includes facilities and operations involved in the storage and feeding (other than pasture grazing) of animals for resale or slaughter within confined fenced spaces (also known as a feed lot) or within buildings.

(c) Crop and animal raising includes the raising of tree, vine, field, forage, and other plant crops intended to provide food or fiber, as well as keeping, grazing, or feeding animals for animal products, animal
increase, or value increase, but specifically excluding confined animal
feeding operations and facilities for the processing, packaging, or

treatment of agricultural products.

(i) Dairies
(ii) Farms
(iii) Raising of plants, animals, and fish
(iv) Truck gardens

(d) Mining, drilling, and quarrying includes operations and
facilities either utilized by, or in support of the extraction of minerals,
ores, petroleum, and natural gas or in the quarrying and collection of
stone, gravel, sand, clay, and other non-metallic minerals (i.e., phosphate
rock).

(i) Chemical fertilizer and non-metallic mineral mining
(ii) Clay, ceramic, and refractory minerals
(iii) Coal mining
(iv) Crude petroleum and natural gas production
(v) Metal ore and mineral mining
(vi) Sand and gravel quarrying
(vii) Stone quarrying

(e) Plant and forest nurseries includes the cultivation for sale
of horticultural specialties, such as flowers, shrubs, and trees, intended
for ornamental, landscaping, or tree planting purposes.

(i) Forest nursery
(ii) Plant nursery (Ord. #06-674, June 2006, as amended
by Ord. #12-784, Aug. 2012)

14-203. Application of regulations. (1) Application. No structure shall
be constructed, erected, placed or maintained and no land use commenced or
continued within the City of Goodlettsville, Tennessee, except as specifically or
by necessary implication, authorized by this title. Conditional uses are allowed
only on permits granted by the board of zoning appeals upon finding that the
specified conditions exist. Where a lot is devoted to a permitted principal use,
customary accessory uses and structures are authorized except as prohibited
specifically or by necessary implication.

(2) Scope of regulations. (a) New uses, lots, buildings, or other
structures. Any new building or other structure or any tract of land shall
be used, constructed, or developed only in accordance with the use, bulk,
and all other applicable provisions of this title.

(b) Existing uses, lots, building, or other structures.

(i) Any existing use legally established prior to the
effective date of the ordinance enacting this title, which does not
comply with the provisions of the title shall be subject to the
nonconforming use provisions in § 14-212 of this title.
(ii) Any existing lot, parcel, building, or other structure legally established prior to the effective date of the ordinance enacting this title, which does not comply with its provisions, other than use provisions, shall be subject to the non-complying regulations in § 14-212 of this title.

(b) Alteration of existing buildings and other structures.
   (i) All structural alterations or relocations of existing buildings or structures occurring after the effective date of this ordinance and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this title which are applicable to the zoning districts in which such building, uses, or land shall be located.

   (ii) Whenever an existing building is expanded or remodeled by more than thirty three and one-third percent (33 1/3%) of its square footage within a twenty-four (24) month period, the entire site shall be brought into compliance with site improvements required by this title including required parking spaces, design and paving of parking lots and driveways, access points to a public street, landscaping and drainage.

(3) Exceptions, variances and conditional uses. Whenever the zoning ordinance in effect at the time of adoption of the ordinance enacting this title has authorized any use which is not permitted as of right by issuing a variance, exception, or permit to locate in a district, such authorization may be continued, changed, extended, enlarged, or structurally altered only as set forth in § 14-212.

(4) Renewals of uses where exceptions, variances or conditional uses granted. Where no limitation of the use was imposed at the time of authorization, such use may be continued. Where such use was authorized subject to a term of years, such use may be continued until the expiration of the term, and thereafter, the agency or similar constituted agency which originally authorized such use may, in appropriate cases, extend the period of continuance for one (1) or more terms of not more than five (5) years each. The agency may prescribe appropriate conditions and safeguards to minimize adverse effects of such use on the character of the neighborhood.

(5) Change of uses where exceptions, variances, or conditional uses granted. In no event shall any use which was granted upon exception, variance, or condition, be changed, and no agency shall be empowered to permit such use to be changed, except to a conforming use or nonconforming use as provided for in § 14-212. For the purposes of this section a change of use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change in use.

(6) Legislative intent of administrative application of zoning regulation. Whenever, in the course of administration and enforcement of this
title, it is necessary or desirable to make any administrative decisions, then, unless other standards are provided in this title, the decision shall be made so that the result will not be contrary to the spirit and purpose of this title or injurious to the surrounding neighborhood.  (Ord. #06-674, June 2006)

14-204. Establishment of districts and provisions for official zoning map. (1) Establishment of districts. (a) Regular districts. In order to implement all purposes and provisions of this ordinance, the following districts are hereby established:

(i) Residential districts:
- A – Agricultural district
- R-40 – Low density residential district
- R-25 – Low density residential district
- R-15 – Medium density residential district
- R-10 – Medium density residential district
- R-7 – High density residential district
  Mobile home park district

(ii) Commercial districts:
- CC – Commercial core district
- CG – Commercial general district
- CS – Commercial service district
- CSL – Commercial service limited district
- INT – Interchange overlay district
- OP – Office professional

(iii) Industrial districts:
- IR – Industrial restrictive district
- IG – Industrial general district

(b) Special districts. The following are hereby established as special districts subject to further provisions as set forth in this ordinance.

(i) Floodplain district
(ii) Planned unit development districts
(iii) Commercial core overlay

(2) Provisions for official zoning maps.¹ (a) Incorporation of maps. The boundaries of districts established by this ordinance are shown on the official zoning maps, which are hereby incorporated into the provisions of this ordinance. The zoning maps in their entirety, including all amendments shall be as much as part of this ordinance as if fully set forth and described herein.

¹The official zoning map for the City of Goodlettsville and all amendments thereto are of record in the office of the city recorder.
Identification and alteration of the official zoning map. The official zoning map shall be identified by the signature of the mayor attested by the city recorder, and bearing the seal of the city under the following words: "This is to certify that this is the official zoning map referred to in chapter 5 of Ordinance No. 06-674 of the City of Goodlettsville, Tennessee," together with the date of the adoption of this ordinance.

If, in accordance with the provisions of this ordinance and Tennessee Code Annotated, § 13-7-204, changes are made in district boundaries or other matter portrayed on the official zoning maps, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the city commission.

No amendment to this ordinance, which involves matter portrayed on the official zoning map, shall become effective until after such change and entry has been made on said map.

Regardless of the existence of purported copies of the official zoning map, which may from time to time be made or published, the official zoning map, which shall be located in the office of the city recorder, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city.

Replacement of official zoning map. In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the city commission may by resolution adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor attested by the city recorder, and bearing the seal of the city under the following words:

"This is to certify that the official zoning map supersedes and replaces the official zoning map adopted June 22, 2006 as part of Ordinance No. 06-674 of the City of Goodlettsville, Tennessee."

All prior official zoning maps or any significant parts thereof shall be preserved, together with all available records pertaining to their adoption or amendment. (Ord. #06-674, June 2006, as amended by Ord. #13-806, Dec. 2013)

14-205. Residential district regulations. (1) Statement of purpose. The residential districts established in this title are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. These general goals include, among others, the following more specific purposes:
(a) To provide sufficient space in appropriate locations for residential developments to adequately meet the housing needs of the present and expected future population of the urban area, with due allowance for the need for a variety of choices in site selections;

(b) To permit improved movement on the public ways and effectively utilize existing public ways, and as far as possible, to mitigate the effects of heavy traffic and more particularly all through traffic, in residential areas;

(c) To protect residential areas against flood, fire, explosions, toxic and noxious matter, radiation, and other dangers, and against offensive matter, heat, glare, humidity, and other objectionable influences;

(d) To protect residential areas against undue congestion, as far as possible, by regulating the density of population, the intensity of activity, and the bulk of buildings in relation to the surrounding land and to one another, and by providing for off-street parking spaces for automotive vehicles;

(e) To provide for access for light and air to windows and for privacy, as far as possible, by controls over the height of buildings and structures;

(f) To provide appropriate space for public and private educational, religious, recreational, and similar facilities and public utilities which serve the needs of nearby residents, which generally perform their own activities more effectively in a residential environment, and which do not create objectionable influences; and to coordinate the intensity of residential land use with the appropriate community facilities;

(g) To promote the most desirable use of land and direction of building development in accordance with a well considered general plan to promote stability of residential development, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the community's tax revenues.

(h) To exclude from these districts all buildings and other structures and uses having commercial characteristics whether operated for profit or otherwise, except that conditional uses and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this title.

(2) Purposes of residential districts. Each residential district has specific purposes as indicated below:

(a) A - Agricultural districts. These districts are designed to provide permissible areas for the growing of crops, animal husbandry, dairying, forestry and other similar activities, which generally occur and
characterize rural rather than urban areas. These districts are designed, furthermore, to provide for very low density residential development where public sanitary service is least practical. In addition, these districts may include areas and lands not suited by reason of soil, geologic, topographic, or other limitations for development. These districts also include community facilities, public utilities, and major recreational facilities, which require large land areas and are appropriately located away from intense urban development.

(b) R40 - Low density residential districts. These districts are designed to provide suitable areas for low density residential development characterized by an open appearance. The residential development will consist of single family detached dwellings and accessory structures. These districts also include community facilities, public utilities, and open uses which serve specifically the residents of these districts, or which are benefitted by an open residential environment without creating objectionable or undesirable influences upon residential developments.

(c) R25 - Low density residential districts. These districts are designed to provide suitable areas for low density residential development characterized by an open appearance. Generally, the residential development will consist of single family detached dwellings and accessory structures. These districts also include community facilities, public utilities, and open uses which serve specifically the residents of these districts, or which are benefitted by an open residential environment without creating objectionable or undesirable influences upon residential developments.

(d) R15 - Medium density residential districts. These districts are designed to provide suitable areas for medium density residential development where sufficient urban services and facilities are provided or where such services can be facilitated prior to development. Generally, the residential development will consist of single family and two-family detached dwellings and accessory structures. These districts also include community facilities, public utilities, and open uses which serve specifically the residents of these districts, or which are benefitted by an open residential environment without creating objectionable or undesirable influences upon residential activities.

(e) R10 - Medium density residential districts. These districts are designed to provide suitable areas for medium density residential development where sufficient urban services and facilities are provided or where such services can be facilitated prior to development. Generally, the residential development will consist of single family and two-family detached and semi-detached dwellings and accessory structures. This class of district is intended also to permit community facility and public utility installations which are necessary to service and to serve
specifically the residents of these districts, or which installations are benefitted by and compatible with a residential environment.

(f) R7 - High density residential districts. These districts are designed to provide suitable areas for high density development where sufficient urban facilities are available or where such facilities will be available prior to development. This class of district is intended also to permit community facilities and public utility installations which are necessary to service specifically the residents of the district, or which installations are benefitted by and compatible with a residential environment.

(g) Mobile home park districts. These districts are designed to provide a high quality environment for individual mobile homes, either owned or leased, in a planned development of mobile homes as defined.

(3) Use and structure provisions. The uses and structures indicated herein may be permitted within the various residential districts only in the manner and subject to any specific design criteria that apply.

(a) Uses permitted:

(i) Principal permitted uses. Principal permitted uses for all residential districts are listed in Table I, the land use activity matrix, as presented in Appendix A.

(ii) Permitted accessory uses. In addition to the principal permitted uses, each activity type may include accessory activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity located on the same zone lot. These include:

(A) Private garages and parking areas;

(B) Recreation facilities exclusively for the use of the residents;

(C) Home occupations as defined and subject to further regulations contained in § 14-208(1)(o);

(D) Signs in compliance with the regulations set forth in the Goodlettsville Sign Ordinance;

(E) Within the A and R-40 districts, private barns, stables, sheds, and other farm buildings.

Within the A and R-40 districts, chicken coops provided, however, that no commercial chicken coops shall be allowed. Chicken coops shall be located at least one hundred feet (100') from any neighboring dwelling and shall be no more than one hundred (100) square feet in size.

(b) Conditional uses. Conditional uses permitted for consideration of the board of zoning appeals are listed in Table I.

(c) Prohibited uses. Any use or structure not specifically permitted by right or conditional use as presented in Table I is prohibited.
(4) **Bulk, yard, and density regulations.** The regulations appearing below apply to zone lots and buildings or other structures located on any zone lot or portion of a zone lot including all new developments, enlargements, extensions, or conversions; provided, however, that all barns, sheds, silos, or other buildings used exclusively for agricultural purposes shall be exempt from these regulations when located in the agricultural districts. Existing buildings or other structures which do not comply with one or more of the applicable bulk regulations are classified as noncomplying and are subject to the provisions of § 14-212.

(a) Minimum lot size. Within all residential districts, the minimum size lot and width of lot (measured at the building line) used for residential purposes shall be as established in Table II as presented in Appendix A.

(b) Maximum lot coverage. Within all residential districts, the maximum lot coverage by all buildings shall not exceed the percentage of lot area as established in Table II as presented in Appendix A.

(c) Maximum floor area ratio. Within all residential districts, the maximum permitted floor area ratio shall be as established in Table II as presented in Appendix A.

(d) Maximum permitted height. No building shall exceed the height requirements as established in Table II as presented in Appendix A.

(e) Density regulations. The maximum residential density permitted on any zone lot shall be controlled by the development area per dwelling or rooming unit as established in Table II as presented in Appendix A.

(f) Yard regulations. Within all residential districts, the minimum yard regulations established in Table II as presented in Appendix A shall apply.

(g) Minimum lot area coverage. Within the residential districts, the principal building shall meet the minimum lot area coverage as indicated:

<table>
<thead>
<tr>
<th>District</th>
<th>Minimum Lot Area Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>R40</td>
<td>1,500 square feet; 1,100 square feet for 1st floor of 2 story plus 2 car attached garage</td>
</tr>
<tr>
<td>R25</td>
<td>1,325 square feet; 1,100 square feet for 1st floor of 2 stories plus 2 car attached garage</td>
</tr>
<tr>
<td>R15</td>
<td>1,250 square feet, 1,500 square feet for duplex; 1,100 square feet for 1st floor of 2 stories plus 2 car attached garage</td>
</tr>
<tr>
<td>R10</td>
<td>1,000 square feet; 1,200 square feet for duplex plus 1 car attached garage</td>
</tr>
</tbody>
</table>
R7 1,000 square feet; 1,200 square feet for duplex plus 1 car attached garage (Ord. #06-674, June 2006, as amended by Ord. #10-747, Sept. 2010)

The commercial districts established in this title are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. These general goals include, among others, the following:

(a) To provide sufficient space, in appropriate locations in proximity to established residential areas, for local retail and service trades catering specifically to the recurring shopping needs of the occupants of nearby residences.

(b) To protect both retail and service developments and nearby residences against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences.

(c) To protect both retail and service developments and nearby residences against undue congestion, by regulating the intensity of retail and service developments consistent with their marketing functions, by restricting those types of establishments which generate heavy traffic, and by providing for off-street parking and loading facilities.

(d) To provide sufficient and appropriate space, and in particular sufficient area, to meet the area's expected future need for modern, planned commercial floor space, including the need for off-street parking space in areas where a large proportion of customers come by automobile, and to encourage the tendency of commercial establishments to concentrate in integrated planned developments, to the mutual advantage of both consumers and merchants.

(e) To provide sufficient space in appropriate locations for commercial districts to satisfy specific functional needs of the area.

(f) To provide appropriate locations for transitional uses intervening between commercial developments and residential areas, and thereby alleviate the frictions inherent between dissimilar activities.

(g) To provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities.

(h) To prevent indiscriminate mixtures of commercial activity within commercial areas and the scattering of commercial activity along highways and within residential areas.

(i) To promote the most desirable use of land and direction of building development in accord with a well considered plan, to promote stability of commercial development, to strengthen the economic base of
the area, to protect the character of the districts and their peculiar suitability for particular uses, to conserve the value of land and buildings.

(2) Purposes of commercial districts. Each commercial district has specific purposes as indicated below:

(a) CC - Core commercial - this class of district is designed to provide for a wide variety of activities in the central and oldest commercially developed areas of the city and to recognize the intense development pattern.

(b) CG - Commercial general - this class of district is designed to provide sufficient space in appropriate locations for activities engaged in wholesale trade, the warehousing of products with no objectionable characteristics, limited industrial uses, and compatible services. Other commercial uses are also permitted. These districts should be well separated from residential districts.

(c) CS - Commercial service - this class of district is designed to provide for a wide range of commercial uses concerned with retail trade and consumer services; amusement and entertainment establishments; automotive and vehicular service establishments; transient sleeping accommodations; eating and drinking places; financial institutions; and offices. The uses in this district service a wide market area and, therefore, ease of automotive access is a requirement. However, it is not intended that this district permit uses which generate large volumes of truck traffic. Appropriate open space between commercial and residential areas is required.

(d) CSL - Commercial service limited - this class of district is designed to provide for a wide range of commercial uses concerned with retail trade and consumer services; however, certain commercial activities which have lower performance characteristics are excluded. Less building bulk is permitted and more open space is required.

(e) OP - Office professional - this class of district is designed to provide a low intensity commercial area for appropriate locations and a transitional zone between residential and intense commercial areas. Permitted uses are those which tend to attract small numbers of people and generate lower volumes of traffic. Less building bulk is permitted and more open space is required.

(f) CCO - Commercial core overlay district - this class of district is designed to create a mixed use area with buildings located close to the street in order to establish a walkable storefront streetscape. The district is an overlay for the base zone districts.

(g) INT - Interchange overlay district - this class of district is designed to provide for uses which are compatible only with highway travel and the accommodation of all-night and rest-stop services. The purpose of the district is not the establishment or encouragement of local or regional shopping areas which would inhibit the use of the interchange
for its primary purpose of access between several highways or between highways and local roads. The interchange overlay district is an overlay for the base zone districts.

(3) Use and structure provisions. The uses and structures indicated herein may be permitted within the various commercial districts only in the manner and subject to any specific design criteria that apply. All uses shall take place within permanently constructed structures that meet all building code requirements except for temporary uses as authorized.

(a) Uses permitted:

(i) Principal permitted uses. Principal permitted uses for all commercial districts are established in Table I as presented in Appendix A.

(ii) Permitted accessory uses. In addition to the principal permitted uses, each activity type may include accessory activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity located on the same zone lot. These include, but are not necessarily limited to the following:

(A) Off-street parking and loading serving a principal activity, whether located on the same zone lot or on a different zone lot, but only if the facilities involved are reserved for the residents, employees, patrons or other persons participating in the principal activity.

(B) Childcare for pre-teenage children when operated by a health care, commercial or industrial activity where the care is provided solely for the children of their employees. The facility shall be located on the same zone lot as the principal activity and meet all applicable state and local regulations for a day care center for children.

(C) Residential occupancy in connection with a principal non-residential activity on the same zone lot, but only if:

(1) No more than one dwelling or rooming unit is permitted,

(2) The unit is occupied by person(s) employed in the principal non-residential activity located upon the zone lot, and

(3) The non-residential activity does not constitute a hazardous occupancy.

(D) Operation of a cafeteria for employees, residents, patrons or others participating in the principal activity by an organization engaged in a community facility activity on the same zone lot. Where the principal activity is permitted by conditional use only, an accessory cafeteria
must be approved as a part of the action granting said permit.

(E) Production of goods for sale by a firm engaged in a principal commercial activity on the same zone lot but only if in the CG or CS districts:

1. All goods so produced are sold at retail by the same firm either on the same zone lot;
2. Such production does not occupy more than forty-nine percent (49%) of the total floor area and open sales, display, storage and service area occupied by such firm on the zone lot;
3. Such production does not in any case occupy more than two thousand (2,000) square feet of such floor area; and
4. Such production may only be permitted in an enclosed building.

(F) Storage of goods sold by a principal commercial activity engaged in by the same firm on the same zone lot and in the same principal building, and such storage does not occupy more than forty-nine percent (49%) of the total floor area.

(G) Operation of an administrative office of a firm engaged in a principal manufacturing or commercial activity on the same zone lot, but only if such office does not occupy more than forty-nine percent (49%) of the total floor area and open sales, display, storage, production, and service area occupied by the same firm on the same zone lot.

(H) Signs permitted in accordance with the Goodlettsville Sign Ordinance.

(b) Conditional uses. Conditional uses permitted for consideration of the board of zoning appeals are established in Table I as presented in Appendix A.

(c) Prohibited uses. Any use or structure not specifically permitted by right or conditional use established in Table I as presented in Appendix A is prohibited. The use of a mobile home or similar structure as an office, storage space, retail space, or in any manner is expressly prohibited. Additionally, adult-orientated establishments as defined in title 14, chapter 2, § 14-201 are expressly prohibited.

(4) Bulk, lot, and open space requirements. The regulations appearing below apply to zone lots and buildings or other structures located on any zone lot or portion of a zone lot including all new development, enlargements, extensions, or conversions.

(a) Minimum lot size. Within all commercial districts, the minimum size lot and width of lot (measured at the building line) used for
commercial purposes shall be as established in Table III as presented in Appendix A.

(b) Maximum lot coverage. Within all commercial districts, the maximum lot coverage by all buildings shall not exceed the percentage of lot area as established in Table III as presented in Appendix A.

(c) Maximum floor area ratio. Within all commercial districts, the maximum permitted floor area ratio shall be as established in Table III as presented in Appendix A.

(d) Maximum permitted height. No building shall exceed the height requirements as established in Table III as presented in Appendix A.

(e) Yard regulations. Within all commercial districts, the minimum yard regulations established in Table III as presented in Appendix A shall apply.

(5) Other regulations. The following regulations are supplementary and apply as indicated.

(a) Special provisions applying to required yards and building setbacks along district boundaries coincident with side and rear lot line of zone lot in any residential district.

In all commercial districts, along such portion of the boundary of a commercial district which coincides with a lot line of a zone lot in any residential district the following yard provisions shall apply.

(i) Special front setback. Regardless of the front yard provisions established for any commercial district, no building located on any zone lot adjacent to any residential district with frontage on the same street shall extend closer to the street than the average of the distances of the buildings located within one hundred feet (100') of the lot whereon the commercial activity is located; provided that no building shall be required to setback more than twice the minimum front yard applicable within the commercial district.

(ii) Special side and rear yards. Along all portions of the boundary of any commercial zone lot where such lot abuts or is contiguous to a side or rear yard of any residential zone lot the minimum yards within the commercial district shall generally conform to the respective yard requirements for the adjoining residential district. However, in no instance shall any rear or side yard required herein have a minimum width or depth of less than ten feet (10').

(iii) Buffer yards. Along all portions of the boundary of any commercial zone lot where such lot abuts or is contiguous to any residential zone lot without an intervening public street, an open area, unobstructed from the ground to the sky, shall be
provided within the commercial district in accordance with the buffer yard standards contained in § 14-205(5)(o).

(iv) Screening along residential district boundaries. To assist in the prevention of the transmission of light and noise from within any commercial district into any abutting residential district, screening shall be required where such district abuts or is contiguous to any residential district, without an intervening street, alley, or other public way. Such screening shall be provided within the commercial district, but not within a public street or alley, along the entire contiguity of said districts. Screening shall be provided in accordance with the provisions of § 14-208(5)(o).

(b) Special height provisions applicable within the CC, CS and commercial planned development districts.

(i) Maximum height of front wall and required setbacks. Within the above-named districts, if the front wall or other portion of a building or other structure is located at the street line or within the initial required setback distance, the height of such front wall or other portion of a building or other structure shall not exceed the maximum height above curb level set forth in this section. Above such specified maximum height and beyond the initial setback distance, the building or other structure shall not penetrate the sky exposure plan set forth in this section.

For the purpose of applying the regulations of this section, any zone lot improved with a building or other structure shall be considered to have at least one front wall for each street line of such zone lot and any zone lot shall have an initial setback distance, an initial setback area and a sky exposure plane as set for in this section for each of such lot's street frontages.

In the districts indicated the maximum height of a front wall and the required front yard and initial setback of a building or other structure, except as otherwise set forth in this section, shall be set forth on Illustration 1 and the accompanying table.

Illustration 1
Sky Exposure Plane
Maximum Height of Front Wall and Required Front Setback

<table>
<thead>
<tr>
<th>Districts</th>
<th>Depth of required setback distance (in feet)</th>
<th>Height above street line (in feet)</th>
<th>Slope over zone lot (expressed as a ratio of vertical distance to horizontal distance)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CC</td>
<td>10</td>
<td>30</td>
<td>2.0 to 1</td>
</tr>
<tr>
<td>CS</td>
<td>50</td>
<td>45</td>
<td>1.5 to 1</td>
</tr>
<tr>
<td>PUD</td>
<td>40</td>
<td>45</td>
<td>1.5 to 1</td>
</tr>
</tbody>
</table>

(c) Use of required yard areas.

(i) Within the CC district, the required front yard may be landscaped or used for sidewalk or street furniture locations and may be crossed by driveways. No parking areas shall be permitted. If side yard areas are provided, a minimum of ten feet (10') shall be used for landscaping along the side lot line. Rear yards may be used for parking subject to the provisions of § 14-206(a) above.

(ii) Within the CG districts, the required front yard shall be landscaped but may be crossed by driveways and sidewalks. All other required yard areas may be used for walkways, driveways, or parking subject to the provisions of § 14-206(a) above.

(iii) Within the CS, CSL, and OP districts, all required yard areas shall be landscaped provided that a driveway may penetrate not more than one-half (1/2) of any such side or rear required yard and subject to the provisions of § 14-206(a) above. The front yard may be crossed by driveways or sidewalks but shall not be used for parking.

(iv) Within all commercial districts in which gasoline sales are permitted, an overhead canopy that is open on all sides may encroach into the required building setback to within twenty-five feet (25') of the street right-of-way.

(d) Exterior storage.

(i) Within the CG and CS districts, exterior storage of goods, materials, or chattel is permitted only in the rear of the principal building provided that vehicular, craft, and related equipment sales may be permitted to display such in the front or side subject to required yard provisions. Waste disposal receptacles
shall be located in the rear of the principal building within an enclosure that is constructed of materials similar to the principal building. Such enclosure shall be screened from public view.

(ii) Within the CC, CSL, and OP districts, exterior storage of goods, materials, or chattel is prohibited. Waste disposal receptacles shall be located in the rear of the principal buildings within an enclosure that is constructed of materials similar to the principal building. Such enclosure shall be screened from public view.

(iii) All exterior storage areas shall be surfaced to provide a durable, dust-free surface. All areas shall be graded and drained so as to dispose of all surface water accumulated within the area.

(iv) Except for vehicular, craft, and related equipment sales activities, all exterior storage areas shall be screened from public view by a suitable fence, wall, or plant material screen. Fences and walls shall not exceed fifteen feet (15') in height, and metal materials shall be prohibited. All stored materials shall be kept at least one foot (1') below the top of such wall, fence, or screen.

(e) Special regulations applying to transient habitation.

(i) Hotels shall have a minimum of ninety (90) rooms and shall provide all of the services and amenities as defined. Rooms shall not be rented to the same person(s) for periods of time exceeding one (1) month.

(ii) Motels shall have a minimum of one hundred fifty (150) rooms and shall provide all of the services and amenities as defined. Rooms shall not be rented to the same person(s) for periods of time exceeding one (1) month.

(iii) All existing SROs are classified as non-conforming uses and are subject to the non-conforming use provisions contained in § 14-212. Any conversion of an existing motel or hotel to an SRO shall be prohibited.

(f) Utilities. All utility service connections shall be underground with utility lines commencing underground at the property line of the site unless otherwise approved by the Goodlettsville Regional/Municipal Planning Commission. All lighting plans must meet Nashville Electric Services street lighting design manual standards and any subsequent amendments to such manual and be approved by the Goodlettsville Municipal/Regional Planning Commission.

(g) Other regulations. (i) Alternative Financial Service Facilities shall include, but not be limited to, uses such as "cash advance" "check cashing," "pawnshop" and "title loan" establishments and shall be permitted in all districts that
currently permit financial, consultative and administrative services identified at 14-202(7)(j).

(ii) No cash advance, check cashing, pawnshop or title loan establishment shall be located less than two thousand six hundred forty (2,640) linear feet from the property line of another property upon which another cash advance, check cashing, pawnshop or title loan office is located.

(iii) Cash advance, check cashing, pawnshop or title loan offices shall be limited to free-standing buildings of two thousand five hundred (2,500) square feet of gross floor area per establishment.

(h) Mobile food service vehicles subject to provisions of the City of Goodlettsville Municipal Code § 9-506. Except for special events, mobile food service vehicles that are located on private properties are permitted in commercial and industrial zoning districts where food and beverage service uses are permitted on properties located west of I-65 and shall not be within two hundred feet (200') of an existing building with a permanent food and beverage service facility.

(6) Commercial core overlay district. This district is intended to establish an urban core with an identifiable city center and to implement the Goodlettsville streetscape plan. The design features and standards included in this district are not only to create a memorable and positive impression upon entering the core area, but also to establish an image and character that is uniquely Goodlettsville.

(a) Application. The standards of the CCO shall be applied to those parcels and lots within the commercial base zoning and PUD districts as indicated as being within the CCO on the official zoning map and shall supercede any requirements that are in conflict herewith.

(b) Use provisions. In addition to the permitted uses of the zone districts, residential uses are permitted in the second or third stories of buildings with a commercial use on the first floor at a density not to exceed forty (40) dwelling unit(s) per acre. Minimum size requirements shall be as follows:

<table>
<thead>
<tr>
<th>Unit Description</th>
<th>Minimum Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Efficiency and one (1) bedroom</td>
<td>800 square feet</td>
</tr>
<tr>
<td>units</td>
<td></td>
</tr>
<tr>
<td>Two (2) bedroom units</td>
<td>1,000 square feet</td>
</tr>
<tr>
<td>Three (3) or more bedroom units</td>
<td>1,200 square feet</td>
</tr>
</tbody>
</table>

(c) Bulk, lot and open space requirements.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Minimum Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot area</td>
<td>10,000 square feet</td>
</tr>
<tr>
<td>Minimum street frontage</td>
<td>100 feet</td>
</tr>
<tr>
<td>Minimum front setback</td>
<td>15 feet</td>
</tr>
</tbody>
</table>
Minimum side setback  15 feet
Minimum rear setback  10 feet
Maximum lot coverage  50 percent
Maximum floor area ratio  1.0
Maximum height  4 stories

(d) Parking lot design. Parking lots are encouraged to be located in the rear of the principal building. The parking requirements of any use may be reduced by a proportional number of spaces if such spaces are permanently available in either shared or public parking lots located within two hundred fifty feet (250') of the affected lot.

A minimum open area of five feet (5') shall be maintained between the paved area of the lot and any side or rear property line. Such area shall be landscaped as specified below. Wherever a parking lot faces the street frontage, such frontage shall be screened.

The use of common driveways providing access to more than one (1) lot is encouraged.

(e) Site planning. Buildings shall be located such that the main entrance shall, with the exception of recessed entryways, directly face the street. Pedestrians shall have direct access to first floor uses from the street. A pattern of small-scale shops and uses should be encouraged by requiring twenty five (25') foot or fifty foot (50') building or storefronts within larger buildings that face the street.

On corner lots, front setback and building requirements should apply on both frontages, with either public or private streets. However, the corner of the building shall be recessed up to a maximum of ten feet (10') in order to create:

(i) Pedestrian entrances with plazas or prominent entrances;
(ii) Increased site distances;
(iii) Enhanced designs for the entrance; and
(iv) More architecturally-interesting buildings.

(f) Building facades. Building facades shall be designed with windows, doors, walls and other elements that proportionately fit together and are humanly scaled. Recessed doorways should be used, and where the door is not recessed, door canopies or awnings should be incorporated into the design.

Transparent windows shall make up a minimum of sixty percent (60%) of the length of the first floor facade facing the street. Opaque and reflective windows tints and glazes are prohibited.
Corner buildings shall be designed with special architectural features including corner entries at ground level and projecting windows, towers, turrets and cupolas on the corners of the upper floors.

(g) Materials and colors. A minimum of fifty percent (50%) of the exterior building material placed on any building shall be varying shades of red brick. Other acceptable building materials include stone accents, painted stucco (Drivit), and painted or stained wood. Prohibited materials shall be as specified in § 14-208(4)(c).

(h) Signs. All building type signs shall be either wall signs or projecting signs and are subject to the requirements of the Goodlettsville Sign Ordinance, § 14-305 of this title, "permitted signs in commercial and industrial districts" by sign zone (this sign restriction shall not apply to properties fronting on Long Hollow Pike or Rivergate Parkway).

Ground sign subject to the requirements of the Goodlettsville Sign Ordinance, § 14-305 of this title, "permitted signs in commercial and industrial districts" by sign zone and ground signs not fronting on Long Hollow Pike or Rivergate Parkway shall not exceed six feet (6') in height and twenty (25) square feet in area. Ground signs shall be installed meeting the following minimum setback from the property line as listed:

- 4 sq. ft. and under 1 foot minimum setback
- 5-9 sq. ft. 2 feet minimum setback
- 10-16 sq. ft. 3 feet minimum setback
- 17-20 sq. ft. 4 feet minimum setback
- 21-25 sq. ft. 5 feet minimum setback

(i) Landscaping. The requirements of § 14-208(5), landscaping, buffering and screening shall generally not be applied within the CCO except as specifically referenced. The following sections shall apply:

Section 14-208(5)(h)(i) - parking areas - islands  
Section 14-208(5)(h)(iii)(B) - parking areas - street fronts (this section shall also apply to any required open area between paved areas and side or rear lot lines.)  
Section 14-208(5)(i)(i) - turf/groundcover  
Section 14-208(5)(p)(2)(D) - transitional screening requirements - type 4 buffer yard

(j) Lighting. Exterior lighting fixtures, standards and exposed accessory lighting shall be compatible with the building design and shall be designed to direct the light downward unless decorative standards are utilized. However, "shoe box" type fixtures may be used. The maximum height of a fixture shall be twenty feet (20').

(k) Utilities. All new distribution utility lines shall be underground.
(l) Sidewalks. The development of each site shall include a sidewalk along the street frontage with a minimum width of eight feet (8').

(m) Town center. Properties listed in the designated town center area shall be under the above provisions but flexibility regarding building design and site planning are permitted to encourage mixed use multi-story buildings oriented toward the street. The planning commission during the site plan review process with recommendation from city planner and city engineer may waive the minimum building setbacks, maximum lot coverage, and maximum floor area ratio per this section to comply with the city's defined streetscape design. Buildings are required to comply with the requirements of this section except that brick and stone masonry is permitted as the primary building material with flexibly in primary building colors to promote creative and interesting quality building design. Development to be consistent with and compliment the city's defined streetscape design.

(7) Interchange overlay district. This district is intended to provide for uses which are compatible only with highway travel and the accommodation of all-night and rest-stop services.

(a) Application. The use provisions of the interchange overlay district shall be applied to those parcels and lots within the commercial base zoning and PUD districts as indicated as being within the INT on the official zoning map and shall control the use of property within the interchange overlay district.

(b) Use provisions. Within the interchange overlay district, only the following uses shall be permitted:

(i) Fuel and service stations
(ii) Hotels and motels
(iii) Restaurants and drive-in restaurants

14-207. Industrial district regulations. (1) Statement of purpose. The industrial districts established by this ordinance are designed to provide sufficient space, in appropriate locations, to meet the needs for industrial expansion within the city; to encourage industrial development which is free from hazards to the public health and from other objectionable influences; to protect industrial activities against congestion, encroachment, and other adverse characteristics; to protect adjacent residential and commercial areas from offensive influences; and to promote the most efficient and desirable use of land. Within each industrial district, all uses are subject to the performance standards established in § 14-211 of this chapter.
(2) **Purposes of industrial districts.** Each industrial district has specific purposes as indicated below:

(a) **Restrictive industrial district.** This class of district is intended to provide space for a range of industrial and related uses which conform to a high level of performance standards and have the least objectionable characteristics. It is required that all operations of such establishments be carried on within completely enclosed buildings thus providing a standard of development which removes most adverse characteristics that affect neighboring properties. These districts may provide a buffer between other districts and other industrial activities which have more objectionable influences. New residential activities are excluded, and community facilities and commercial establishments which provide needed services for industry and are complementary thereto are permitted.

(b) **General industrial district.** This class of district is intended to provide space for the types of industrial activities which by reason of volume of raw materials or freight, scale of operations, type of structures required, or other similar characteristics require locations relatively well separated from non-industrial uses. Performance standards must still be met. New residential activities are excluded, and commercial establishments and community facilities which provide needed services for industry and are complementary thereto are permitted.

(3) **Use and structure provisions.** The uses and structures indicated herein may be permitted within the various commercial districts only in manner and subject to any specific design criteria that apply.

(a) **Uses permitted.**

(i) **Principal permitted uses.** Principal permitted uses for both industrial districts are listed in Table I as presented in Appendix A.

(ii) **Permitted accessory uses.** In addition to the principal permitted uses, each activity type may include accessory activities or structures customarily associated with, and appropriate, incidental, and subordinate to the principal activity located on the same zone lot. These include, but are not necessarily limited to the following:

(A) Off-street parking and loading serving a principal activity, whether located on the same zone lot or on a different zone lot, but only if the facilities involved are reserved for the residents, employees, patrons or other persons participating in the principal activity.

(B) Child care for pre-teenage children when operated by a health care, commercial or industrial activity where the care is provided solely for the children of their employees. The facility shall be located on the same zone lot.
as the principal activity and meet all applicable state and local regulations for a day care center for children.

(C) Residential occupancy in connection with a principal non-residential activity on the same zone lot, but only if:

1. No more than one (1) dwelling or rooming unit is permitted,
2. The unit is occupied by person(s) employed in the principal non-residential activity located upon the zone lot, and
3. The non-residential activity does not constitute a hazardous occupancy.
4. Operation of a cafeteria for employees, residents, patrons or others participating in the principal activity by an organization engaged in a community facility activity on the same zone lot. Where the principal activity is permitted by conditional use only, an accessory cafeteria must be approved as a part of the action granting said permit.
5. Signs permitted in accordance with the Goodlettsville Sign Ordinance.

(b) Conditional uses. Conditional uses permitted for consideration of the board of zoning appeals as established in Table I.

(c) Prohibited uses. Any use or structure not specifically permitted by right or conditional use as presented in Table I is prohibited. Additionally, adult-oriented establishments as defined in § 14-201(3).

(4) **Bulk, lot, and open space requirements.** The regulations appearing below apply to zone lots and buildings or other structures, located on any zone lot or portion of a zone lot including all new developments, enlargements, extensions, or conversions.

(a) Minimum lot size. Within all industrial districts, the minimum size lot and width of lot (measured at the street line) used for permitted purposes shall be as established in Table IV as presented in Appendix A.

(b) Maximum lot coverage. Within all industrial districts, the maximum lot coverage by all buildings shall not exceed the percentage of lot area as established in Table IV as presented in Appendix A.

(c) Maximum floor area ratio. Within all industrial districts, the maximum permitted floor area ratio shall be as established in Table IV as presented in Appendix A.

(d) Maximum permitted height. No building shall exceed the height requirements as established in Table IV as presented in Appendix A.
(e) Yard regulations. Within all industrial districts, the minimum yard regulations established in Table IV as presented in Appendix A shall apply.

(5) Other regulations. The following regulations are supplementary and apply as indicated:

(a) Special provisions applying to required yards and building setbacks along district boundaries coincident with side or rear lot line of zone lot in any residential district

In all industrial districts, along such portion of the boundary of an industrial district which coincides with a lot line of a zone lot in any residential district or in a PUD, OP, or CSL district, the following yard provisions shall apply:

(i) Special front setback. Regardless of the front yard provisions established for any industrial district, no building located on any zone lot adjacent to any residential, PUD, OP, or CSL district with frontage on the same street shall extend closer to the street than the average of the distances of the buildings located within one hundred feet (100') of the lot whereon the industrial activity is located; provided that no building shall be required to setback more than twice the minimum front yard applicable within the commercial district.

(ii) Special side and rear yards. Along all portions of the boundary of any industrial zoned lot where such lot abuts or is contiguous to a side or rear yard of any residential, PUD, OP, or CSL, zone lot, the minimum yards within the industrial district shall generally conform to the respective yard requirements for the adjoining other district. However, in no instance shall any rear or side yard required herein have a minimum width or depth of less than ten feet (10').

(iii) Buffer yards. Along all portions of the boundary of any industrial zone lot where such lot abuts or is contiguous to any other use as specified in the transitional screening matrix contained in § 14-208(5)(p), a buffer yard shall be provided in accordance with the matrix.

(iv) Screening along residential district boundaries. To assist in the prevention of the transmission of light and noise from within any industrial district into any abutting residential district, screening shall be required where such district abuts or is contiguous to any residential district, without an intervening street, alley, or other public way. Such screening shall be provided within the industrial district, but not within a public street or alley, along the entire contiguity of said districts. Screening shall be provided in accordance with the provisions of § 14-208(5)(p).

(b) Use of required yard areas
(i) Within the IR districts, all required yards shall be landscaped provided that a driveway or parking area may penetrate not more than one-half (1/2) of any required side or rear yard subject to the provisions of § 14-207(5)(a) above. The front yard may be crossed by driveways or sidewalks but shall not be used for parking.

(ii) Within the IG districts, the front yard shall be landscaped but may be crossed by driveways or sidewalks. All other required yard areas may be used for walkways, driveways, or parking areas.

(iii) Within all industrial districts in which gasoline sales are permitted, an overhead canopy that is open on all sides may encroach into the required building setback to within twenty-five feet (25') of the street right-of-way.

(c) Exterior storage.

(i) Within the IG districts, exterior storage of goods, materials, or chattel is permitted only in the rear of the principal building provided that vehicular, craft, and related equipment sales may be permitted to display such in the front or side subject to required yard provisions. Waste disposal receptacles shall be located in the rear of the principal building and shall be appropriately screened from public view.

(ii) Within the IR districts, exterior storage of goods, materials, or chattel is prohibited. Waste disposal receptacles shall be located in the rear of the principal buildings and shall be located inside an enclosure that is constructed of similar materials as the principal building. Such enclosure shall be appropriately screened from public view.

(iii) All exterior storage areas shall be surfaced to provide a durable, dust-free surface. All areas shall be graded and drained so as to dispose of all surface water accumulated within the area.

(iv) Except for vehicular, craft, and related equipment sales activities, all exterior storage areas shall be screened from public view by a suitable fence, wall, or plant material screen. Fences and walls shall not exceed fifteen feet (15') in height, and metal materials shall be prohibited. All stored materials shall be kept at least one foot (1') below the top of such wall, fence, or screen.

(v) Utilities. All utility services connections shall be underground and shall commence at the property line unless otherwise approved by the Goodlettsville Municipal/Regional Planning Commission. All lighting plans must meet Nashville Electric Services street lighting design manual standards and any subsequent amendments to such manual and be approved by the Goodlettsville Planning Commission. (Ord. #06-674, June 2006)
14-208. **Supplementary district regulations.** (1) Regulations applicable to all districts. (a) Visibility at intersections. On a corner lot in any district nothing shall be erected, placed, planted, or allowed to be grown in such a manner as materially to impede vision between a height of two and one-half (2 1/2) and ten feet (10') above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty feet (50') from the point of the intersection.

(b) Fences, walls, and hedges. Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard except as prohibited in § 14-208(1)(a) above.

In any residential district, no fence or wall shall exceed eight feet (8') in height and shall not extend past the front of the principal building. Between the front of the principal building and the street right-of-way, no fence or wall shall exceed six feet (6') in height.

In commercial or industrial districts, no fence or wall shall exceed fifteen feet (15') in height and shall not extend past the front of the principal building. Between the front of the principal building and the street right-of-way, no fence or wall shall exceed six feet (6') in height.

The height of such fences and walls shall be measured from the finished grade to top of the individual sections. Such sections may be measured separately and averaged.

(c) In all residential districts, except for residential planned unit development districts, no lots shall have erected thereon more than one (1) principal building. Principal buildings and additions as well as additions in residential districts consisting of wall, roof, floor, and foundation connections shall meet the requirements of the applicable zoning district. Permitted limited connection additions in residential districts and accessory buildings in all districts shall meet the following requirements in items (d) and (e) and the requirements of the applicable zoning district. To ensure order in site developments including building and lot bulk standards and the compatibility of buildings constructed on-site, all buildings and structures and additions and accessory buildings regardless of square footage, and accessory buildings or structures in residential districts which exceed three hundred seventy-five (375) square feet shall be constructed of roof and exterior wall materials consistent with the primary roof and exterior wall materials of the principal building or structure. On primary roof and exterior wall materials of the principal large acreage Agricultural and R-40 zoned properties consisting of five (5) or more acres, accessory building(s) or structure are not required to be constructed of consistent materials of the primary building if the accessory building(s) or structure is constructed entirely behind and separate from the primary building and is constructed per the building setbacks of the zoning district. The
primary exterior wall and roof materials of the principal building shall be extended on all sides of the exterior walls and roof of additions or accessory buildings or structures. In the case of principal buildings or structures with multiple exterior wall materials, the addition and accessory building or structure may be constructed of materials at the same ratio of the principal building or structure. Alternative designs for large acreage properties as referenced above and alternative designs that exceed the purpose and intention of the items referenced above with single family and duplex residential building and structures may be approved by planning and development services staff. Staff's decision on alternative designs may be appealed to the planning commission for review. All other building and structures shall meet site and architectural design standards and the Goodlettsville Design Guidelines.

(d) Residential limited connection addition. No limited connection building or structure shall be erected between a front lot line and a front wall of the principal building or structure. In addition limited connection addition buildings or structure shall:

(i) Be customarily incidental to the principal building or structure.
(ii) Be subordinate to and serve such principal use.
(iii) Be subordinate in area, intent and purpose to such principal use and shall not exceed seventy percent (70%) of the primary building square footage.
(iv) Contribute to the comfort, convenience, or necessity of users of such principal use.
(v) Not exceed the height of the principal building or structure.
(vi) Be constructed on a concrete foundation with solid floor system with the foundation, floor system, and roof system connected to the principal building or structure.

(e) Accessory buildings. No accessory building or structure shall be erected between a front lot line and a front wall of the principal building or structure. In addition accessory buildings or structures shall:

(i) Be customarily incidental to the principal use established on the same lot.
(ii) Be subordinate to and serve such principal use.
(iii) Be subordinate in area, intent, and purpose to such principal use.
(iv) Contribute to the comfort, convenience, or necessity of users of such principal use.
(v) Building or structure shall not exceed the height of the principal structure.
(vi) No accessory use or building and structure shall be constructed or established on any lot prior to the time of construction of the principal structure to which it is accessory. This
section shall not be construed to govern the sequencing or phasing of a construction project in which both the principal and accessory structures are to be built simultaneously.

(vii) In residential districts, total area of accessory building(s) or structure(s) with a roof shall not exceed seventy percent (70%) of the area of the principal building. The maximum square footage for accessory and principal buildings are also subject to the defined maximum building lot coverage requirements and maximum floor area ratios defined by the ordinance.

(viii) In residential districts, the building or structure shall not exceed the height of the principal building or structure and in no case exceed eighteen feet (18’) in height from the highest point of the building or structure to the finished floor.

(f) Minimum spacing of buildings on a single zone lot. In districts where permitted, the minimum distance between any two (2) buildings on any single zone lot shall be as provided in this section, except that these provisions do not apply to space between a building enclosing a principal permitted use and a garage or other unoccupied building accessory thereto.

(i) Minimum distance between buildings. Within the districts as permitted, two (2) or more buildings may be constructed on a single zone lot if parking spaces and usable open space are and will continue to be available in the same proportion to all occupants of the buildings on the lot. The minimum distance between such buildings shall vary according to the height and length of a building combined with the amount of glassed area of the walls. Such minimum distance shall be either twenty-five feet (25’) or the distance required under the following standards, whichever is greater:

(A) Where two (2) opposing walls contain no glassed area, required or other, separation shall be as required by fire regulations;

(B) Where a wall contains twenty-five percent (25%) or more of the glassed area, the building separation shall be ten feet (10’) plus two feet (2’) for each story in height plus one foot (1’) for each fifteen feet (15’) of building length;

(C) Where a wall contains some, but less than twenty-five percent (25%) of the glassed area of any building, the building separation shall be five feet (5’) plus one foot (1’) for each fifteen feet (15’) of building length.

This section shall not apply to any situation which would permit a mobile home to be moved onto a lot occupied by a house.
(ii) Minimum required yard area. Regardless of the orientation of buildings, no less than the minimum yards required by the district regulations in which such development is located shall be maintained along the outer boundaries of the zone lot.

(iii) Minimum distance between windows and side or rear lot lines for buildings greater than three stories in height other than detached dwellings. In all districts, as applicable, any window contained within a building designed for residential occupancy and having more than three (3) stories shall be a minimum of thirty feet (30’) from any side or rear lot line. Said distance shall be measured in a horizontal plane at the windowsill level and perpendicular to such window.

(iv) Subdivision of zone lot after development. In all districts, after any portion of a zone lot has been developed under the provisions of this section, such zone lot may be subdivided into smaller zone lots only if each resulting zone lot and building or buildings thereon comply with all of the appropriate regulations pertaining to bulk, yards, open space, and parking and loading requirements of the district in which they are located.

(g) Exception to height regulations. The height limitation contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

(h) Structures to have access. No building shall be erected on a lot which does not abut at least one (1) public street for at least fifty feet (50’). This section shall not apply to properties abutting a cul-de-sac, which shall abut the street for at least forty feet (40’); or to properties whose access is provided by a private easement; provided, however, that when a permanent easement to a public street is used as access to a lot or tract of land having been or being separated by deed or plat from other property, such easement shall be at least fifty feet (50’) in width from and after the time of adoption of this ordinance and shall not be used to provide access to more than one (1) lot or tract of land. This section shall not be construed to prohibit the development of buildings on lots or tracts with permanent access provided by private streets provided such development is in the form of condominium ownership of such private improvements which has been approved by the Goodlettsville Municipal/Regional Planning Commission and will be in private ownership and control in perpetuity.

(i) Rear yard abutting a public street. When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line, center line of the street, or property line, as required for adjacent properties which front on that street. In addition, any structure located within twenty-five feet (25’) of
that setback line shall be no closer to any side property line than the
distance required for side yards on adjoining properties fronting on that
street.

(j) Corner lots. The side yard setback requirements for corner
lots shall be the same as the front setback requirements for the next
adjacent lot fronting on the street that the side yard of the corner lot
faces.

(k) Future street lines. For the purpose of providing adequate
space for the future widening of streets, required setbacks, or front yards
shall be determined by the rights-of-way as shown in the most current
official major thoroughfare plan.

(l) Reduction in lot area prohibited. No zone lot, even though
it may consist of one (1) or more adjacent lots of record, shall be reduced
in area so that yards, lot area per family, lot width, building area, or
other requirements of this title are not maintained. This section shall not
apply when a portion of a lot is acquired for a public purpose.

(m) Parking, storage, or use of major recreation equipment. For
purpose of these regulations, major recreational equipment is defined as
including boats and boat trailers, travel trailers, tent trailers, pick-up
campers or coaches (designed to be mounted on automotive vehicles),
motorized dwellings, and the like, and cases or boxes used for
transporting recreational equipment, whether occupied by such
equipment or not. No major recreational equipment shall be parked or
stored on any lot in a residential district in any front yard; provided,
however, that such equipment may park anywhere on residential
premises not to exceed twenty-four (24) hours during loading or
unloading. No such equipment shall be used for living, sleeping, or
housekeeping purposes when parked or stored on a residential lot, or in
any location not approved for such use.

(n) Special provisions for the continuance and extension of
public streets and utilities through development sites remaining in
single ownership.

(i) Purpose. It is held to be in the public interest to
protect the health, safety, and welfare of residents of
developments, which by reason of ownership or method of
development places numerous dwellings on a single parcel of
ground in which the ownership remains undivided, and the general
public by providing for the orderly continuance of street patterns
and the extension of utilities service, drainage ways, etc., through
such developments. It is the purpose and intent of these provisions
to protect that interest by enabling the extension of these facilities
by the dedication of easements, rights-of-way, etc., through such
sites.

(ii) Requirement for site plan and plat. Within such
developments as described above the following shall apply:
(A) A site plan meeting the provisions of § 14-208(4) shall be submitted and approved.

(B) In any instance where a portion of the site or any facilities or utilities located on the site are to be dedicated for public use, a plat meeting the requirements set forth below shall be prepared, submitted for approval, and upon approval, filed with the county register.

(iii) Contents of required plat. The following information shall appear on all plats prepared in accordance with the provisions contained within this section:

(A) A boundary survey of the site indicating the location and dimensions of all boundary lines of the property expressed in feet and decimals of a foot;

(B) The location and width of all streets, easements, rights-of-way, or other properties located within the site which are to be dedicated to the public. The purpose and restrictions concerning all easements shall be noted;

(C) The size and location of all utility lines and necessary valves, connections and other appurtenances which comprise utilities to be dedicated to the public;

(D) The distance and bearing from one (1) point along the boundary of the development to an established survey monument;

(E) Certificate of accuracy, dedication, and acceptance as may be necessary to establish transfer of all dedicated properties and facilities (format of certificates may be taken from the subdivision regulations).

(o) Temporary use permits. The following regulations shall govern the operation of certain necessary or seasonal uses which are nonpermanent in nature. Application for a temporary use permit shall be made to the board of zoning appeals through the office of the planning director. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, signage and parking space for the proposed temporary use. Area and bulk regulations of the district in which the use is proposed to be located shall apply as well as the requirement for ingress/egress and surfacing requirements for parking areas. The board may require additional standards to protect the public safety and to reduce any actual or potential adverse off-site impacts.

The board may grant such temporary use permits for the following uses subject to a public hearing, the specific regulations and time limits below, and any other limitation that may be necessary to protect adjoining property. After a temporary use permit has been properly granted, the board may authorize such use to be thereafter approved by
administrative action of the planning director provided that no change in
the character or layout of such use is proposed and provided that proper
public notice is given.

(i) Carnival or circus. A temporary use permit may be
issued in the CS, CG, IR, and IG districts; however, such permit
shall be issued for a period of not longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street
parking can be provided and where adjoining uses will not be
affected. A temporary use permit may be issued in any commercial
district for children's rides and events provided that adequate
parking and traffic circulation is available, any existing business
operations will not be disrupted and subject to a maximum time
period of seven (7) days.

(ii) Christmas tree sale. A temporary use permit may be
issued for the display and sale of Christmas trees on open lots in
any district subject to a maximum time period of forty-five (45)
days.

(iii) Temporary dwelling unit in cases of special hardship.
In any residential district, a temporary use permit may be issued
to place a mobile or modular home temporarily on a lot in which
the principal structure was destroyed by fire, explosion or natural
phenomena. The purpose of such placement temporarily shall be
to provide shelter for only the residents of the principal structure
during the period of reconstruction and to prevent exceptional
hardship on the same. Water supply and appropriate sewage
disposal must be available. Such permit may be initially issued for
nine (9) months, and one (1) extension for up to six (6) months may
be granted.

(iv) Fireworks sales, flea markets, and others. A
temporary use permit may be issued for fireworks sales and flea
markets in any commercial or industrial district, provided that a
permit for fireworks sales shall be limited to twenty-one (21) days,
a permit for flea markets shall be limited to three (3) days, and all
others shall be limited to seven (7) days; provided further, that
adequate parking and traffic circulation is available and any
existing business operations will not be disrupted.

(v) Outdoor displays, sales of seasonal foods or
merchandise. A temporary use permit may be issued for outdoor
displays and sales conducted either as a part of an existing
business or as a free-standing use in any commercial or industrial
district provided that such sales and displays shall be limited to a
maximum of sixty (60) days per year, and provided further, that
adequate parking and traffic circulation is available and any
existing business operations will not be disrupted.
(vi) Outdoor performances. A temporary use permit may be issued for outdoor plays or musical performances in any commercial or industrial district as a part of an existing business or as a free-standing use provided that adequate parking and traffic circulation is available and any existing business operations will not be disrupted, provided further, that in the event amplified sound systems are used, such sound shall not be a public nuisance nor be conducted later than 10:00 P.M. A temporary use permit may be issued for outdoor plays or musical performances in any residential or agricultural district provided that any traffic generated by the temporary use shall not use minor residential or neighborhood streets and can be accommodated on major thoroughfares or collector streets, and provided further, that in the event amplified sound systems are used, such sound shall not be a public nuisance nor be conducted later than 10:00 P.M. Such permits shall be limited to two (2) days. The board may consider requests for extensions.

(p) Requirements for home occupations. Any home occupation shall meet the following requirements:

(i) No person other than members of the family residing on the premises shall be engaged in such occupation;

(ii) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by the occupants, and not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation;

(iii) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not to exceed one (1) square foot in area, non-illuminated, and mounted flat against the wall of the principal building;

(iv) No home occupation shall be conducted in any accessory building;

(v) There shall be no sales on the premises in connection with such home occupation;

(vi) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;

(vii) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot;
(viii) The home occupation shall not involve the storage of commercial vehicles nor the use of such vehicles for delivery of goods or materials to and from the premises;

(ix) No home occupation shall require internal or external alterations, construction features, or the use of any equipment that would change the fire rating of the structure;

(x) No outdoor display of goods or outside storage of equipment, parts, or materials of any kind used in the home occupation shall be permitted; and

(xi) The following are specifically prohibited as home occupations:

(A) The repair of motor vehicles.

(B) A barber or beauty shop or any similar activity where clientele or patrons are served on the premises.

(q) Permitted obstructions in required yards. In all districts, the following shall not be considered obstructions when located within a required yard except these items shall comply with § 14-208(1)(a) and (b).

(i) In any yard:

(A) Arbors and trellises.

(B) Awnings or canopies projecting from a building wall over a required yard not more than six feet (6') and having no supports other than provided by the wall or its integral parts.

(C) Chimneys projecting not more than three feet (3') into and not exceeding two percent (2%) of the area of the required yard.

(D) Eaves, gutters, or downspouts projecting into or over required yards not more than twenty-four inches (24") or twenty percent (20%) of the width of such yard, whichever is the lesser distance.

(E) Fire escapes or staircase, the riser of which shall be at least fifty percent (50%) open and whose vertical projection downward into a required yard does not project more than three feet (3') into, and not exceeding ten percent (10%) of the area of the required yard.

(F) Flag poles having only one (1) structural ground member.

(G) Fountains.

(H) Mail boxes.

(I) Open terraces, including natural plant landscaping.

(J) Retaining walls.

(K) Signs as permitted by the Goodlettsville Sign Ordinance.

(M) Sculpture or other similar objects of art.
(N) Street furniture such as, but not limited to, benches, drinking fountains, trash receptacles, ash trays, light standards, and directional signs.

(ii) In any rear or side yard and located behind the principal structure:

(A) Clothes poles or clothes lines
(B) Recreation equipment
(C) Garages and storage buildings provided that a five foot (5') setback from the property line is observed.

(r) Portable building regulations. A portable building is defined as any structure enclosed by walls and a roof designed to be transported on its own wheels or on a flatbed truck or trailer and delivered to a site ready for occupancy or use. This definition shall not include mobile homes as defined elsewhere herein or factory manufactured modular units which comply with the International Code Council (ICC).

(i) In any residential zone, a portable building shall be an accessory use and used only for storage of materials commonly incidental to the occupancy of the principal residential use. Such portable buildings shall meet all requirements for setbacks and building coverage. The use of a movable trailer or a metal storage structure brought into an area by truck shall not be allowed as an accessory portable building included in this section. Such movable trailers or metal storage structures may be utilized for temporary storage during remodeling or for household moves but shall be located on the premises no longer than sixty (60) days.

(ii) In all other districts, no portable building may be used for any kind of human occupancy. Such buildings may be used for storage in zoning districts that permit outside storage as otherwise permitted herein provided all site planning and architectural review standards are met.

(iii) Mobile homes as defined may be used only for residential occupancy and may be located only in approved or existing mobile home parks.

(iv) In the event of damage or destruction of an existing building caused by fire, explosion or natural disaster that results in the building being unusable, the codes director may issue a temporary building permit for a portable building to be used as emergency quarters while the permanent building is being reconstructed. Such permit shall expire and the portable building removed when reconstruction is complete.

(v) In any district, the codes administrator may issue a temporary building permit for a contractor's temporary office and equipment sheds which are incidental to a construction project. Such buildings or sheds shall be removed at the time of completion of the project.
(vi) Donation bin. (A) Location: A donation bin is a permitted accessory uses of commercial and industrial uses and properties containing high density residential developments.

The donation bin shall be located a minimum twenty feet (20') from the front property line or the minimum front building setback lines when less than twenty feet (20').

The donation bin shall be located on a developed site and located so access to the bin and storage of the bin are on an asphalt or concrete surface and are not located in a parking space required to meet the minimum zoning requirements for the property land use and are not located in an area that limits or conflicts with the site vehicular and pedestrian access.

(B) Number: No more than one (1) donation bin shall be located on a property or per development in the case of high density residential developments. The designated donation bin area shall not exceed twenty-five (25) square feet.

(C) Application process: Applicant to submit a written request including contact information for the applicant and property owner, maintenance and collection schedule of the donation bin, and a drawing showing location of donation bin and existing site developments. Planning director or codes administrator staff shall review and approve or deny application within ten (10) working days. Failure to notify the applicant of approval or denial will result in automatic approval of the application.

(D) Maintenance and violation: Applicant to comply with maintenance and collection schedule and violations shall subject applicant to the violation and penalties section of the zoning ordinance. The approval may be voided after formal notice to applicant due to repeated violations.

(2) Off-street parking and loading requirements. The following regulations are adopted in order to provide needed space off the streets for parking or loading and unloading vehicles, to lessen congestion in the streets, to improve traffic safety, to provide for a higher standard of development, and thus, to promote and protect the public health, safety, and welfare.

The provisions of this section apply to all activities as set forth in this ordinance.

(a) General provisions. In all districts, accessory off-street parking, open or enclosed, shall be provided in conformity with the requirements set forth in this section for all uses. In addition, all other
applicable requirements of this section shall apply as a condition precedent to the use of such development.

A parking space is required for a portion of a unit of measure one-half (1/2) or more of the amount set forth herein. For an enlargement or modification resulting in a net increase in the floor area or other applicable unit of measurement specified herein, the same requirements shall apply to such net increase in the floor area or other specified unit of measurement.

In the case of uses where the board of appeals is required to prescribe the number of parking spaces, it shall base its determination on recommendations from the Goodlettsville Municipal/Regional Planning Commission and such other factors as the traffic generation of the facilities, the time of operation of such facilities, their location, and other such factors as affect the need for off-street parking as required under the conditional use provisions.

(b) Residential activities:
   (i) Permanent:
      (A) One (1) family detached, two (2) family detached dwellings, attached, and semi-detached: Two (2) spaces per dwelling unit.
      (B) Multi-family dwelling (three (3) dwelling units or more):
          One and one-half (1 1/2) spaces for each dwelling unit with one (1) bedroom; two (2) spaces for each dwelling unit with two (2) or more bedrooms.
      (C) Mobile homes:
          Two (2) spaces per mobile home.
      (D) Where occupancy is to be primarily elderly persons over the age of sixty (60), the number of developed spaces may be reduced to one (1) space per unit. There must be room on the lot to provide one and one-half (1 1/2) spaces in the future.
   (ii) Semi-permanent:
      (A) Boarding or rooming house, apartment hotel:
          One (1) space for each dwelling or rooming unit

(c) Community facility activities. Accessory off-street parking shall be provided for the specified number of square feet of gross floor area of seating capacity or other specified unit of measurement (or fraction of one-half (1/2) or more thereof for the following activity types:

<table>
<thead>
<tr>
<th>Activity type</th>
<th>Unit of measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative</td>
<td>One (1) space for each three hundred (300) sq. ft. of gross floor area, plus one for each three (3) employees.</td>
</tr>
</tbody>
</table>
Community assembly

- One (1) space for each two (2) seats or one-half (1/2) of capacity in persons whichever is greater.

Community education

- Kindergarten and nursery: one (1) space for each employee plus one (1) space for each four (4) students.
- Elementary and middle schools, grade 1-7: two (2) spaces for each classroom or one (1) space for each five (5) seats in the auditorium or one (1) space for each four (4) students, teachers, and employees, whichever is greater.
- High school, grades 8-12: four (4) spaces for each classroom or one (1) space for each five (5) seats in the auditorium or one (1) space for each four (4) students, teachers, and employees, whichever is greater.
- Vocational or trade schools: one (1) space for each one thousand (1,000) sq. ft. of gross floor area, plus one (1) space for each six (6) seats in any associated auditorium.

Cultural and recreation services

- Art galleries, libraries, museums, zoological and botanical gardens, planetariums and aquariums: one (1) space for each eight hundred (800) sq. ft. of gross floor area.
- Swimming pools thirty percent (30%) of capacity.
- Parks, playgrounds and play-fields: ten (10) spaces for each acre of land devoted to recreation, plus one (1) space for each four (4) spectator seats.
- Recreation centers and gymnasiums: fifty percent (50%) of the capacity, plus one (1) space for each two (2) employees.
Essential services

Two (2) spaces per facility. The board may require more spaces as needed.

Extensive impact

Airports, air cargo terminals, heliports, or aeronautical devices:

One (1) space for each two (2) employees, plus one (1) space for every one hundred (100) sq. ft. of gross floor area.

Correctional or detention institutions:

one (1) space for each two (2) employees, plus one, (1) space for each patrol car.

Electricity generating facilities, radio and television towers, and transmission facilities: two (2) spaces minimum. The board may require more.

Railroad, bus, and transit terminals:

one (1) space for each one hundred (100) sq. ft. of waiting room.

Railroad yards and other transportation equipment marshaling and storage yards: one (1) space for each two (2) employees.

Stadiums, sports arenas, auditoriums, and bandstands: one (1) space for each four (4) seats.

Water and sewage treatment plants:

one (1) space for each employee.

All other activities: the board shall determine based upon pertinent factors of the use.

Health care facilities

Centers for observation or rehabilitation, convalescent homes: one (1) space for each four (4) beds, plus one (1) space for each one thousand (1,000) sq. ft. of gross floor area.
Hospitals: one and one-half (1 1/2) spaces for each bed.

Medical or dental clinics: five (5) spaces for each staff member or doctor or dentist or two (2) spaces for each treatment or examination room, whichever is greater.

**Intermediate impact**

Colleges, junior colleges, and universities: one (1) space for each one thousand (1,000) sq. ft. of gross floor area suited for academic purposes, plus one (1) space for each six (6) seats in an auditorium, arena, or stadium on the same lot.

All other activities: the board shall determine based upon the pertinent factors of the use.

**Personal and group care**

Associations for physically or mentally handicapped: one (1) space for each employee.

Day care centers: one (1) space for each employee plus (1) space for each five (5) children.

Nursing homes: one (1) space for each employee, plus one (1) space for each two (2) patients.

Senior citizen centers: for high-rise apartments - three-quarters (3/4) spaces per unit; for other type of detached or low-rise attached units - one (1) space per unit.

**Religious facilities**

All activity types: one (1) space for each three (3) seats.

(d) Commercial activities. One (1) accessory off-street parking space shall be provided for the specified number of square feet of gross...
floor area (or fraction thereof) or other measures as noted for the following activities:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Gross floor area (square feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal care and veterinarian services</td>
<td>two hundred fifty (250)</td>
</tr>
<tr>
<td>Automotive services and repair</td>
<td>One (1) space for each employee, plus Four (4) spaces for each service bay. For oil change shops: two (2) spaces for the use plus two (2) spaces per oil change bay.</td>
</tr>
<tr>
<td>Building materials and farm equipment</td>
<td>One thousand (1,000), plus one (1) space for each employee.</td>
</tr>
<tr>
<td>Consumer repair services</td>
<td>Two hundred fifty (250)</td>
</tr>
<tr>
<td>Construction sales and services</td>
<td>One thousand (1,000)</td>
</tr>
<tr>
<td>Convenience commercial</td>
<td>Two hundred fifty (250)</td>
</tr>
<tr>
<td>Entertainment and amusement services</td>
<td></td>
</tr>
<tr>
<td>Art galleries</td>
<td>Eight hundred (800)</td>
</tr>
<tr>
<td>Batting and golf ranges</td>
<td>To be determined by the board.</td>
</tr>
<tr>
<td>Bowling alley</td>
<td>Five (5) spaces for each alley.</td>
</tr>
<tr>
<td>Billiard parlor</td>
<td>Three hundred (300)</td>
</tr>
<tr>
<td>Coin operated amusement arcades</td>
<td>Two hundred (200)</td>
</tr>
<tr>
<td>Dance halls, studios, schools and skating rinks</td>
<td>One hundred (100)</td>
</tr>
<tr>
<td>Exhibition halls, auditoriums</td>
<td>Forty percent (40%) of capacity</td>
</tr>
<tr>
<td>Motion picture and legitimate theatre</td>
<td>One (1) space for each five (5) seats.</td>
</tr>
<tr>
<td>Financial, consultative, and administrative services</td>
<td>Two hundred fifty (250)</td>
</tr>
</tbody>
</table>
Food and beverage services  One (1) space for each two (2) seats

Food service drive-in  One hundred fifty (150)
    or drive-thru

General business and  Four hundred (400)
    communications services

General personal services  One (1) space for each one hundred
    Funeral and crematory
        services  (100) sq. ft. of gross floor area or where
    a chapel is provided one (1) space for each four (4) seats.

Health club  One hundred fifty (150)

Mini-warehouse  One (1) space for each twenty (20)
    storage stalls plus two (2) spaces per
    manager's residence.

All others  Four hundred (400)

General retail trade  Two hundred fifty (250)
    Furniture stores  Five hundred (500)

Group assembly  One (1) space for each four (4) seats or
    as determined by the board.

Medical and professional  Two hundred (200)
    services

Transient habitation  One (1) space for each room to be
    rented; plus one (1) space for each two (2) employees.

Transportation and  Two thousand (2,000)
    warehousing  Plus one (1) space for each five thousand (5,000) sq. ft.
    of open storage area.

Vehicular, craft, and  Five hundred (500)
    related equipment

Wholesale sales  One thousand (1,000)
Commercial PUD or commercial complex

- 0 - 400,000 sq. ft. Four (4) spaces per thousand (1,000) sq. ft. of gross leaseable area (GLA).
- 400,000 – 600,000 sq. ft. Four and one-half (4 1/2) spaces per one thousand (1,000) sq. ft. of GLA.
- 600,000 – 1,000,000 sq. ft. Five (5) spaces per one thousand (1,000) sq. ft. of GLA.
- Over 1,000,000 sq. ft. Five and one-half (5 1/2) spaces per one thousand (1,000) sq. ft. of GLA.

(e) Manufacturing activities. One (1) space for each one thousand five hundred (1,500) square feet of gross floor area or one (1) space for each three (3) employees during the largest shift, whichever is greater.

(f) Agricultural, resource production, or extractive activities.

Agricultural services
One (1) space for each employee and for veterinary services, one (1) space for each three hundred (300) sq. ft. of gross floor area.

Confined animal feeding operations
To be determined by the board.

Mining, drilling, and quarrying
One and one-half (1 1/2) spaces for each two (2) employees.

Plant and forest nurseries
Five (5) spaces, plus one (1) space for each employee and one (1) space for each five (5) acres.

(g) Combination of required parking space. The required parking space for any number of separate uses may be combined in one (1) lot, but the required space assigned to one use may not be assigned to another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sunday.

(h) Off-site parking requirements. Off-street parking space accessory to any permitted use may be located on a zone lot other than the same zone lot as such use to which the spaces are accessory, provided that:
(i) Such spaces are not located within a residential or agricultural district;
(ii) There is no way to arrange such spaces on the same zone lot as such use;
(iii) Such spaces are located to draw a minimum of vehicular traffic to and through streets having predominantly residential frontage;
(iv) Such spaces are located no further than two hundred feet (200’) from the nearest boundary of the zone lot to which they are accessory;
(v) Such spaces are in the same ownership as the use to which they are accessory and necessary instruments are executed to ensure the required number of spaces will remain available throughout the life of such use; and
(vi) Such spaces conform to all applicable district regulations of the district in which they are located.

ILLUSTRATION
Design Details for Handicapped Spaces

(i) Special provisions for handicapped parking. The following provisions shall apply to all uses and structures for which handicapped parking spaces are required.

(i) Number of spaces required

<table>
<thead>
<tr>
<th>Spaces per lot total</th>
<th>Minimum No. H/C</th>
<th>Van accessible 96&quot; with 96&quot; access</th>
<th>Accessible parking 96&quot; with 60&quot; access</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 25</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>26 to 50</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>51 to 75</td>
<td>3</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>76 to 100</td>
<td>4</td>
<td>1</td>
<td>3</td>
</tr>
</tbody>
</table>
(ii) Dimensions and location of spaces. Handicapped parking spaces shall be sized according to the above table and be located on the shortest accessible route of travel to an accessible entrance. An accessible route shall be provided from the accessible parking to the accessible entrance. Such route shall be a minimum of three feet (3’) wide, have stable, slip resistant surface and shall have a slope no greater than 1:12.

(iii) Signage. All handicapped parking places shall have signage meeting ADA requirements.

(j) Off-street loading and unloading requirements. Every building or structure hereafter constructed and used for industry, business, or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. Such spaces shall have access to a public or private alley, or if there is no alley, to a public street. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

<table>
<thead>
<tr>
<th>Total usable floor area</th>
<th>Space required</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 4,999 sq. ft.</td>
<td>One (1) space</td>
</tr>
<tr>
<td>5,000 to 9,999 sq. ft.</td>
<td>Two (2) spaces</td>
</tr>
<tr>
<td>10,000 to 14,999 sq. ft.</td>
<td>Three (3) spaces</td>
</tr>
<tr>
<td>15,000 to 19,999 sq. ft.</td>
<td>Four (4) spaces</td>
</tr>
<tr>
<td>Over 20,000 sq. ft.</td>
<td>Four (4) spaces, plus one (1) space for each additional 20,000 sq. ft.</td>
</tr>
</tbody>
</table>

The board of appeals may reduce or increase this requirement in the interest of safety where unusual or special conditions are due considerations.
All such loading and unloading areas shall be surfaced with asphalt, concrete, or other durable dust-free surface.

(3) Development and operational standards for mobile home park. The following standards and requirements shall apply to all mobile home parks permitted by the mobile home park district.

(a) Permit. (i) Application for permits. The construction or extension of a mobile home park may not commence within the area of jurisdiction of this chapter until a zoning permit has been issued by the codes director. A zoning permit may be issued for a mobile home parking only upon approval of the required zoning district and approval by the Goodlettsville Municipal/Regional Planning Commission of the site plan.

Where conditions are attached by the Goodlettsville Municipal/Regional Planning Commission they shall be included as part of the zoning compliance certificate.

(ii) Site plan required. A zoning permit may only be issued for the construction or extension of a mobile home park upon submission and approval by the Goodlettsville Municipal/Regional Planning Commission of a site development plan meeting the minimum requirements of § 14-213(6)(b).

(iii) Inspection fee. An inspection fee shall be required for approval of a mobile home park which shall be made upon submission of a plan for approval. After completion of construction, a final inspection shall be made at no additional charge.

(A) The inspection fee shall be ten dollars ($10.00) per year plus two dollars ($2.00) per space. The fee is non-refundable.

(B) The inspection fee shall be paid annually upon inspection of the mobile home park by the codes director.

(b) Development standards. i. General. (1) No part of the park shall be used for nonresidential purposes, except such uses as are required for the direct servicing and well being of park residents and for the management and maintenance of the park. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.

(C) Conditions of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion subject to flooding or erosion and shall be used for any purpose, which would expose persons or property to hazards.
(ii) Minimum development size. No mobile home park shall be approved which contains less than three (3) acres in area or has less than fifteen (15) mobile home spaces.

(iii) Density. The number of mobile homes permitted within any mobile home park shall not exceed seven (7) units per acre. Along the entire periphery of a mobile home park, yards shall be provided as follows:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>40 feet</td>
</tr>
<tr>
<td>Side</td>
<td>30 feet</td>
</tr>
<tr>
<td>Rear</td>
<td>40 feet</td>
</tr>
</tbody>
</table>

(iv) Yards. Along the entire periphery of a mobile home park, yards meeting the district regulations shall be provided. Within the interior portions of a mobile home park, no yards, except as required to meet other provisions set forth in this section, are required.

(v) Spacing of mobile homes and site coverage.

(A) Mobile homes shall be so harbored on each space that there shall be at least a twenty-five feet (25') clearance between mobile homes; for mobile homes parked end-to-end, the end-to-end clearance may be less than twenty-five feet (25') but not less than fifteen feet (15').

(B) There shall be a minimum distance of ten feet (10') between the nearest edge of any mobile home and an abutting street within the park.

(C) Mobile home stands shall not occupy an area in excess of twenty-five percent (25%) of the respective lot area. The total area occupied by the mobile home and its accessory structures shall not exceed fifty percent (50%) of the respective lot area.

(iv) The mobile home lot.

(A) General. The limits of each mobile home lot shall be marked on the ground by suitable means. Location of lot limits on the ground shall be the same as shown on approved plans. No lot shall be smaller than five thousand (5,000) square feet.

(B) Mobile home stands. The mobile home stands shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. In addition, such stand shall comply with the FHA minimum requirements. Permanent foundations shall meet the
requirements of the HUD publication Permanent Foundations for Manufactured Housing, September 1996.

(C) Outdoor living area. Each mobile home lot shall be provided with an outdoor living and service area. Such area should be improved as necessary to assure reasonable privacy and comfort. The minimum area should be not less than three hundred (300) square feet with a least dimension of fifteen feet (15').

(c) Utilities and other services.
   (i) Water supply and distribution system. An accessible, adequate, safe and potable supply of water shall be provided in each mobile home development on trunk lines not less than six inches (6'). Where a public supply of water of satisfactory quantity, quality and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply used exclusively.
   (ii) Sewage disposal. Each mobile home park shall be served by public sewer, with service provided each trailer site.
   (iii) Solid waste disposal system. Solid waste collection stands shall be provided for waste containers for each mobile home. Such stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them. Any central waste container shall be screened from view with access appropriately provided.
   (iv) Service buildings. Service buildings housing sanitation and laundry facilities shall be permanent structures complying with all applicable ordinances and statutes, regulations, buildings, electrical installations, and plumbing and sanitation systems.
   (v) Fire protection. Each mobile home park shall be equipped with fire hydrants spaced no more than five hundred feet (500') apart, no mobile home shall be farther than three hundred feet (300') from a fire hydrant. The water system shall be capable of providing a required fire flow of five hundred (500) gallons per minute for one (1) hour duration.
   (vi) Insect and rodent control. Each mobile home park shall be maintained free of litter and accumulation of any kind of debris which may provide rodent harborage or breeding places for flies, mosquitoes, or other pests.

(d) Streets.
   (i) General. All mobile home developments shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall be
provided by streets, driveways or other means. All internal streets shall be private.

(ii) Entrance streets. Entrances to mobile home developments shall have direct connections to a public street and shall be designed to allow free movement of traffic on such adjacent public streets. No parking shall be permitted on the entrance street for a distance of one hundred feet (100') from its point of beginning.

(iii) Circulation. The street system should provide convenient circulation by means of minor streets and properly located collector streets. Dead-end streets shall be limited in length to five hundred feet (500’) and their closed end shall be provided with an adequate turnaround. (sixty feet (60’) diameter cul-de-sac)

(iv) Pavement widths. Pavement widths shall be as follows:

<table>
<thead>
<tr>
<th>Street Type</th>
<th>Minimum Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collector street with no parking</td>
<td>20 feet</td>
</tr>
<tr>
<td>Collector street with on-street parking</td>
<td>36 feet</td>
</tr>
<tr>
<td>Minor street with no parking</td>
<td>18 feet</td>
</tr>
<tr>
<td>Minor street with on-street parking</td>
<td>34 feet</td>
</tr>
<tr>
<td>One-way minor street with no parking</td>
<td>12 feet</td>
</tr>
<tr>
<td>One-way minor street with on-street parking</td>
<td>28 feet</td>
</tr>
</tbody>
</table>

(v) Construction:
Subgrade--the subgrade shall be well-drained, uniformly graded, and compacted.

Base--the base shall consist of crushed stone or gravel, six inches (6") in depth, compacted.

Surface--the surface shall be paved with asphaltic concrete plant mix, one and one-half inches (1 1/2") thick, compacted.

(e) Walks.
(i) General requirements. All mobile home developments shall be provided with safe, convenient, all season pedestrian walks of adequate width for intended use, durable and convenient to maintain. Sudden changes in alignment and gradient shall be avoided.

(ii) Common walk system. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of four feet (4’).
(iii) Individual walks. All mobile home stands shall be connected to common walks, streets, driveways and parking spaces by individual walks. Such individual walks shall have a minimum width of two feet (2').

(f) Recreation area. Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents. Well-equipped playgrounds of adequate size and number shall be provided where it is anticipated that children will occupy the premises.

(g) Buffer and screening. A landscape buffer shall be provided along the perimeter of the site boundaries not less than fifteen feet (15') in width, except that a minimum buffer area from any public street shall be no less than twenty feet (20').

Within the landscaped buffer, a continuous fence six to eight feet (6' – 8') high or landscaped screen shall be provided. Such fence shall be opaque and such screening shall be a year-round evergreen ten feet (10') width and at least four feet (4') high at the time of planting and expected to achieve a height of six feet (6') within three (3) years. Such plants or trees shall be planted in two (2) rows and ten feet (10') apart with the plants or trees staggered. No landscaped screen or fence shall be provided within fifteen feet (15') of any vehicular entrance and/or exit to the park.

(h) Site design. The appearance and character of the site shall be preserved an enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. A landscape plan shall be submitted with the site development plan.

Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

(i) Parking. Parking shall be provided in accordance with § 14-208(2).

(ii) Off-street parking. Off-street parking spaces shall be located on each mobile home lot.

(j) Responsibilities of park management.

(i) The permittee shall operate the mobile home park in compliance with this ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

(ii) The permittee shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance.
(iii) The permittee shall supervise the placement of each mobile home on its mobile home stand to the satisfaction of the codes director which includes securing its stability to anchor pins and installing all utility connections.

(iv) The permittee shall maintain a register containing the following information:

(A) The name and address of each mobile home occupant;
(B) The name and address of the owner of each mobile home and motor vehicle by which it was towed;
(C) The make, model, year, and license number of each mobile home and motor vehicle;
(D) The date of arrival and of departure of each mobile home.

(v) The mobile home park shall keep the register record available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.

(vi) The register record shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.

(vii) The permittee shall notify the health authority immediately of any suspected communicable or contagious disease within the park.

(viii) The permit to operate shall be conspicuously posted in the mobile home park office at all times.

(ix) The permittee shall be answerable for the violation of any provision of this section.

(k) Responsibilities of park occupants.

(i) The park occupant shall comply with all applicable requirements of this ordinance and shall maintain his/her mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.

(ii) The park occupant shall be responsible for proper placement of the mobile home on its mobile home stand and proper installation of all utility connections and anchoring in accordance with the instruction of the park management.

(iii) Skirtings, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be maintained in good repair. The space immediately underneath each mobile home shall be used for storage only if permitted by the park management. If permitted, the following conditions shall be satisfied:

(A) The storage area shall be provided with a base of impervious material.
(B) Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.

(C) The storage area shall be enclosed by skirting.

(iv) The park occupant shall store and dispose of all rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent proof, insect proof, and watertight.

(v) Fire extinguishers for Class B and C fires shall be kept at the premises and maintained in working condition.

(vi) All park occupants shall be required to register their pets (dogs and cats) with the park management.

(vii) All park occupants shall be required to have their pets (dogs and cats) on a leash and shall not be allowed to roam free and unleashed.

(viii) Park occupants shall not be allowed to construct or place pens for animals on the park premises.

(l) Inspections.

(i) The codes director is hereby authorized and directed to make annual inspections to determine the conditions of mobile home parks, in order to insure the health and safety of occupants of mobile home parks and of the general public.

(ii) The codes director shall have the power to enter upon any private and public property for the purpose of inspecting and investigating conditions relating to the annual inspection as it is related to the enforcement of this section.

(m) Non-complying regulations.

(i) Within one (1) year from the effective date of this ordinance any existing mobile home park located within the city shall comply with those sections of this title listed below. Any provision that is not feasible to comply with shall be so noted in a written statement to the codes director. Such statement shall specifically address itself to reasons with which this title cannot be complied and shall be accompanied by any supporting information and data which the codes director may request.

Non-complying provisions are as follows:

Section 14-208(3):
Subsection (b)(vi)(B)
Subsection (c)(iii)
Subsection (j)
Subsection (k)

(n) Penalties. (i) Any person violating any provisions of this section shall be guilty of a misdemeanor and upon conviction shall
be fined not less than five dollars ($5.00) nor more than fifty dollars ($50.00) for each offense.

(ii) Each day that a violation is permitted to exist shall constitute a separate offense.

(iii) Any extension of an existing mobile home park is considered a non-complying use and is hereby prohibited unless said park is brought up to the standard herein stated.

(o) Revocation of permits. The board may revoke any permit to maintain and operate a park when the permittee has been found guilty by a court of competent jurisdiction of violating any provisions of this section. After such conviction, the permit may be reissued if the circumstances leading to conviction have been remedied and the park is being operated and maintained in full compliance with this section.

(p) Miscellaneous requirements. No inoperative automobiles, junk or non-contained trash shall be allowed within the park.

(q) Replacement of mobile homes. In any mobile home park, when a mobile home is relocated to a different pad within the park or is moved out of the park for any reason, it may be replaced only with another mobile home which has been certified under the national housing construction and safety standards act of 1974 (42 USC § 5401, et seq.) prior to any such replacement, the owner/operator of the mobile home park shall first obtain a building permit. After the replacement mobile home has been moved into the park and connected to all utilities but prior to any occupancy, such mobile home shall be inspected to determine its compliance with the above standard and the adopted NFPA 101 Life Safety Code.

(4) Site and architectural design standards. (a) Purpose and application. The standards and regulations of this section apply to all districts except as specifically exempted and are intended to compliment the guidelines of the Goodlettsville Design Review Manual. The purposes of this section are as follows:

(i) To recognize the interdependence of land values and aesthetics and to provide a method by which the city may encourage builders to develop land so that its value and attractiveness will endure;

(ii) To encourage development of private property in harmony with the desired character of the community or area in conformance with the adopted design standards and the Goodlettsville Design Review Manual.

(iii) To avoid and prevent community deterioration and to encourage the preservation and enhancement of property values and the visual character of the community and the natural environment;
(iv) To improve the general standards of orderly and stable development in the city through review of the design of individual buildings, structures and their setting;

(v) To establish standards and policies that will promote, preserve and enhance building design, proper site development and preserve natural environmental aspects in the city.

(b) Site plan required for zoning permits. All applications for zoning permits shall be accompanied by a site plan meeting the requirements herein and with sufficient copies to provide for staff and Goodlettsville Municipal/Regional Planning Commission distribution; provided however, that a site plan is not required when an existing building is converted from one permitted use to another permitted use and no additional construction is required and that no additional impervious surfaces are added to the site. With the exception of single- and two-family dwellings, and limited development site plans listed below, the site plan for all buildings or for new parking lots which require paving shall be approved by the Goodlettsville Municipal/Regional Planning Commission prior to the issuance of the zoning permit. The approval of any site plan shall lapse at the end of six (6) months if construction has not been initiated, and a new submission will be required meeting all zoning requirements including any amendments since the original approval. If the site plan approval is denied, within one (1) year of the date of denial, a subsequent application shall not be reviewed or heard unless there is substantial new evidence available, or if a significant mistake of law or of fact affected the prior denial. Such subsequent application shall include a detailed statement of the grounds justifying its consideration.

The following items are limited development site plans that may be reviewed and approved by planning/development services staff:

(i) Building additions not to exceed twenty-five percent (25%) of the existing size of the building up to two thousand five hundred (2,500) square feet but shall not include additional dwelling units for high density residential developments.

(ii) Parking lot expansion not to exceed twenty-five (25%) percent of the existing parking area up to seven thousand five hundred (7,500) square feet of parking area.

(iii) New accessory buildings or uses which do not change the use of the property and do not exceed two thousand five hundred (2,500) square feet.

(iv) Minor exterior building renovations.

Applicants may appeal the planning/development services department review and decision to the planning commission or to the board of zoning and sign appeals based on the provisions of this ordinance and the design guidelines.
All site plans shall be prepared and stamped by registrants of the State of Tennessee who are licensed to practice the particular discipline being prepared (e.g., site layout and drainage by civil engineers, boundary surveyors, landscape plans for landscape architects).

(i) Residential buildings or accessory structures or commercial buildings or additions of one thousand (1,000) square feet or less.

The site plan of any residential building or accessory structures containing one (1) or two (2) dwelling units and any commercial building or an addition to a commercial structure of one thousand (1,000) square feet or less shall indicate:

(A) The actual shape, location and dimensions of the lot;
(B) The shape, size and location of all buildings or other structures to be erected, altered or moved, and of any building or other structure already on the lot;
(C) The existing and intended use of the lot and of all such buildings or other structures upon it, including the number of dwelling units the building is intended to accommodate;
(D) Such other information concerning the lot or adjoining lots as may be essential for the determining whether the provisions of this ordinance are being observed.

(ii) All other buildings, structures and activities.

(A) The actual shape, location, bearings, and dimensions of the lot;
(B) The shape, size, and location of all buildings or other structures to be erected, altered or moved, and of any building or other structure already on the lot;
(C) The existing and intended use of the lot and of all such building or other structures upon it, including the number of dwelling units the building is intended to accommodate;
(D) Topographic features (contours not greater than five feet (5’) intervals);
(E) Location of all driveways and entrances;
(F) Location of all accessory off-street parking areas to include a plot plan showing design and layout of such parking facilities,
(G) Location of all accessory off-street loading berths;
(H) Location of open space;
(I) proposed ground coverage, floor area, and building heights;
(J) Position of fences and walls (materials specified);
(K) Detailed landscaping plans which shall include trees, shrubs and flowering plants with species, quantities and sizes clearly indicated;
(L) Location of utilities (sanitary sewers, storm sewers, water mains and sizes, and fire hydrants;
(M) Type, and size of proposed signs;
(N) Proposed means of surface drainage;
(O) Location of all easements and rights-of-way;
(P) For any site subject to flooding, the limits of floodway and fringe areas, the regulatory flood elevation and regulatory flood protection elevation, and the minimum first floor elevation;
(Q) The stamp and name of the registered engineer, architect, landscape architect, or surveyor preparing the plan;
(R) Where subsoil sewage disposal is anticipated, certification from the county health department approving the lot for such use.

c) All new non-residential developments including commercial, industrial, community facility activities in residential zoning districts, planned unit development districts, multiple family residential, and any entrance to a non-residential development are subject to design review and shall comply with the standards of the Goodlettsville Design Guidelines. In the event of damage or destruction to a building exceeding fifty percent (50%) of its total floor area or value, any repairs or reconstruction shall also be made in conformity with the Goodlettsville Design Guidelines Architecture section.

In all commercial, industrial or planned unit development districts no temporary building or structure of any kind may be used for any activity except for temporary uses specifically permitted by action of the board of zoning appeals or special sales or promotions authorized by the planning and codes department through the issuance of a temporary building permit for a specified period of time not to exceed two (2) weeks. This prohibition shall include tents, trailers, mobile buildings, storage buildings or similar structures that are not permanent buildings constructed on a legally established lot.

(i) The following building materials are acceptable for exterior walls:

(A) Brick;
(B) Natural stone;
(C) Exterior insulation and finish system (trade name Dryvit) or similar material, if used in combination with brick or stone;
(D) Wood;
(E) Glass but excluding opaque or reflective window tints and glazes;
(F) Split face block;
(G) Similar materials as approved by the Goodlettsville Municipal/Regional Planning Commission

All other materials shall be prohibited. These materials include vinyl or aluminum siding, fiberglass, tilt-up concrete panels and artificial stone. This section shall not be interpreted to prohibit the use of metal roofs.

(ii) The maximum uninterrupted length of any facade shall be one hundred feet (100'). Any such wall in excess of one hundred feet (100') shall be integrated with windows, awnings, projections, recesses, arcades or similar measures.

(iii) Each principal building shall have a clearly defined, highly visible customer entrance with distinguishing features such as canopies or porticos.

(iv) Facade colors shall be of low reflectance, subtle, neutral or earth tone colors. The use of high-intensity or metallic colors shall be prohibited except for accents. Colors shall not be used as a form of advertising even though such color may be a trademark.

(v) National "standard" or "trademark" designs shall be adapted to be compatible with these standards.

(vi) In the event of damage or destruction to a building exceeding fifty percent (50%) of its total floor area or value, any repairs or reconstruction shall be made in conformity with the standards contained herein.

In all commercial, industrial or planned unit development districts no temporary building or structure of any kind may be used for any activity except for temporary uses specifically permitted by action of the board of zoning appeals or special sales or promotions authorized by the planning and codes department through the issuance of a temporary building permit for a specified period of time not to exceed two (2) weeks. This prohibition shall include tents, trailers, mobile buildings, storage buildings or similar structures that are not permanent buildings constructed on a legally established lot.

(d) Off-street parking lot design standards.

(i) Design objectives. Parking areas shall be designed with careful regard given to orderly arrangement, topography, amenity of view, ease of access, and as an integral part of the overall site design. All parking areas shall be landscaped in accord with the requirements contained in § 14-208(5).
For reasons of use and appearance, it is desirable that parking areas be level or on terraces formed with the slope of the land. Changes in level between such terraces should be formed by retaining walls or landscaped banks.

(ii) Submission of site plan. Any application for a zoning permit, or for a conditional use permit where no zoning permit is necessary, that requires three (3) or more accessory off-street parking spaces to be provided on a zone lot, shall include a site plan, drawn to scale and fully dimensioned, and be attached to said application showing the location, design and layout of such parking facilities and approved by the Goodlettsville Municipal/Regional Planning Commission. A site plan drawn to meet the requirements of § 14-208(4)(b) will comply.

(iii) Access control. In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply. These regulations are shown on the following illustrations.

(A) Maximum number of driveways:

(1) Residential use: Two (2) driveways are permitted for a residential use property for the first one hundred feet (100') of property street frontage except only one (1) driveway on a designated collector or arterial routes may be permitted to limit access points where necessary to protect traffic flow and safe access. Where permitted, additional driveways may be permitted for each additional one hundred feet (100') for property frontage on minor streets and two hundred feet (200') on designated collector and arterial designated arterial streets.

(2) Non-residential use: One (1) driveway is permitted for a non-residential use property for the first one hundred (100') of property street frontage. Where permitted, one (1) additional driveway may be permitted for the next additional one hundred feet (100') of property street frontage where necessary for site deliveries and large truck access. Where permitted, additional driveways may be permitted for each additional one hundred feet (100') of property street frontage minor streets, two hundred feet (200') on collector streets, and three hundred feet (300') on arterial streets.

(3) Where feasible, all new driveways shall be placed to align with driveways on the opposite side of the street to enhance traffic flow and public safety.
(4) Additional entrances necessary for public safety site access may be permitted.

(B) Maximum width of driveway openings at the property line:

(1) Residential uses: Twenty-five feet (25').

(2) Gasoline service stations, freight and truck terminals, or other commercial and industrial uses customarily having a large volume of tractor trailer vehicle traffic: Forty feet (40').

(3) All other non-residential uses: Thirty-five feet (35').

(C) Minimum distances: Adjoining interior lot line and a driveway opening at the street right-of-way line:

(1) Residential uses: Five feet (5').

(2) Non residential uses: Ten feet (10')

(3) Shared driveways located on property lines are exempt from this requirement.

(D) Driveway from street intersection as measured from the nearest intersecting right-of-way line:

(1) Residential uses: Twenty-five (25') feet from limited minor streets, fifty feet (50') from minor streets, one hundred feet (100') from designated collector streets and two hundred feet (200') from designated arterial streets

(2) Non residential uses: Fifty feet (50') from minor streets, two hundred feet (200') from designated collector street and three hundred feet (300') from designated arterial streets and interchange ramps.

(3) These dimensions maybe be increased to prevent conflict with existing or planned traffic signals.

(4) On designated collector and arterial routes, the dimension shall be from planned right-of-way lines of nearest intersection.

(E) Multiple driveways: Where permitted, separation between two (2) driveways measures along the right-of-way line serving the same property which provide access to the same street shall be:

(1) Residential uses: Twenty-five feet (25') on limited minor streets, fifty feet (50') on minor streets, 100 feet on designated collector streets and arterial streets.

(2) Non-residential uses: One hundred feet (100') on minor streets, one hundred fifty feet (150')
(F) Radius of return: The radius of return curve connecting the edge of the traffic lane and access driveway shall meet the following requirements:

1. Residential uses on roadway with posted speed limit less than thirty (30) mph: Five foot (5') minimum.

2. Residential uses on roadways with posted speed limit thirty (30) mph or more: Fifteen foot (15') minimum.

3. Non-residential use on roadways with posted speed limit less than thirty (30) mph: Fifteen foot (15') minimum.

4. Non-residential use of roadways with posted speed is less than forty (40) mph: Twenty foot (25') minimum.

5. Non-Residential use of roadways with posted speed limit is forty (40) mph or more: Driveway design sit all include engineering design and the planning commission based on recommendation from city planner and city engineer may require deceleration and acceleration lanes and left turn storage lanes or increased storage lane capacity, if applicable based on roadway traffic counts, roadway speed, and roadway and driveway access visibility but in no case shall the radius of return be less than thirty feet (30').

(G) Arterial and collector route access: To protect driveway access safety and traffic flow on collector and arterial routes, limited access design may be required by planning commission based on recommendation from city planner and city engineer/or site development design proposals, including but not limited to, right turn only access, limiting corner lot access onto secondary streets with planned or existing signalized intersections, shared driveway access, cross access corridors with recorded access easements, and designing access to avoid conflicts in center left turns.

(H) Entrance angle: The centerline of every non-residential driveway shall intersect the centerline of the public way at an angle between seventy five and ninety degrees (75° and 90°).

(I) Traffic study: All non-residential developments containing commercial developments and warehouse and
transport uses exceeding twenty thousand (20,000) square feet in area and residential developments exceeding seventy-five (75) lots or units, or other developments expected to generate one thousand (1,000) vehicle trips or more per day or one hundred (100) or more peak hour trips as determined by city planner and city engineer shall include an engineering traffic study with the development plan submittal to review safe design of driveway access points and capacity and any necessary requirements for on-site or off-site roadway improvements.

(J) Minimum off-street parking set back distance: Parking maneuvers within a parking lot shall not restrict entering vehicles from safely and efficiently entering the driveway from the public street. The minimum parking setback distance for non-residential driveways is thirty feet (30') from the right-of-way but may be increased based on traffic study requirements. All non-residential off-street parking areas must include on-site maneuvering areas to permit users to enter and exit the site in forward drive. Where permitted, residential driveways fronting designated collector or arterial routes must include on-site maneuvering areas to permit users to enter and exit the site in forward drive.

(K) Drainage: All driveways shall be constructed with property drainpipes sized for the amount of water each should carry. Such pipes may be of concrete or ADS N 12 or equivalent and headwalls and endwalls shall be constructed.

(L) Driveway slope, profile, and sight distance: The maximum slope of driveways shall be ten percent (10%). The driveway location and approach area shall provide the user of the driveway access adequate sight distance in both directions along the street/or proper and safe movements. Minimum driveway sight distance measured at a point four and one-half feet (4 1/2") above the surface of the driveway surface to a point four inches (4") above the center line of the street surface shall be:

<table>
<thead>
<tr>
<th>Category</th>
<th>Minimum Sight Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Limited volume minor streets</td>
<td>Residential 125 feet and non-residential 150 feet</td>
</tr>
<tr>
<td>Minor streets</td>
<td>Residential 200 feet and non-residential 250 feet</td>
</tr>
<tr>
<td>Collector streets</td>
<td>Residential 250 feet and non-residential 300 feet</td>
</tr>
<tr>
<td>Arterial streets</td>
<td>Residential 300 feet and non-residential 400 feet</td>
</tr>
</tbody>
</table>
(M) Driveway materials, pavement markings, and signing: All non-residential driveways shall be permanently paved with concrete or asphalt. All residential driveways shall be permanently paved with concrete or asphalt for the first ten feet (10') of the driveway for the width of the driveway. Driveways with more than one (1) ingress or egress lane or driveways including limited or restricted access shall have pavement surface marked with center lines, lane lines, stop lines, and symbol arrows and signage installed per engineering traffic control standards.

(N) Alternative approval: The dimensions listed in this section may be increased or amended by the planning commission during site plan review process. Planning director and city engineer shall make recommendation as deemed necessary for safe and efficient street operations.

(iv) Surfacing and border barriers. All off street parking areas containing three (3) spaces or more shall be surfaced with asphalt, concrete, or other hard surfaced dustless material and so constructed to provide for adequate drainage for both on and off site and to prevent the release of dust. In no case shall drainage be allowed to cross sidewalks. An off-street parking area containing three (3) or more parking spaces shall be provided with a rail, curb, fence, wall, earth berm, or other continuous barrier of a height sufficient to retain all cars completely within the property together with appropriate landscaping except at access driveways.

(v) Lighting. Any lighting used to illuminate off street parking areas shall be directed away from property in any residential district in such a way as not to create a nuisance, and such lighting shall not exceed one-half (1/2") foot candle at or above any residential district boundary or commercial district boundary where residences are located and permitted.

(vi) Parking stalls. The size of each parking space shall be as shown on the sample layout illustration according to the angle of parking and appropriately marked with painted lines or curbs.

(vii) Maneuvering space. Minimum width of driveways providing maneuvering space within a parking lot for ingress to and egress from parking stalls shall be as indicated on the illustration for parking lot design details.
(viii) Slope in parking areas. The maximum slope within the area of the parking stalls shall be five percent (5%). The maximum slope of driveways shall be ten percent (10%).

(e) Residential design requirements. The intent of this section is to encourage the development of residential neighborhoods that are compatible throughout the development and that compliment existing development and the natural environment. Each development or neighborhood should adopt an architectural theme for all buildings. Architectural elevations are required as a part of the subdivision or PUD master plan.

(i) Building variation. Variation in front elevations on the same side of a street are required in order to achieve a varied street scene and to eliminate the reuse of identical or substantially similar buildings in close proximity to each other. Identical or similar buildings shall not be repeated more frequently than every sixth (6th) house on the same side of any street. Buildings shall be considered similar if they have similar building mass and form without distinguishing characteristics. Exterior surface materials such as brick, stone, stucco, Drivit, siding or a combination thereof
may be used to create a distinctive differentiation between structures.

The front setback line shall also be varied. After observation of the minimum front setback established by the zoning district, the front setback of one (1) lot shall be varied by a minimum of two feet (2') from the front setback of any house within two (2) lots on either side of the subject lot.

(ii) Facades. Facades should be well articulated and proportioned. The dominance of garages at street level shall be avoided. Any attached garage that faces or opens toward the street shall have a setback between three (3') and ten feet (10') behind the front wall of the house. The garage door(s) shall be designed to blend with and compliment the house. Large expanses of blank walls shall be avoided by creating aesthetic and proportioned patterns of windows and shadows.

(iii) Roofs. Buildings should be designed using pitched roofs with flat roofs being discouraged. The minimum roof pitch shall be 5/12.

(iv) Soffit design. No roof overhang or soffit, as measured from the finished side of the siding of the building to the inside of the fascia board, shall be less than eight inches (8"), unless the building and the development embodies historical architectural styles such as Tudor or Federal, which have a roof pitch of 10/12 or greater.

(v) Design criteria for two-family detached dwellings.

(A) Purpose. The provisions set forth herein are intended to apply to all two-family detached dwellings as defined by this ordinance regardless of the district in which such use may be located. It is the express purpose of these provisions to establish design criteria and to provide for implementation of these provisions by the planning director in the review of the site plan required for all developments. In any instance where this type use is located within a planned unit development, this requirement may be fulfilled by submission of the plans required for a planned unit development.

(B) Design criteria.

(1) All two-family detached units (duplexes) constructed on individual lots shall be designed to closely resemble the other housing units on the same street in appearance.

(2) Exterior building materials shall be of the same type and quality as the other dwelling units in the neighborhood or on adjoining lots.
(3) Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks and landscaping shall be provided for the protection and aesthetic enhancement of each unit of the building and privacy of the occupants, screening of objectionable views or uses and the reduction of noise.

(4) The appearance and character of the site shall be preserved, as appropriate, and enhanced by retaining and protecting existing trees and other site features. A landscaping plan shall be submitted as a part of the site plan.

(5) Driveways and parking areas shall be paved with either asphalt or concrete where a majority of the other housing units on the same street are so paved.

(C) Lots. The minimum lot size required for any such dwelling unit shall be as stipulated by the development area per dwelling unit as provided in each respective district.

(D) Parking. These requirements shall supplement the parking provisions contained in § 14-208.

(1) Two off-street parking spaces shall be provided for each dwelling unit.

(2) All off-street parking areas shall be located in the rear or to the side of the principal building. The required front yard shall be kept open and unobstructed.

(3) Driveways and parking areas shall be paved with either asphalt or concrete in areas where a majority of the other housing units are so paved.

(5) Landscaping, screening and buffering. (a) Purpose and intent. The purpose and intent of this ordinance is to establish a set of landscape requirements and guidelines that will be utilized as a minimum standard required of all developed or disturbed site within the City of Goodlettsville. The requirements and guidelines set forth in this section were developed in order to promote the health, safety and welfare of the general public; to improve the overall appearance of the community; to reduce stormwater run-off, noise, heat and chemical pollution through the preservation and installation of canopy trees; and to reduce the impact of incompatible land uses through requirements for buffer yards along zoning boundaries which will minimize potential harmful effects of one use on another.

(b) Applicability. The provisions of this section shall apply to developments which require a site plan to be filed in accordance with
§ 14-213(6)(b) or which require a master development plan to be filed in accordance with§ 14-210(3)(a). The provisions of this section, which pertain to screening and buffering, shall apply along all zoning district boundaries and along all boundaries separating a conditional use from permitted uses.

(c) Landscaping plan.

(i) Prior to the issuance of any permits (foundation, grading and/or building) for any site proposing any new or additional development, a landscape plan being part of the site development plan, meeting the requirements of this section, shall be submitted to and approved by the City of Goodlettsville Municipal/Regional Planning Commission. All landscape plans are to be prepared by and sealed by a registered landscape architect licensed in the State of Tennessee. A landscape plan shall also accompany any bulk grading and/or site clearing plan.

(ii) No landscape plans are to be drawn at a scale greater than one inch equals fifty feet (1" = 50'). All landscape plans shall include the following:

(A) Boundary of proposed site;
(B) Proposed site improvements;
(C) Existing and proposed utility lines and easements;
(D) North arrow;
(E) Scale and scale bar;
(F) Location of all existing trees eight inch (8") caliper and greater with any forested area containing such trees being separately delineated with the species mixture indicated;
(G) Location of all proposed plant material;
(H) A landscape schedule (providing the quantity, the botanical and common names, the height, the width and the caliper inches of all proposed plant material at the time of planting);
(I) A data table showing the landscape requirements for the site and the landscape provided to meet these requirements;
(J) Details and notes explaining the installation and maintenance of proposed and/or protected plant material;
(K) The name, address and phone number of the landscape architect approving said plans;
(L) Proposed means of slope stabilization, if applicable.

(d) Bonding.
(i) All proposed landscaping shall be secured by a landscape performance bond to guarantee the quality and longevity of the plant material installed. Bond amounts will be determined by the Goodlettsville Municipal/Regional Planning Commission and will vary depending on the quantity of landscape material proposed. The bond will be released upon installation of the required landscaping and inspection and approval by the city. If the required landscaping has not been installed within one (1) year of the approval of the plan, said bond shall be reviewed to determine if the amount is still adequate and if not, may be increased.

(ii) Prior to the release of the performance bond, a landscape maintenance bond shall be posted in order to assure the longevity and livelihood of the plant material. Said bond will be held for a period of one (1) year. At the completion of the year, these bonds will be reviewed to determine whether or not they are to be released, reduced, or held for an additional year. The amount of the bond shall be determined by the Goodlettsville Municipal/Regional Planning Commission and will vary depending on the quantity of landscape material installed.

(iii) In order to obtain a bond release, a bond release form must be signed by the owner and by the registered landscape architect that prepared the plan and inspected and approved the quality, size, type, quantity, and livelihood of the installed landscape. Once this form has been submitted to the planning department, the city will inspect the installed landscape of question to determine whether to award a full release, a reduction, or another year held of said bond.

(e) Standards.

(i) All proposed plant material for a given site are to be appropriately specified in order to tolerate the climate conditions of the Middle Tennessee area.

(ii) All proposed plant material for a given site are to meet the requirements of the American Standard for Nursery Stock established by the American National Standards Institute, Inc., issued in 1997.

(f) General landscape requirements. The following requirements shall apply to all developments except single family detached housing developments that are not a part of any planned unit development. All required landscaping shall be automatically irrigated, and such irrigation system shall be fully operational prior to the issuance of the final certificate of occupancy.

(g) Required trees. (i) Each newly developed site shall be required to have a minimum acquired caliper inch (ACI or caliper inch) of seventy (70) caliper inches of proposed trees per acre.
(ii) Seventy-five percent (75%) of required trees shall be native to the southeastern United States.

(iii) Fifty percent (50%) of required trees shall be a minimum three (3) caliper inches in size.

(iv) No proposed canopy tree planted at a size less than two (2) caliper inches will be accepted as a required tree. No proposed understory/ornamental tree shall be less than two (2) caliper inches in size.

(v) A minimum of twenty percent (20%) and maximum of fifty percent (50%) of required trees shall be understory and/or ornamental trees.

(vi) Existing trees to be protected and retained (see figure F-1) shall count fifty percent (50%) of their size towards the seventy (70) inch/acre requirements but not count towards parking area requirements. In the event that the existing tree credit creates a condition where no new tree plantings are required under the formula, a minimum of thirty-five (35) caliper inches/acre of proposed trees shall be provided.

(h) Parking areas. (i) Islands.

(A) One (1) landscape island with a minimum size of nine feet by eighteen feet (9' x 18') (see Figure F-2) shall be placed at a minimum of every fifteen (15) spaces in any proposed row of parking.

(B) A minimum of one (1) three inch (3") caliper or larger canopy tree is to be placed in each proposed island. Said canopy trees can be used toward the overall tree requirements but not toward any existing tree replacement.

(C) Said islands are to be free of all asphaltic, constructions and/or trash materials (see Figure F-3). The following note is to be placed on all site plans. "All parking islands are to be inspected and approved by the City of Goodlettsville Planning Department prior to the installation of any plant material or soil."

(ii) Adjacent parcels

(A) A minimum open space area of one-half (1/2) of the required side yard shall be placed between any proposed paved area and the adjacent parcel(s) to the site under development. If the required open space contains any drainage, utility or access easement, an additional five feet (5') of open space shall be provided.

(B) The open space area shall be landscaped at the designer's discretion in order to accommodate the general landscape requirements but shall be maintained as permanent open space.
(C) The open space area may be crossed by driveways or sidewalks where an access agreement between the adjacent property owners is in place.

(iii) Street fronts.

(A) A minimum open space area of ten feet (10') shall be placed between any proposed paved area and the right-of-way of the public street providing frontage to the site. If the required open space contains any drainage, utility or access easement, an additional five feet (5') of open space shall be provided. Said open space area shall be landscaped in accordance with (B) below in addition to any required trees.

(B) One (1) shrub at a size no less than twenty-four inches (24") high and twenty-four inches (24") wide is required for every two (2) linear feet of parking/driveway area that parallels any street front. Spacing of shrubs to be in keeping with species and design configuration. Said shrubs are to be installed between the street front and the proposed parking areas in a manner that will help screen and/or soften the visual effects of the proposed parking areas from its street front. Any area between the right-of-way and a curb or street pavement shall be included in the landscape plan and provided with appropriate cover. Street trees shall also be included in the street front landscaping. Canopy trees with a minimum caliper inch size of three inches (3") shall be planted on forty foot (40') centers. When overhead power lines are encountered, understory ornamental trees with a minimum caliper inch size of two inches (2") shall be planted on thirty foot (30') centers.

(C) The landscape plan shall include foundation planting at the front of the building and along any side which parallels a public street. Such foundation planting shall include shrubs, flowering plants and ornamental trees.

(i) Turf/ground cover. (i) All areas that have been disturbed by a particular site’s development and are not within a planted area shall be seeded and strawed or sodded in order to achieve a well established lawn.

(ii) All disturbed areas that exceed a 3:1 slope shall receive a jute erosion control mesh (or equivalent) and be planted with the appropriate turf or ground cover that will provide a fast growth habit and rapid establishment.

(iii) All disturbed natural areas that exceed a 3:1 slope and are located along a street front are to receive sod.
(iv) All storm drainage ditch bottoms are to receive sod unless a concrete flume has been proposed.

(j) Landscape requirements for single family developments. Single family subdivision developments (subdivisions with one-family dwelling on a fee simple lot) and low density planned unit developments shall meet the following requirements:

(i) Each lot shall include three (3) canopy trees with a minimum size of two (2) caliper inches. One such tree shall be planted as a street tree to be located within five feet (5') of the street right-of-way. Any utility easement shall be taken into account when locating such tree.

(ii) Foundation planting shall be provided for each house on each lot in a development. Such planting shall include complimentary shrubbery and flowering plants.

(iii) Every final subdivision plat shall include a drawing of a typical lot compliance with these landscape requirements.

(k) Replacement of existing trees. The requirements of this section shall be in addition to the general landscape requirements as presented in section (f) and, therefore, can not be applied towards meeting the "general landscape requirements."

(i) A tree removal permit must be obtained prior to the removal of any existing trees which are eight (8) caliper inches or larger from a site proposed for development or for general clearing purposes. In order to obtain such permit, the applicant must demonstrate the intent of the tree removal for the site in questions and pay a fee of twenty-five dollars ($25.00) to the city. Final granting of the permit will be determined by the Goodlettsville Planning Department. Any variance from this procedure shall first be considered by the Goodlettsville Municipal/Regional Planning Commission.

(ii) All existing trees that are to be removed from a site to be developed (this also includes sites that are to be cleared of their existing trees in order to increase their market value as a future development) shall be replaced at a rate of fifty percent (50%) of their size. When the replacement of existing trees results in an acquired caliper inch calculation in excess of one hundred fifty percent (150%) of the requirement for the site, the requirement shall be capped at one hundred fifty percent (150%) of the required seventy (70) caliper inches per acre.

For example: If a twenty-four (24) caliper inch existing tree is removed then twelve (12) caliper inches of new trees must be proposed to replace this tree. (Note: This only applies to the removal of trees at a size of eight (8) caliper inches and up.)

(iii) Any canopy tree eighteen (18) caliper inches or over in size shall be identified as a specimen tree. Extraordinary efforts...
to protect such trees shall be taken, and any removal of a specimen tree shall be specifically approved as a part of the landscape plan. The replacement of such trees shall be on a one inch (1") to one inch (1") basis.

(l) Screening. (i) Heating and cooling units on all non single-family residential developments shall be screened from all street fronts and adjacent parcels. Said screen shall be either a permanent opaque fencing and/or a thick massing of evergreen plant materials installed a height and spread no less than twenty-four inch (24") spaced so that an immediate screen is created at the time of planting.

(ii) Dumpster and service/loading areas are to be screened from all fronts and adjacent parcels. Said screen is to be either a permanent opaque fencing or a thick massing of evergreen plant materials installed at a minimum height of three feet (3') and minimum spread of four feet (4').

(iii) If a retention/detention pond area is to be enclosed with chain-link fencing, the fencing shall be black or dark green vinyl coated fencing. The pond area shall also be screened with a thick massing of evergreen plant material at a minimum height of three feet (3') and a minimum spread of three feet (3') from all fronts and adjacent parcels.

(m) Sight distance requirements for landscape materials. At any public or private street intersection and at the access point for private driveways to public or private streets, a clear zone for sight distance shall be maintained. No landscape material that exceeds the height of eighteen inches (18") at maturity or branches lower than six feet (6') shall be planted in any sight distance clear zone as indicated in Figure F-4.

(n) Coordination with transitional screening requirements.

(i) The requirements for transitional screening and barriers contained in subsection (p) hereafter shall be in addition to the requirements for landscaping in sections (f) and (k) above. All site and master PUD plans shall observe all such requirements.

(ii) No application for a zoning change shall be recommended by the Goodlettsville Regional/Municipal Planning Commission unless such application demonstrates that the provisions of subsection (p) can be met.

(iii) The Goodlettsville Regional/Municipal Planning Commission and the board of appeals shall not approve any conditional use permit unless such request demonstrates that the provisions of subsection (p) can be met.

(o) Waiver. (i) In extreme cases certain sites and/or proposed land uses may be in a position of legitimate hardship in meeting the requirements of this ordinance. Should this occur, the
owner/developer may appeal to the Goodlettsville Municipal/Regional Planning Commission to request a reduction in the landscape requirements based upon the physical conditions of the site. Self imposed or financial hardships only shall not constitute a basis for approval of the request.

(ii) If an appeal is granted to a particular site and the total caliper inches of required trees to be planted on site is reduced, then the remaining caliper inches are to be paid for to the City of Goodlettsville's public lands landscape maintenance and tree bank fund at a rate of one hundred fifty dollars ($150.00)/caliper inch, or may provide the required number of caliper inches in trees to be planted on public lands as designated by the city manager or his designee. If a developer chooses to plant off-site, the species and location must be approved by the Goodlettsville Regional/Municipal Planning Commission and covered by the certificate of compliance, bonding procedure and insured as are other plants on-site.

For example: A two (2) acre site is required a total of one hundred forty (140) caliper inches of newly planted trees. The Goodlettsville Regional/Municipal Planning Commission grants a seventy-five percent (75%) reduction requiring only thirty-five (35) caliper inches of newly planted trees to be planted on site. The remaining one hundred five (105) required caliper inches must therefore be paid to the landscape maintenance and tree bank at a cost of one hundred fifty dollars ($150.00)/caliper inch or fifteen thousand seven hundred fifty dollars ($15,750.00).

(p) Transitional screening. (i) General requirements. The following general provisions shall apply to transitional screening:

(A) Transitional screening shall be provided in accordance with the transitional screening matrix and type of buffer yard presented at the end of this section.

(B) Transitional screening shall be provided within the zoning district and on the lot of the "burdened use or district" (see matrix), along all points where such use or district is contiguous or across the street from land used by or zoned for the "benefitted use or district."

(C) In any instance where a structure is to involve more than one (1) use as presented in the matrix, the more stringent requirements shall apply.

(D) All plant materials utilized in the transitional screening buffer yards shall meet the size requirements of § 14-208(5)(f). A minimum of fifty percent (50%) of the materials shall be evergreen.

(ii) Transitional screening requirements. Transitional screening in the form of a buffer yard shall be located along the
outer perimeter of a lot or parcel, and shall extend to the lot or parcel boundary line. The required minimum yard may be utilized to provide transitional screening. There shall be four (4) different buffer yard types as identified in the matrix, which shall be provided as follows:

(A) Type 1 buffer yard. Shall consist of an unbroken strip of open space that complies with one (1) of the following alternatives:

1. A strip a minimum of twenty-five feet (25') wide planted with six (6) canopy or large evergreen trees, four (4) understory trees and twenty (20) shrubs for each one hundred (100) linear feet of open space.

2. A strip a minimum of fifteen feet (15') wide incorporating a six foot (6') brick, natural stone or an approved decorative masonry wall and planted with three (3) canopy or evergreen trees and two (2) understory trees for each one hundred (100) linear feet of open space. The plant materials shall be located between the wall and the property line.

(B) Type 2 buffer yard. Shall consist of an unbroken strip of open space that complies with one (1) of the following alternatives:

1. A strip a minimum of thirty-five feet (35') wide and planted with eight (8) canopy or large evergreen trees, six (6) understory trees and twenty-eight (28) shrubs for each one hundred (100) linear feet of open space.

2. A strip a minimum of twenty-five feet (25') wide incorporating a six feet (6') brick, natural stone or an approved decorative masonry wall and planted with four (4) canopy or evergreen trees and three (3) understory trees for ACH one hundred (100) linear feet of open space. The plant materials shall be located between the wall and the property line.

(C) Type 3 buffer yard. Shall consist of an unbroken strip of open space that complies with one (1) of the following alternatives:

1. A strip a minimum of fifty feet (50') wide and planted with twelve (12) canopy or large evergreen trees, eight (8) understory trees and forty (40) shrubs for each one hundred (100) linear feet of open space.

2. A strip a minimum of forty feet (40') wide incorporating a six foot (6') brick, natural stone
or an approved decorative masonry wall and planted with six (6) canopy or evergreen trees and four (4) understory trees for each one hundred (100) linear feet of open space. The plant materials shall be located between the wall and the property line.

(D) Type 4 buffer yard shall consist of an unbroken strip of open space a minimum of ten feet (10') wide including a six foot (6') brick wall and planted with three (3) canopy or large evergreen trees, one (1) understory tree and ten (10) shrubs for each one hundred (100) linear feet of the open space. This type buffer yard is only available within the CCO district and shall be applied along the side and rear property lines of the zoning district that adjoins residential property.

(iii) Requirements within landscape buffer yards. Sidewalks or trails may occur within a buffer yard provided the effect of the yard is not compromised. In no event shall the following uses be allowed in the buffer yards: playgrounds or playfields, stables, swimming pools, tennis courts or other recreational facilities; parking areas or other vehicular use areas; dumpsters, equipment storage and other open storage; buildings or overhangs; stormwater retention/detention facilities; and utilities or utility easements.

Buffer yards shall be continuous and unbroken except for driveways or sidewalks required to access parking areas or streets. Driveway/sidewalk penetrations shall cross buffer yards as close to perpendicular as possible and shall not exceed twenty-five percent (25%) of the entire buffer yard area, with no single penetration to exceed thirty-five feet (35') in width.

(iv) Variations. The buffer yards are normally calculated as being parallel to the property line. However, design variations, especially when used to incorporate existing native vegetation into the buffer yard area, shall be considered. The edges of the buffer yard may meander, including the permitted walls, provided that:

(A) The total area of the buffer yard is equal to or greater than the total area of the required buffer yard; and

(B) The buffer yard measures no less than the minimum width required by the applicable buffer yard standard at all points along the perimeter of the property line.

Buffer yard requirements may be waived by the Goodlettsville Regional/Municipal Planning Commission with a demonstration of unusual site grade conditions that would clearly negate the effects of the required buffer yard. The applicant shall supply section or profiles (drawn to scale) through the property line.
along the buffer yard proposed for the waiver. These drawings shall show the existing and proposed grades on both sides of the property line, as well as the principal structures on both properties. The sections or profiles shall show the line of sight for a pedestrian or a motorist, as applicable, from principal entrances, sidewalks or streets and from the highest point of the site to be buffered. Such sections or profiles shall clearly demonstrate that effect of the change in grade would negate the effect of a mature landscaped buffer yard thirty feet (30') in height.

(v) Exemptions. No buffer yard shall be required in the following situations:

(A) When a zoning district boundary falls along a public street containing four (4) or more travel lanes; or along an elevated railroad bed, utility line easement fifty (50) or more feet wide, or along a creek or waterway that is fifty (50) or more feet wide.

Transitional Screening Matrix

<table>
<thead>
<tr>
<th>When</th>
<th>Is Proposed to Abut</th>
<th>Transitional Screening Shall Be Provided:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any LD PUD</td>
<td>Any residential district</td>
<td>None</td>
</tr>
<tr>
<td>Any HD PUD</td>
<td>Any residential district</td>
<td>Buffer yard 1</td>
</tr>
<tr>
<td>Any retail, office, service, restaurant activity or commercial &amp; office PUD</td>
<td>Any residential district &amp; Any residential PUD district</td>
<td>Buffer yard 1</td>
</tr>
<tr>
<td>Any education, religious, personal or group care, community assembly, essential service, vehicular sales &amp; service or health care activity</td>
<td>Any residential or residential PUD district or residential use</td>
<td>Buffer yard 1</td>
</tr>
<tr>
<td>Any building material, construction, wholesale sales or automotive repair activity; or any activity in a CS, CG, IG or IR district.</td>
<td>Any residential or residential PUD district, or education, religious, personal or group care activity</td>
<td>Buffer yard 2</td>
</tr>
</tbody>
</table>
When Is Proposed to Abut

<table>
<thead>
<tr>
<th></th>
<th>Is Proposed to Abut</th>
<th>Transitional Screening Shall Be Provided:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any building material, construction, wholesale sales or automotive repair activity; or any activity in a CS, CG, IG or IR district</td>
<td>Any retail, office, service, restaurant activity or commercial &amp; office PUD</td>
<td>Buffer yard 1</td>
</tr>
<tr>
<td>Any group assembly, manufacturing, transport &amp; warehousing or scrap operations</td>
<td>Any residential or residential PUD district, education, religious, personal or group care, retail, office, restaurant, activity or commercial or office PUD district</td>
<td>Buffer yard 3</td>
</tr>
<tr>
<td>The CCO district</td>
<td>Any residential district or use</td>
<td>Buffer yard 4</td>
</tr>
</tbody>
</table>

(q) Modifications and waivers. Transitional screening and barriers may be waived or modified by the Goodlettsville Regional/Municipal Planning Commission in any of the following circumstances. The Goodlettsville Regional/Municipal Planning Commission may attach conditions to any waiver or modification which would assure that the results of the waiver or modification would be in accordance with the purpose and intent of this chapter.

(i) Transitional screening and barriers may not be required between uses that are to be developed under a common development plan or series of development plans within a PUD district or a common site plan.

(ii) Where the strict provisions of this section would reduce the usable area of a lot due to lot configuration or size to a point which would preclude a reasonable use of the lot, transitional screening and/or barriers may be waived or modified by the Goodlettsville Regional/Municipal Planning Commission where the side of a building, a barrier and/or the land between that building and the property line has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques.

(iii) Transitional screening may be modified where the building, a barrier and/or the land between that building and the property line has been specifically designed to minimize adverse
impact through a combination of architectural and landscaping techniques.

(iv) The transitional screening and width and planting requirements may be reduced as much as two-thirds (2/3) where the developer chooses to construct a seven foot (7') brick or architectural block wall instead of the lesser barrier indicated by the matrix. This wall may be reduced to a height of six feet (6') where the Goodlettsville Regional/Municipal Planning Commission deems such a height will satisfy the purposes and intent of this chapter.

(v) Transitional screening and barriers may be waived or modified where the adjacent property is zoned to allow a use similar to that of the parcel under site plan.

(vi) Transitional screening and barriers may be waived or modified where the adjoining property is used for any public purpose other than a school or hospital.

(vii) Transitional screening and barriers may be waived or modified where adjacent property is zoned for residential usage and is used for any use permitted as a conditional use by the zoning board of appeals except day care centers, educational facilities and special personal and group care facilities.

(viii) Transitional screening may be modified or waived where the subject property abuts a railroad or limited access highway right-of-way.

(ix) The Goodlettsville Regional/Municipal Planning Commission may waive or modify the barrier requirements where the topography of the lot providing the transitional screening and the lot being protected is such that a barrier would not be effective.

(x) Transitional screening and barriers may be waived or modified for any public use when such use has been specifically designed to minimize adverse impact on adjacent properties.

(xi) In certain unusual circumstances of topography, or to alleviate certain specific problems, i.e., the blocking of glare, muting of noise, etc., the Goodlettsville Regional/Municipal Planning Commission may require the use of an earth berm or more specialized fence material in lieu of, or in combination with, any of the barrier types set forth in § 14-208(5)(p).

(r) Landscaping maintenance. The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all landscaping materials and barriers as may be required by the provisions of this section. All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept tree of refuse and debris. Fences and walls shall be maintained in good repair. The practice of "topping" trees shall not be permitted as a normal practice of maintenance of trees. Topping is defined as the excessive and
arbitrary removal of limbs with no regard to the structure of the tree. Excessive removal of limbs is removal of more than twenty to twenty-five percent (20% – 25%) of the limbs as stated in the ANSI standards for pruning. Trees severely damaged by storms or other causes may be exempted from this requirement at the determination of the planning director.

(s) Bond requirements. No landscape plan required by this ordinance shall be approved until the applicant has posted a bond or other surety acceptable to the city conditioned upon satisfactory installation of the landscaping and barriers proposed in his landscaping plan, in a sum sufficient to cover the cost of said landscaping and barriers.

(6) Lighting requirements. All utility services connections shall be underground and shall commence at the property line unless otherwise approved by the Goodlettsville Municipal/Regional Planning Commission. All lighting plans must meet Nashville Electric Services Street Lighting Design Manual Standards and any subsequent amendments to such manual and be approved by the Goodlettsville Municipal/Regional Planning Commission.

(7) Wireless telecommunications towers and antennas. Ordinance No. 98-571 is available under separate cover.

(8) Wind turbine facilities. (a) Purpose. The purpose of this subsection is to establish general guidelines for the siting of wind turbine facilities in Goodlettsville. The goals of this subsection are to:

(i) Protect residential areas and land uses from potential adverse impacts of wind turbine facilities;

(ii) Encourage users of wind turbine facilities to configure them in a way that minimizes the adverse visual impact of the wind turbine facilities through careful design, siting and landscape screening;

(iii) Consider the public health and safety of wind turbine facilities; and

(iv) Avoid potential damage to adjacent properties from wind turbine facility failure through engineering and careful siting of wind turbine structures.

(b) Definitions. The following definitions related to wind energy facilities shall apply:

(i) Blade glint: the intermittent reflection of the sun off the surface of the blades of a single or multiple wind turbine(s).

(ii) Distance: a measurement made in a straight line, without regard to intervening structures or objects, from the wind turbine's center toward the specified distance required by this title.

(iii) Height: the vertical distance from pre-development grade to the tip of the wind turbine blade at its highest point, or blade-tip height, whichever is higher.
(iv) Nacelle body: the structure at the top of the wind turbine that is separate from the blades and comprises the rotor shaft, gearbox, and generator.

(v) Occupied building: a residence, church, hospital, school, day-care, community education facility, or library.

(vi) Shadow flicker: the effect when the blades of an operating wind turbine pass between the sun and an observer, casting a readily observable, moving shadow on the observer and his/her immediate environment.

(vii) Wind energy facility: a wind turbine and all associated equipment, machinery and structures utilized to convert wind to electricity. This includes, but is not limited to, towers, transmission, storage, collection and supply equipment, substations, transformers, and service and access roads.

(viii) Wind energy facility (small): a wind energy facility consisting of one (1) tower, one (1) turbine, and having rated capacity of not more than one hundred (100) kW.

(ix) Wind energy facility (utility): a wind energy facility consisting of two (2) or more towers with turbines, or having a rated capacity of one hundred (100) kW or more, and where the primary use of the facility is electrical generation to be sold to the wholesale electricity markets.

(x) Wind turbine: a device that converts kinetic wind energy into rotational energy to drive an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two (2) or more blades.

(c) "Wind energy facility (small)" shall be a conditional use permitted in all zoning districts and "wind energy facility (utility)" shall be a conditional use permitted only within commercial and industrial districts.

(d) Wind energy facility. (i) Applicability. The wind energy facility shall comply with the standards of this subsection and the Goodlettsville Zoning Ordinance. The conditional use permit request shall be accompanied by a written document that identifies and describes the facility's compliance with the standards. Where compliance is not possible, the document will detail why the standards cannot be met, and what alternative standards are proposed by the applicant.

(ii) Height. The height of any facility, whether building or tower-mounted, shall not exceed fifteen feet (15') above the maximum building height allowed for the principal use in the subject zoning district.

(iii) Setbacks. The facility shall not be sited within:
(A) A distance equal to the height of the facility from any occupied buildings, or private ways that are not part of the wind energy facility; or

(B) One point five times (1.5x) the facility's height from the nearest property line, whichever is greater.

(iv) Location. Wind energy facilities shall be permitted only in the rear yard of any lot.

(v) Guy wires. No guy wire anchors shall extend closer than five feet (5') to the property line. All outer and innermost guy wires must be marked and clearly visible to a height of six feet (6') above the guy wire anchors.

(vi) Signs and advertising. An information sign identifying the facility owner, facility manufacturer, and a twenty-four (24) hour emergency contact phone number, along with warning sign(s) shall be required on the facility. In addition, an educational sign may be provided about the facility and the benefits of renewable energy. All such signs shall comply with the base zoning district's sign regulations for a non-residential use. No other advertising signs shall be allowed on or around the facility.

(vii) Lighting. No lighting of the facility shall be permitted, except warning lights as required by state or federal law.

(viii) Appearance. All components of the facility shall be in a neutral, non-reflective exterior color designed to blend with the surrounding environment.

(ix) Noise. The facility shall not generate noise in excess of sixty (60) decibels (dBA) measured at the closest neighboring occupied building, except during short-term events such as utility outages and severe windstorms.

(x) Shadow, blade glint, and flicker. The facility shall be sited to minimize shadow, blade glint, and flicker impacts on any property within a minimum distance of six hundred feet (600') of the site property line.

(xi) Utility notification plan. No wind energy facility shall be installed until the Nashville Electrical Service approves the applicant’s site plan.

(xii) Emergency plan. The facility shall have an automatic braking, governing, or feathering system to prevent uncontrolled rotation, over speeding and excessive pressure on the tower structure, rotor blades and turbine components.

(xiii) Abandonment. The applicant or property owner shall provide proof of the establishment of a financially secure and legally enforceable method of removing a wind energy facility when it ceases to be used for a period of twelve (12) consecutive months. This financial assurance can be provided through a
sinking fund, a lien upon land which has a greater unencumbered appraised value than the cost of removal of the wind energy facility, a removal bond, a letter of credit or any alternative financial arrangement which is approved by the City of Goodlettsville. If the applicant or landowner owns more than one (1) wind energy facility, a blanket removal bond or alternative financial assurance may cover multiple sites.

(xiv) Site plan. No wind energy facility shall be erected, constructed, installed or modified as provided in this section without first undergoing site plan review and obtaining a building permit. All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in Tennessee as a mechanical, structural, or civil engineer. The required site plan shall show, identify, display, dimension, and/or demonstrate the following:

(A) All property lines and existing buildings/structures on site and within six hundred feet (600’) of the site. For buildings/structures, the purpose of each will be labeled on the plan as well as the distance of each from the facility.

(B) Location of the proposed tower, foundations, guy anchors, access roads, and associated equipment on the site parcel and within six hundred feet (600’) of its boundary.

(C) Any existing overhead utility lines;

(D) Existing areas of tree cover, including average height of trees, on the site parcel and any adjacent parcels within a distance, measured from the wind turbine foundation, of one point five times (1.5x) the height of the wind turbine;

(E) Location of each existing wind energy facility, regardless of size or operational condition that are within two thousand feet (2,000’) of the proposed facility;

(F) Proposed changes to the landscape of the site, grading, screening, vegetation clearing and planting, and any required FAA lights;

(G) Tower foundation blueprints or drawings signed by a professional engineer licensed to practice in the State of Tennessee as a mechanical, structural, or civil engineer demonstrating the facility is designed to meet the most stringent wind requirements;

(H) A statement by an engineer licensed in the State of Tennessee certifying that the proposed wind turbine will meet the noise standard established by this section. The
engineer shall be certified by the Institute of the Noise Control Engineering of the USA (INCE/USA).

(I) One or three line electrical diagram detailing wind turbine, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;

(J) Documentation of the wind energy facility's manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed), and foundation type/dimensions;

(K) Photo visualizations of the facility pre- and post-construction shall be provided by the applicant in color showing how the facility will look, once installed. The visualizations will be from a minimum of three sight lines, including the nearest occupied building with a view of the wind facility, excluding buildings owned by the applicant or property owner.

14-209. Floodplain districts. (1) Statutory authorization, findings of fact, purpose and objectives. (a) 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 Goodlettsville Board of Commissioners does ordain as follows:

(b) Findings of fact. (i) The Goodlettsville Board of Commissioners wishes to maintain eligibility in the national flood insurance program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR ch. 1 (10-1-04 edition).

(ii) Areas of Goodlettsville 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.

(iii) These 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, flood-proofed, or otherwise unprotected from flood damages.

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

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

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

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

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

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

(d) Objectives. The objectives of this section are:

(i) To protect human life, health and property;
(ii) To minimize expenditure of public funds for costly flood control projects;
(iii) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
(iv) To minimize prolonged business interruptions;
(v) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodable areas;
(vi) To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize blight in flood areas;
(vii) To ensure that potential homebuyers are notified that property is in a floodable area; and
(viii) To maintain eligibility for participation in the national flood insurance program.

(2) Definitions. Unless specifically defined below, words or phrases used in this section shall be interpreted as to give them the meaning they have in common usage and to give this section its most reasonable application given its stated purpose and objectives.

(a) "Accessory structure" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:
   (i) Accessory structures shall not be used for human habitation;
   (ii) Accessory structures shall be designed to have low flood damage potential;
   (iii) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
   (iv) Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures;
   (v) Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

(b) "Act" means the statutes authorizing the national flood insurance program that are incorporated in 42 USC 4001-4128.

(c) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered "new construction."

(d) "Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this section or a request for a variance.
(e) "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 indeterminate, and where velocity flow may be evident. (Such flooding is characterized by ponding or sheet flow.)

(f) "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 (FHM). 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.

(g) "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.

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

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

(j) "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.

(k) "Building" means any structure built for support, shelter, or enclosure for any occupancy or storage (see "structure").

(l) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of equipment or materials.

(m) "Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

(n) "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.
(o) "Erosion" means the process of the gradual wearing away of landmasses. This peril is not per se covered under the program.

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

(q) "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

(r) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

(s) "Existing structures" see "existing construction."

(t) "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).

(u) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(i) The overflow of inland or tidal waters;
(ii) The unusual and rapid accumulation or runoff of surface waters from any source.

(v) "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.

(w) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

(x) "Flood Hazard Boundary Map (FHB)M" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of areas of special flood hazard have been designated as Zone A.

(y) "Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Emergency Management Agency, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

(z) "Flood insurance study" is the official report provided by the Federal Emergency Management Agency, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

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

(bb) "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.

(cc) "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.

(dd) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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

(ff) "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.

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

(hh) "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.

(ii) "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.

(jj) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

(kk) "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.

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

(mm) "Historic structure" means any structure that is:

(i) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(ii) 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;

(iii) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(iv) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(A) By an approved state program as determined by the Secretary of the Interior; or

(B) Directly by the Secretary of the Interior.

(nn) "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.

(oo) "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.

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

(qq) "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," unless such transportable structures are placed on a site for one hundred eighty (180) consecutive days or longer.

(rr) "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.

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

(tt) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this section, 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.

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

(vv) "New construction" means any structure for which the "start of construction" commenced after the effective date of the ordinance which comprises this section or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

(ww) "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 after the effective date of the ordinance which
comprises this section or the effective date of the first floodplain
management ordinance and includes any subsequent improvements to
such structure.

(xx) "North American Vertical Datum (NAVD)" as corrected in
1988 is a vertical control used as a reference for establishing varying
elevations within the floodplain.

(yy) "100-year flood" see "base flood."

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

(aaa) "Recreational vehicle" means a vehicle which is:

(i) Built on a single chassis;

(ii) Four hundred (400) square feet or less when
measured at the largest horizontal projection;

(iii) Designed to be self-propelled or permanently towable
by a light duty truck; and

(iv) Designed primarily not for use as a permanent
dwelling but as temporary living quarters for recreational,
camping, travel, or seasonal use.

(bbb) "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.

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

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

(eee) "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; and includes the placement of a manufactured
home on a foundation. Permanent construction does not include initial
land preparation, such as clearing, grading and filling; nor does it include
the installation of streets and/or walkways; nor does it include excavation
for a basement, footings, piers, or foundations or the erection of
temporary forms; nor does it include the installation on the property of
accessory buildings, such as garages or sheds, not occupied as dwelling
units or not part of the main structure. For a substantial improvement,
the actual start of construction means the first alteration of any wall,
ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(fff) "State coordinating agency." The Tennessee Department of Economic and Community Development’s Local Planning Assistance Office as designated by the Governor of the State of Tennessee at the request of the administrator to assist in the implementation of the national flood insurance program for the state.

(ggg) "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.

(hhh) "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.

(iii) "Substantial improvement" means any repairs, reconstructions, rehabilitations, additions, alterations or other improvements to a structure, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. The market value of the structure should be:

(i) The appraised value of the structure prior to the start of the initial repair or improvement; or

(ii) In the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed.

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

(i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project; or

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

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

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

(lll) "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 section is presumed to be in violation until such time as that documentation is provided.

mmm) "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 floodplains of riverine areas.

(3) General provisions. (a) Application. This section shall apply to all areas within the incorporated area of Goodlettsville, Tennessee.

(b) The areas of special flood hazard identified on the City of Goodlettsville, Tennessee, as identified by Federal Emergency Management Agency (FEMA), and in its Flood Insurance Study (FIS) dated April 5, 2017 and April 17, 2012 and Flood Insurance Rate Map (FIRM), Community 470287 Panel numbers 47037C0126H, 47037C0128H, 47037C0129H, 47037C0133H, 47037C0136H, 47037C0137H dated April 5, 2017 and community panel numbers 47165C0264G, 47165C0270G, 47165C0376G, 47165C0377G, 47165C0378G, 47165C0379G, 47165C0381G, 47165C0383G dated April 17, 2012 along with all supporting technical data, are adopted by reference and declared to be a part of this section.

(c) Requirement for development permit. A development permit shall be required in conformity with this section prior to the commencement of any development activities.

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

(e) Abrogation and greater restrictions. This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

(f) Interpretation. In the interpretation and application of the ordinance that comprises this section, all provisions shall be:

(i) Considered as minimum requirements;
(ii) Liberally construed in favor of the governing body; and
(iii) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

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

(h) Penalties for violation. Violation of the provisions of this section 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. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Goodlettsville, Tennessee from taking such other lawful actions to prevent or remedy any violation.

(4) Administration. (a) Designation of ordinance administrator. The planning director is hereby appointed as the administrator to implement the provisions of this section.

(b) Permit procedures. Application for a development permit shall be made to the administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(i) Application stage. (A) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where BFEs are available, or to the highest adjacent grade when applicable under this section;
(B) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed where BFEs are available, or to the highest adjacent grade when applicable under this section;
(C) Design certificate from a registered professional engineer or architect that the proposed
non-residential flood-proofed building will meet the flood-proofing criteria in subsection (4)(b);

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

(ii) Construction stage. Within unnumbered A Zones, where flood elevation data are not available, the administrator shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the regulatory floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing. Within unnumbered A Zones, where flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

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

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

(c) Duties and responsibilities of the administrator. Duties of the administrator shall include, but not be limited to:

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

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

(iii) Notification to 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 submission of evidence of such notification to the federal emergency management agency.

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

(v) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable of the lowest floor including basement of all new or substantially improved buildings, in accordance with subsection (4)(b).

(vi) Record the actual elevation in relation to mean sea level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been flood-proofed, in accordance with subsection (4)(b).

(vii) When floodproofing is utilized for a structure, the administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with subsection (4)(b).

(viii) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the administrator shall 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 section.

(ix) When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community FIRM meet the requirements of this section.

Within unnumbered A Zones, where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (lowest floor and highest adjacent grade being defined in subsection (2) of this section). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in subsection (4)(b).
(x) All records pertaining to the provisions of this section shall be maintained in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this section shall be maintained in a separate file or marked for expedited retrieval within combined files.

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

(i) New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(ii) Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

(iii) New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;

(iv) New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage;

(v) 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;

(vi) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(vii) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;

(viii) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(ix) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this section, shall meet the requirements of "new construction" as contained in this section; and

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

(b) Specific standards. These provisions shall apply to all areas of special flood hazard as provided herein:
(i) Residential construction. Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than 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 and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of subsection (5)(b).

Within unnumbered A Zones, where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (lowest floor and highest adjacent grade being defined in subsection (2) of this section). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in subsection (4)(b).

(ii) Non-residential construction. New construction or substantial improvement of any commercial, industrial, or non-residential building, when BFE data is available, shall have the lowest floor, including basement, elevated or floodproofed no lower than one foot (1') above the level of the base flood elevation.

Within unnumbered A Zones, where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (lowest floor and highest adjacent grade being defined in subsection (2) of this section). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in subsection (4)(b).

Buildings located in all A Zones may be flood-proofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in subsection (4)(b).

(iii) Elevated building. All new construction or substantial improvements to existing buildings that include any fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the
highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

(A) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(1) 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;

(2) The bottom of all openings shall be no higher than one foot (1') above the finish grade; and

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

(B) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator).

(C) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of subsection (5)(b) of this section.

(iv) Standards for manufactured homes and recreational vehicles. (A) All manufactured homes placed, or substantially improved, on:

(1) Individual lots or parcels;

(2) In expansions to existing manufactured home parks or subdivisions; or

(3) In new or substantially improved manufactured home parks or subdivisions.

Must meet all the requirements of new construction, including elevations and anchoring.

(B) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

(1) When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one foot (1') above the level of the base flood elevation; or
(2) Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three feet (3') in height above the highest adjacent grade.

(C) Any manufactured home, which has incurred "substantial damage" as the result of a flood or that has substantially improved, must meet the standards of subsection (5)(b)(iv) of this section.

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

(E) All recreational vehicles placed on identified flood hazard sites must either:

   (1) Be on the site for fewer than one hundred eighty (180) consecutive days;
   
   (2) 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.
   
   (3) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than one hundred eighty (180) consecutive days.

(v) Standards for subdivisions. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

   (A) All subdivision proposals shall be consistent with the need to minimize flood damage;
   
   (B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage;
   
   (C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards;
   
   (D) Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty (50) lots and/or five (5) acres in area.
(c) Standards for areas of special flood hazard with established base flood elevations and with floodways designated. Located within the areas of special flood hazard established in subsection (3)(b) 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:

(i) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in any increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.

(ii) New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of subsection (5).

(d) Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated. Located within the areas of special flood hazard established in subsection (3)(b), where streams exist with base flood data provided but where no floodways have been designated, (Zones AE) the following provisions apply:

(i) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(ii) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with subsection (5)(b).

(e) Standards for streams without established base flood elevations or floodways (A Zones). Located within the areas of special
flood hazard established in subsection (3), where streams exist, but no base flood data has been provided (A Zones), or where a floodway has not been delineated, the following provisions shall apply:

(i) When base flood elevation data or floodway data have not been provided in accordance with subsection (3), then the administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of subsection (5). Only if data is not available from these sources, then the following provisions ((ii) and (iii)) shall apply.

(ii) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(iii) In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet (3') above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of subsection (5)(b), and "elevated buildings."

(f) Standards for areas of shallow flooding (AO and AH Zones). Located within the areas of special flood hazard established in subsection (3)(b) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' -- 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(i) All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of
floodwaters shall be provided in accordance with standards of subsection (5)(b), and "elevated buildings."

(ii) All new construction and substantial improvements of non-residential buildings may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely flood-proofed to at least one (1') foot above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be floodproofed to at least three feet (3') above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the administrator as set forth above and as required in subsection (4)(b).

(iii) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(iv) The administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

(g) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in subsection (3) are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of subsections (4) and (5)(a) shall apply.

(h) Standards for unmapped streams. Located within Goodlettsville, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams the following provisions shall apply:

(i) In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the locality.

(ii) When new elevation data is available, new construction or substantial improvements of buildings shall be
elevated or floodproofed to elevations established in accordance with subsection (4).

(6) Variance procedures. The provisions of this section shall apply exclusively to areas of special flood hazard within Goodlettsville, Tennessee.

(a) Board of zoning appeals. (i) The Goodlettsville Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this section.

(ii) Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

(iii) In passing upon such applications, the board of zoning appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this section; and

(A) The danger that materials may be swept onto other property to the injury of others;

(B) The danger to life and property due to flooding or erosion;

(C) The susceptibility of the proposed facility and its contents to flood damage;

(D) The importance of the services provided by the proposed facility to the community;

(E) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

(F) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(G) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(H) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(I) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(J) 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.

(iv) Upon consideration of the factors listed above, and the purposes of this section, the board of zoning appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this section.
(v) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(b) Conditions for variances. (i) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

(ii) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(iii) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

(iv) The administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request. (Ord. #08-720, Dec. 2008, as amended by Ord. #12-777, April 2012, and Ord. #16-880, Dec. 2016)

14-210. Planned unit development district regulations.

(1) Purpose. These districts are designed to promote flexibility in design and permit planned diversification in the location of structures; to promote efficient use of land that will facilitate a more economic arrangement of buildings; circulation systems, land use, and utilities; to preserve as much as possible existing landscape features and utilize them in a harmonious fashion; to encourage the total planning of tracts of land; and to provide a mechanism for the ownership of land, utilities, streets, and facilities in common as well as the maintenance and disposition thereof.

(2) General provisions. (a) Master plan required. No application for a planned unit development (PUD) district shall be considered unless a master plan meeting the requirements outlined in § 14-210(3)(a) is submitted therewith. Such application shall indicate that the services of one (1) or more design professionals were utilized in the preparation of the plan. In the review and approval of a master plan the Goodlettsville Municipal/Regional Planning Commission is authorized to exercise architectural review of the buildings in order to assure quality of development, compatibility within the community and compatibility with
the adjacent and neighborhood properties. Deviations from the approved master plan shall be considered to be violations of the zoning ordinance and shall be punishable as provided by law. Final certificates of occupancy may be withheld pending correction of the violations.

(b) Ownership and division of land. No tract of land may be considered for or approved as a planned development unless such tract is under single ownership. The holder(s) of a written option to purchase, any governmental agency, or a redeveloper under contract with any governmental agency shall be considered landowners for purposes of this section. Unless otherwise provided as a condition of approval of a PUD, the landowner of an adopted PUD may divide and transfer parts of such development. The transferee shall complete each such unit, and use and maintain it in strict conformance with the adopted final master plan. Prior to the transfer of any section, a subdivision plat shall be filed with the Goodlettsville Municipal/Regional Planning Commission.

(c) Relationship to subdivision regulations. The uniqueness of each proposal for a planned unit development may require that specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs, and other standards may be subject to modification from the specifications established in the subdivision regulations adopted by the Goodlettsville Municipal/Regional Planning Commission.

Modifications may be incorporated only with the approval of the Goodlettsville Municipal/Regional Planning Commission as a part of its review of the master plan for a PUD and granted as a variance in the preliminary approval of the subdivision, which must be concurrent with the final approval by the Goodlettsville Municipal/Regional Planning Commission of the master plan.

(d) Combination of separate types of planned unit developments. The Goodlettsville Municipal/Regional Planning Commission and city commission may consider separate types of planned unit developments (residential and commercial) within a consolidated master plan as a single administrative procedure provided the total tract is in single ownership as defined and the land area is sufficient to meet the separate type requirements.

(e) Development period, staging schedule. The expeditious construction of any PUD shall be undertaken to assist in the assurance of the full completion of the development in accord with the approved master plan.

Within one (1) year after the date of approval of the preliminary master plan, the final master plan shall have been submitted and actual construction shall have commenced in such development. In the event that construction has not been started, such approval shall lapse and be of no effect. The Goodlettsville Municipal/Regional Planning Commission may conduct a hearing on the project and review the zoning and
feasibility of the PUD and may act to extend approval of the master plan depending upon the circumstances of each case.

The Goodlettsville Municipal/Regional Planning Commission may permit the development to be constructed in stages so that completion is achieved in a logical manner. The following provisions shall govern the staging schedule:

(i) Each stage shall be so planned and so related to existing surroundings and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the planned unit development or its surroundings at any stage of the development.

(ii) Each stage of the master plan, whether preliminary or final, may be considered as an independent unit for purposes of construction of the stage or of cancellation or extension of any approval, and no vested rights shall be attached to any stage by virtue of construction on a previous stage.

(f) Common open space and facilities. Any common open space or public or private facilities shall be subject to the following provisions:

(i) The location, shape, size, and character of the common open space shall be reviewed in detail, and it must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development considering its size, density, expected population, topography, and the number and type of dwellings or structures to be provided.

(ii) Common open space must be suitable for its intended uses but common open space containing natural features worthy of preservation may be left unimproved. Any such common open space shall be available and usable by residents of the development. The intent for "usable" open space shall be twenty-five percent (25%) of common open space. The buildings, structures, and improvements, which are permitted in the common space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.

(iii) The Goodlettsville Municipal/Regional Planning Commission shall require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space and facilities and such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to an appropriate public agency and said dedication be approved by the Goodlettsville
Municipal/Regional Planning Commission. However, the conditions of any transfer shall conform to the adopted final master plan.

(iv) In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of the planned unit development fail to maintain the common open space in reasonable order and condition in accordance with the adopted master plan, the codes director may serve written notice upon such organization and/or the owners or residents of the planned unit development common open space for a period of one (1) year. When the codes director determines that the organization is not prepared for the maintenance for the common open space such agency shall continue maintenance for yearly periods.

(v) The cost of such maintenance by such agency shall be assessed proportionally against the properties within the planned unit development that have a right of enjoyment of the common open space, and shall become a lien on said properties.

(vi) If the common open space is deeded to a homeowners association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for final approval. The provisions shall include, but not be limited to the following:

(A) The homeowners association must be set up before the homes are sold.
(B) Membership must be mandatory for each home buyer and any successive buyer.
(C) The open space restrictions must be permanent, not just for a period of years.
(D) The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
(E) Homeowners must pay their pro rata share of the cost, and the assessment the association can become a lien on the property.
(F) The association must be able to adjust the assessment to meeting changing needs.

(g) Dedication of public facilities. The Goodlettsville Municipal/Regional Planning Commission and city commission may require that suitable areas for streets, utilities, public rights-of-way, schools, parks, and public areas be set aside and/or dedicated to the city.

(h) Waiver of board of zoning appeals action. No action of the board of zoning appeals shall be required in the approval of a PUD including those activities which would otherwise require conditional use permits under other chapters of this ordinance. In the process of master
plan approval for a PUD the Goodlettsville Municipal/Regional Planning Commission shall function as the board of zoning appeals. The action of the Goodlettsville Municipal/Regional Planning Commission and city commission shall be final.

(3) Administrative procedure. The provisions of this section govern the procedure for review and approval for all planned unit developments as provided herein. Any landowner or developer, as defined, may apply for PUD zoning in any area subject to these provisions. The city commission may, within its legislative power, impose PUD zoning upon any land area, and after such action, the landowner shall follow the remaining procedures before any zoning permits can be issued and the land developed.

(a) Steps of approval process.

(i) The applicant may request a pre-application conference with city staff to evaluate the proposal and to determine and clarify any issues that may arise.

(ii) The applicant shall submit a preliminary master plan and rezoning request to the planning director for Goodlettsville Municipal/Regional Planning Commission consideration along with the required fees.

(iii) The Goodlettsville Municipal/Regional Planning Commission may approve or reject the request. If approved, the Goodlettsville Municipal/Regional Planning Commission shall recommend the necessary PUD zoning to the city commission. If rejected, the applicant may appeal the decision to the city commission.

(iv) After approval of the preliminary plan and amendment of the zoning map, preparation of the final master plan may begin.

(v) Within one (1) year after approval of the preliminary master plan, the applicant shall submit a final master plan to the planning director for Goodlettsville Municipal/Regional Planning Commission for consideration. If any part of the PUD is to be subdivided, a preliminary subdivision plat shall also be submitted. Both documents may be considered simultaneously. Approval of the final master plan shall form the basis for all permits, variances, and standards for the PUD. After approval of the final master plan, the applicant shall have recorded an official copy of said plan.

(vi) Prior to the sale or transfer of any property, the applicant shall submit and have approved and recorded a final subdivision plat.

(vii) Both the preliminary and final master plans shall be prepared and stamped by registrants of the State of Tennessee who are licensed to practice the particular discipline being prepared (e.g., site layout and drainage by civil engineers,
boundary surveys by surveyors, landscape plans by landscape architects).

(viii) If the application is incomplete, the planning director shall hold in abeyance the formal review by the Goodlettsville Municipal/Regional Planning Commission until such time as complete information is submitted.

(b) Application for approval of the preliminary master plan and zoning request. Application for approval of the preliminary master plan shall be made by the landowner of the affected property or his authorized agent to the planning director in accordance with such written general rules regarding general procedure, form of application, and required information as the Goodlettsville Municipal/Regional Planning Commission may determine, provided they are not inconsistent herewith. The application for preliminary approval shall consist of the following:

(i) The preliminary master plan for the proposed planned unit development shall be a general concept plan which shall include such items as the Goodlettsville Municipal/Regional Planning Commission by general rule shall specify in order to disclose;

(A) The location and size of the area involved,
(B) Transportation routes including streets, driveways, sidewalks, and pedestrian ways, and off-street parking and loading areas,
(C) Location and approximate dimensions of structures including approximate height and bulk and the utilization of structures including activities and the number of living units,
(D) Location and extent of required landscape buffer yards and a generalized plan to indicate how the landscaping regulations will be met,
(E) Estimated population and density and extent of activities to be allocated to parts of the project,
(F) Reservations for public uses including schools, parks and other open spaces,
(G) Availability commitments from the appropriate water and sewer provider,
(H) Major landscaping features including topography,
(I) The general means of the disposition of sanitary wastes and storm water, and
(J) North arrow, graphic scale, and location map showing relationship to existing street system and adjoining properties.

(ii) A tabulation of the land area to be devoted to various uses and activities and overall densities.
(iii) The nature of the landowner's interest in the land proposed to be developed and a written statement or concurrence from all parties having a beneficial interest in the affected property.

(iv) The general substance of covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures including proposed easements for public utilities.

(v) A development schedule, setting forth when the landowner intends to commence construction and an estimated completion period.

(vi) When it is proposed that the final master development plan will be submitted in stages, a schedule of submission thereof.

(vii) A filing and review fee in an amount determined according to the standard fee schedule as approved by the city commission.

(viii) A general summary explaining the character, intent, and financing of the PUD.

(c) Application for approval of the final master plan. The action of the city commission on the zoning request and the preliminary master plan shall authorize and form the basis for the Goodlettsville Municipal/Regional Planning Commission approval of a final master plan.

(i) Application for final approval. After zoning to a planned unit development district, the landowner may make application to the Goodlettsville Municipal/Regional Planning Commission for approval of a final master development plan, provided that the proposed master development plan and other elements associated with the planned unit development are in substantial compliance with the substance of the preliminary approval of the Goodlettsville Municipal/Regional Planning Commission. The application shall include all aspects of the preliminary application, the proposed final master development plan, other required drawings, specifications, covenants, easements, and conditions and forms of bonds as were set forth by the Goodlettsville Municipal/Regional Planning Commission preliminary approval. Copies of all legal documents required for dedication or reservation of group or common open space and/or for the creation of a non-profit association shall also be submitted. When appropriate, this application shall contain the stage development schedule.

(ii) Final approval of stages. The application for final approval and the final approval by the Goodlettsville
Municipal/Regional Planning Commission may be limited to each stage as appropriate in a large planned unit development.

(iii) Final master development plan. The final master plan of a planned unit development, or as submitted in stages if so authorized, shall be substantially consistent with the approved preliminary master plan and must in addition show the following:

(A) Detailed building plans showing front, rear and side elevations including materials proposed to be used and the percentage of each material used upon each elevation,
(B) Detailed landscaping plans which shall include trees, shrubs and flowering plants with species, quantities and sizes clearly indicated,
(C) Elevations as necessary,
(D) Location of gas, water, sewerage, and drainage facilities,
(E) Details and locations of signs,
(F) Plans for street and parking lot improvements,
(G) Location and use of all common open space area,
(H) Grading plans showing existing and proposed topography,
(I) Additional information as determined by the Goodlettsville Municipal/Regional Planning Commission to indicate fully the ultimate operation and appearance of the PUD.

(d) Amendments to the PUD. The terms, conditions, and the final master plan of a PUD may be changed from time to time by official action of the Goodlettsville Municipal/Regional Planning Commission. Any such amendments must remain in compliance with the appropriate zoning regulations and comply with the following.

The landowner, the residents and/or owners of or in the PUD may apply to the Goodlettsville Municipal/Regional Planning Commission for an amendment to the master plan. The Goodlettsville Municipal/Regional Planning Commission may approve such amendment so long as the original intent is not abrogated and the change does not in any way damage any part of the PUD nor any adjoining properties. Minor changes in the location, size and height of buildings may be authorized by the Goodlettsville Municipal/Regional Planning Commission if required by engineering or other circumstances of the location not foreseen at the time of final approval. Other changes in use, rearrangement of lots, blocks, or building tracts, provisions for open space, or any other desired change must be justified by changes in conditions or markets since the final plan was approved.

(e) Extension of an adopted planned unit development. The Goodlettsville Municipal/Regional Planning Commission may act to
extend approval of any master plan in accordance with § 14-210(2)(e) or upon the request of the landowner.

(f) Zoning permits and use and occupancy permits. A zoning permit shall be issued for structures, buildings, activities, or uses as a part of a finally adopted planned unit development only in strict compliance with the master development plan of the particular planned unit development including the conditions of approval and only after the administrative procedure outlined in this section has been strictly adhered to. No zoning permit shall be issued for the area included in a preliminary planned unit development unit a final master development plan has been approved and adopted.

(g) Use and occupancy permit. A use and occupancy permit shall be issued only when the codes director determines that the structure, building, activity, or use conforms to the final master development plan as approved by the Goodlettsville Municipal/Regional Planning Commission.

(4) Residential planned unit developments. (a) Type of developments. There are hereby created three (3) types of residential PUDs as follows:

- Low Density Residential PUD - LDRPUD
- Medium Density Residential PUD - MDRPUD
- High Density Residential PUD - HDRPUD

(b) Purpose. The purpose of a LDRPUD and a MDRPUD is to permit development of land, which by reason of topography or floodable land contains some areas unsuitable for development and to permit the clustering of lots in order to leave the unsuitable land as permanent open space. The preservation of land in open space for amenity value, recreation, wildlife habitat or forest protection is also a suitable purpose for PUD zoning.

The purpose of a HDRPUD is to permit a variety of housing types within a totally planned environment.

(c) Minimum size. The minimum size of any residential PUD shall be five (5) acres.

(d) Permitted activities in a residential PUD. The activities listed in Table I in the appendix may be permitted in a RPUD only when deemed appropriate by the Goodlettsville Municipal/Regional Planning Commission and city commission as approved with the preliminary master plan. Those listed as not permitted may not be approved by the Goodlettsville Municipal/Regional Planning Commission. Other activities not listed below are prohibited.

(e) Limitation on commercial activities. The commercial activities permitted in Table I shall be limited to no more than four percent (4%) of the total floor area within such development and provided further that the maximum floor area for any single establishment shall be five thousand (5,000) square feet. Such commercial activities shall be designed to serve primarily the residents within the PUD and shall not
be constructed until at least one-half (1/2) of the residential units are complete.

(f) Density, bulk, and open space regulations.

(i) Low density residential planned unit development. The maximum overall density shall be 1.7 dwelling units per gross acre. The minimum lot size shall be fifteen thousand (15,000) square feet. The remaining area shall be left as common open space and used for the designated purposes. The minimum yard requirements for each lot are as follows:

- Minimum front yard: 30 feet
- Minimum side yard: 10 feet
- Minimum rear yard: 20 feet
- Minimum open space: 4.0 percent

The Goodlettsville Municipal/Regional Planning Commission may consider a request to vary the minimum side yard requirements based upon characteristics of the lot, type of house and building footprint considerations provided that in case shall a side yard be less than five feet (5') and that the minimum separation between buildings shall be fifteen feet (15').

(ii) Medium density residential planned unit development. The maximum overall density shall be three (3) dwelling units per acre. The minimum lot size shall be established by the preliminary master plan based on the purpose and characteristics of the PUD and the area in which it is proposed to be located. The minimum yard and open space requirements shall be as follows:

- Minimum front yard: 25 feet
- Minimum side yard: 05 feet
- Minimum rear yard: 15 feet
- Minimum open space: 7.0 percent

The minimum side yard may be observed: provided however, that the minimum separation between buildings shall be fifteen feet (15').

(iii) High density residential planned unit development.

(A) The maximum overall densities shall be in terms of the number of dwelling units per gross acre of all the area within said development.

(B) The maximum floor area shall be in terms of a ratio of total floor area per total area within said development, as provided herein.

(C) Yard requirements are waived and the following minimum controls shall be applied.

- Maximum density: 7/acre
- Maximum floor area ratio: .20
- Minimum open space: 20 percent
- Maximum building height: 3 stories
(D) The Goodlettsville Municipal/Regional Planning Commission and City Commission may authorize a high density residential planned unit development to be increased in density up to fifteen (15) units per acre for projects in commercial center mixed use areas with infrastructure to support the increased density including pedestrian connections to the mixed use commercial center areas. Maximum floor area ratio 1.0, maximum building height four (4) stories but may be increased to be consistent with the adjacent commercial developments in commercial center mixed uses areas. The minimum open space twenty percent (20%) and minimum size of site may be reduced in size as determined by planning commission and city commission during master plan review.

(iv) Special high rise projects. The Goodlettsville Municipal/Regional Planning Commission and City Commission may authorize a PUD to be a high rise project if said project is specifically designed for the use and occupancy of persons sixty (60) years old or older. The following requirements shall apply:

- Maximum density 25/acre
- Maximum floor area ratio 1.0
- Minimum open space 20 percent
- Maximum building height 6 stories

The minimum size of site may be reduced to three (3) acres.

(g) Limitation on density. The Goodlettsville Municipal/Regional Planning Commission and City Commission may, within their discretion, limit the density to a figure lower than the maximum permitted above. This type of limitation shall be exercised only if the character of the adjoining neighborhood is inappropriate for the proposed development or if the development would place an excessive burden on the existing street and utility system.

(h) Development standards.

(i) Perimeter requirements. Along the perimeter of the PUD, buildings shall be designed to harmonize in scale, setbacks, and mass with existing adjacent areas. Perimeter landscaping shall also be required. The minimum building setback along the perimeter of the site shall be thirty-five feet (35’). The minimum setback from a public street that is external to the PUD shall be fifty feet (50’).

(ii) Landscaping requirements. Every PUD shall be attractively landscaped. The perimeter and parking lot landscaping requirements of § 14-202 shall apply.

(iii) Off-street parking. The off-street parking space requirements contained in § 14-202 shall apply as applicable.
(iv) Signs. The sign provisions of the Goodlettsville Sign Ordinance shall apply. All sign locations and designs shall be shown on or as a separate element of the final master plan.

(v) Street improvements. Within any PUD, streets may be public or private; provided that streets in a low density PUD shall be public. If the developer requests that the streets be dedicated to the public, specifications and procedures of the subdivision regulations shall apply. Streets may be privately constructed and maintained either by the landowner/developer or deeded to the homeowners association and shall be subject to the following standards.

(A) The base of streets shall consist of eight inches \((8')\) of crushed stone or gravel, compacted.

(B) The surface of all streets shall consist of hot plant mix asphalt or better materials, two inches \((2')\) in depth, rolled and compacted.

(C) Pavement widths shall be as follows:
- Collector street - 20 feet
- Minor street - 18 feet
- One way street - 12 feet

(D) Dead-end streets shall be provided with adequate turn-around space.

(iv) Utilities. All utility services connections shall be underground and shall commence at the property line unless otherwise approved by the Goodlettsville Municipal/Regional Planning Commission. All lighting plans must meet Nashville Electric Services Street Lighting Design Manual standards and any subsequent amendments to such manual and be approved by the Goodlettsville Municipal/Regional Planning Commission. The development shall be serviced with public sanitary sewerage systems. The water systems shall be capable of providing needed fire flows for the development as well as domestic water supply. Fire hydrants shall be installed a maximum of five hundred feet \((500')\) apart except for areas of detached dwellings where the fire hydrants may be spaced so that no dwelling is farther than five hundred feet \((500')\) away from such hydrant.

(vii) Waste disposal. If any central waste disposal containers are provided, they shall be completely enclosed with the covering materials to be similar to those used on the buildings and screened from view with landscaping materials.

(viii) Development standards for multi-family projects.

(A) The spacing of all buildings contained in multi-family dwellings shall be as set forth in § 14-208.
(B) Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise.

(C) Street sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets, driveways, parking courts or garages and for convenient circulation and access to all facilities.

(D) The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and the screen out objectionable features. The planting plan shall be submitted with the site development plan. Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

(E) Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units.

Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.

Well-equipped playgrounds of adequate size and number shall be provided, where it is anticipated that children will occupy the premises.

(F) Access and circulation shall adequately provide for fire fighting equipment, service deliveries, furniture moving vans and refuse collection.

(G) Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one (1) parking space per dwelling unit shall be located so as to provide a maximum walking distance of two hundred feet (200') from the nearest entrance of the dwelling unit the space is to serve. Where appropriate, common driveways, parking areas, walks and steps shall be provided, maintained and lighted for night use. Screening of parking
and service areas shall be in accordance with the landscape requirements of § 14-208.

(ix) Development standards for attached dwellings.

(A) The minimum lot required for any individual attached dwelling shall be as required to meet other provisions of these regulations. Individual attached dwellings may exceed the maximum lot coverage provisions established for the area in which such site is located. However, in no instance shall the aggregate site coverage of all dwellings, attached or otherwise, exceed the coverage provisions established for the PUD district in which such site is located.

(B) Not more than six (6) contiguous town houses shall be built in a row with the same or approximately the same front line, and not more than twelve (12) town houses shall be contiguous.

(C) The spacing of buildings containing attached dwellings shall be as required by § 14-208.

(D) Yards.

(1) For units located along the periphery of a site containing attached dwellings, the yard provisions established for the district adjacent to the perimeter shall apply subject to a maximum front yard for the attached dwellings of thirty feet (30').

(2) For units located entirely within a site, no side or rear yard as such is required in connection with any attached dwelling located entirely within a site containing attached dwellings but each such unit shall on its own lot have one (1) yard containing not less than two hundred fifty (250) square feet. This yard shall be reasonably secluded from view from streets or from neighboring property and shall not be used for off-street parking or for any accessory building.

(E) No attached dwelling shall exceed two (2) stories in height.

(F) Parking shall be provided as required in § 14-208. However, attached dwellings may be constructed with one (1) off-street parking space required and the other required space constructed in bays either adjacent to the streets or in the interior of blocks. Such spaces shall be located within two hundred feet (200') of each unit to be served. Where appropriate, common driveways, parking areas, walks and steps shall be provided, maintained and
lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges, and screening walls.

(G) Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses, and the reduction of noise.

(H) Streets sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets, driveways, parking courts, or garages and for convenient circulation and access to all facilities.

(x) Quality and improvement of common open space. No open area may be accepted as common open space under the provisions of this section unless the location, shape, size and character of the common open space is appropriate to the scale and character of the development considering its size, density, expected population, topography, and the number and type of dwellings to be provided.

Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation, steep slopes, or floodplains may be left unimproved. Any buildings, structures, and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space having regard to its topography and unimproved condition.

If the master plan provides for buildings, structures, and improvements, in the common open space of value in excess of ten thousand dollars ($10,000.00), the developer must provide a bond or other adequate assurance that the buildings, structures, and improvements will be completed. The Goodlettsville Municipal/Regional Planning Commission shall release the bond or other assurance when the buildings, structures, or improvements have been completed according to the development plan.

(5) Commercial planned unit developments. (a) Type of developments. There are hereby created four (4) types of commercial planned unit developments as follows:

- Commercial planned unit development - CPUD
- Commercial planned unit development limited - CPUDL
- General office planned unit development - GOPUD
- Restricted office planned unit development - ROPUD
(b) Purpose. The general purpose of commercial PUD districts is to provide for a wide range of activities developed for high quality and under controlled conditions.

(c) Feasibility study. The Goodlettsville Municipal/Regional Planning Commission or the city commission may require a feasibility study/market analysis for any proposed commercial planned unit development. The study will be utilized, among other things, to determine the impact of the proposed development on the long-range development of the commercial land use in the city, the timing of any proposed development to ascertain the effects of a proposed development upon lands used or zoned for commercial purposes, to form a basis for evaluating the estimated effects on traffic, the financial capability of the developer, and other purposes which assist in an understanding of the public interest pertinent in the evaluation of a proposed development. The study, if required, shall be provided by the landowner and the landowner shall provide any other economic data or analysis as may be reasonably requested by the Goodlettsville Municipal/Regional Planning Commission and/or city commission.

(d) Minimum size. The minimum size for each type commercial PUD shall be as follows:

<table>
<thead>
<tr>
<th>Type</th>
<th>Minimum Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>CPUD</td>
<td>5 acres</td>
</tr>
<tr>
<td>CPUDL</td>
<td>No minimum</td>
</tr>
<tr>
<td>GOPUD</td>
<td>5 acres</td>
</tr>
<tr>
<td>ROPUD</td>
<td>1 acre</td>
</tr>
</tbody>
</table>

(e) Permitted activities. The activities listed in Table I in Appendix A may be permitted as a part of PUD only when such activities are approved as a part of the final master plan and deemed appropriate by the Goodlettsville Municipal/Regional Planning Commission. A change in use may be granted by the codes director only when the change is to a similar use or activity. Activities not listed are prohibited.

(f) Bulk regulations for commercial PUDs. The building intensity, height, and open space requirements shall be as follows:

(i) Maximum floor area ratio and lot coverage.

<table>
<thead>
<tr>
<th>Type</th>
<th>Maximum Floor Area Ratio</th>
<th>Lot Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>CPUD</td>
<td>1.0</td>
<td>5 acres</td>
</tr>
<tr>
<td>CPUDL</td>
<td>0.3</td>
<td>No minimum</td>
</tr>
<tr>
<td>GOPUD</td>
<td>0.75</td>
<td>5 acres</td>
</tr>
<tr>
<td>ROPUD</td>
<td>0.15</td>
<td>1 acre</td>
</tr>
</tbody>
</table>

The maximum lot coverage for all buildings shall be forty percent (40%) in all cases.

(ii) Maximum building height.

<table>
<thead>
<tr>
<th>Type</th>
<th>Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>CPUD</td>
<td>7 stories</td>
</tr>
<tr>
<td>CPUDL</td>
<td>4 stories</td>
</tr>
<tr>
<td>GOPUD</td>
<td>7 stories</td>
</tr>
<tr>
<td>ROPUD</td>
<td>4 stories</td>
</tr>
</tbody>
</table>
Any building in excess of thirty-five feet (35') in height shall be provided with a complete sprinkler system furnished with an adequate water supply.

(iii) Setback requirements. The following building setback requirements shall be observed. Front setbacks shall be required from any public street. Side and rear setbacks shall be required from any exterior property line. Setbacks from private streets or interior property lines shall be established by the approval of the master plan.

<table>
<thead>
<tr>
<th></th>
<th>Front</th>
<th></th>
<th></th>
<th>Side and Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>CPUD</td>
<td>60</td>
<td>CPUDL</td>
<td>40</td>
<td>CPUD</td>
</tr>
<tr>
<td>GOPUD</td>
<td>50</td>
<td>GOPUDL</td>
<td>20</td>
<td>GOPUD</td>
</tr>
<tr>
<td>ROPUD</td>
<td>40</td>
<td>ROPUDL</td>
<td>15</td>
<td>ROPUD</td>
</tr>
</tbody>
</table>

For a building in excess of two (2) stories, the side and rear yard requirement shall be increased five feet (5') per story in excess of two (2), provided further that permanent open, landscaped area meeting the requirements of § 14-208 shall be maintained. No buildings or parking areas shall be permitted in any required permanent open space.

(g) Off-street parking, loading, and vehicular access.

(i) Off-street parking and loading space shall be provided in accordance with the provisions for off-street parking contained in § 14-208. Parking lot landscaping shall be provided in accordance with the landscaping provisions of § 14-208.

(ii) Vehicular access locations shall be provided so that vehicles entering or departing a planned unit development site shall do so only at such locations. Elsewhere along the property lines of said planned unit development site a physical separation between the said site and public rights-of-way shall be provided. A vehicular access location shall consist of such entrance and exit driveway openings so designed and located so as to minimize hazardous vehicular turning movements and traffic congestion. Such design and location shall be subject to the approval of the city engineer working in conjunction with the Goodlettsville Municipal/Regional Planning Commission.

(A) No vehicular access location serving a planned unit development site shall be:
(1) Within twenty-five feet (25') of the intersection of street right-of-way lines, bounding, in part, the same planned unit development site, and
(2) Within one hundred fifty feet (150') of any interchange ramp. Such distance shall be measured from a point where the centerline of the ramp intersects with the edge of the pavement of the travelway of the intersecting street.

(h) Permitted signs. Signs may be permitted in accordance with the provisions of the Goodlettsville Sign Ordinance. Sign locations and character shall be approved as a part of the final master plan.

(i) Other regulations.
(A) If an area is reclassified to any commercial PUD and such area contains existing houses, then such house may not be converted into use as an office or commercial building, the intent being to encourage new construction and the aggregation of small parcels into larger tracts. (Ord. #06-674, June 2006, as amended by Ord. #14-817, May 2014, and Ord. #17-909, Dec. 2017)

14-211. Performance standards. (1) Purpose and intent. The purpose of this section is to establish regulations and standards for the installation and operation of industrial, commercial, community facility uses, based upon consideration of the objectionable characteristics of such uses and the districts in which they are permitted.

In all districts, as indicated in each respective district, any permitted use or any conditional use and every building or structure or tract of land that is established, developed, or constructed shall comply with each and every performance standard contained herein.

When any use or building or other structure is extended, enlarged, or reconstructed after the effective date of this ordinance, the applicable performance standards shall apply to such extended, enlarged, or reconstructed portion or portions of such use of building or other structure.

The provisions of this chapter shall apply notwithstanding the issuance after the effective date of this ordinance of any zoning permit or use and occupancy permit.

Performance standards are not applicable to the temporary construction, excavation, grading and demolition activities which are necessary and incidental to the development of facilities on the same zone lot, on another of several zone lots being developed at the time, or on the public right-of-way or easement for a community facility activity.

In the case of any conflict between the activity type and the performance standards, the latter shall control. In the case of any conflict between the
performance standards set forth herein and any rules and regulations adopted by other governmental agencies, the more restrictive shall apply.

(2) Performance of standard regulations. The following performance standard regulations shall apply to all uses of property as indicated in each respective district:

(a) Prohibition of dangerous or objectionable elements. No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, electrical, or other disturbance; glare; liquid or solid refuse or wastes; or other substance, condition, or element in such a manner or in such amount as to adversely effect the surrounding area of adjoining premises (referred to herein as "dangerous or objectionable elements"); provided, that any use permitted or not expressly prohibited by this ordinance may be undertaken and maintained if it conforms to the regulations of this section limiting dangerous and objectionable elements at the point of the determination of their existence.

(b) Performance standards regulating noise.

(i) Definitions. For the purpose of this section, the following terms shall apply:

(A) ANSI: American National Standards Institute or its successor bodies.

(B) A-weighted sound pressure level: The sound pressure level as measured with a sound level meter using the A-weighting network. The symbol for this standard is dB(A).

(C) Decibel: a unit of intensity of sound pressure. The decibel scale is a logarithmic scale of ratios of pressure with respect to a reference pressure. It is abbreviated as dB.

(D) Impact sound: A sound produced by two (2) or more objects (or parts of a machine) striking each other, so as to be heard as separate district noises.

(E) Noise: A subjective description of an undesirable or unwanted sound.

(F) Sound level: In decibels, a weighted sound pressure level, determined by the use of metering characteristics and frequency weightings specified in ANSI S1.4-1971 "specifications for sound level meters."

(G) Sound level meter: An instrument, including a microphone, amplifier, EMS detector and integrator, time average, output-meter and /or visual display and weighting networks, that is sensitive to pressure fluctuations. The instrument reads sound pressure level when properly
calibrated and is of Type I or better as specified in ANSI publication S1.4-1971 or its successor publication.

(H) Steady state: A noise or vibration, which is continuous such as from a fan or compressor.

(ii) Method of measurement. For the purpose of measuring the intensity of noise, the sound level meter as defined above shall be used. Noise levels shall be measured using an A-weighted sound pressure level scale. Impact noises shall be measured using the fast response of the sound level meter, and other noises using the slow response. For purposes of this section, impact noises shall be considered to be those noises whose peak values are more than three (3) decibels higher that the values indicated on the sound level meter.

(iii) Maximum permitted sound levels. The maximum permitted sound pressure levels in decibels across zone lot lines and district boundaries shall be in accordance with the following table. This table shall be used to determine the maximum noise level, measured in A-weighted decibels, which shall be permitted at the property line of the closest use in each of the following categories.

<table>
<thead>
<tr>
<th>Adjacent land use</th>
<th>Sound level limit (dBA)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>7 A.M. to 7 P.M.</td>
</tr>
<tr>
<td>Residential</td>
<td>60</td>
</tr>
<tr>
<td>Industrial</td>
<td>75</td>
</tr>
<tr>
<td>All other uses</td>
<td>65</td>
</tr>
</tbody>
</table>

(iv) Exemptions. The standards set forth in this section shall not apply to emergency warning devices, lawn care equipment used during daylight hours and equipment used in construction during daylight hours.

(c) Performance standards regulating vibration. No vibration other than from a temporary construction operation or a transportation facility shall be permitted which is discernible without instruments at the zone lot line of the zone lot on which the vibration source is situated.

For purposes of this section, vibration shall include the type of vibration which is a reciprocating movement transmitted through the earth and impact vibration produced by two or more objects (or parts of a machine) striking each other.
(d) Performance standards regulating smoke, gases, dust, and particulate matter. In the Davidson County section of Goodlettsville "all uses and activities" shall comply with the air pollution regulations of the metropolitan health department, pollution control division. In the Sumner County section of Goodlettsville all uses and activities shall comply with the air pollution regulations of the department of environment and conservation, division of air pollution control. Such regulations shall be enforced by each respective agency.

(f) Performance standards regulating odors.

(i) Definitions.

(A) Odorous matter: Solid, liquid, or gaseous material, which produces an olfactory response in a human being.

(B) Odor threshold concentration: The lowest concentration of odorous matter, which will produce an olfactory response in a human being.

(ii) Emission of odorous matter. Within the IR and IG districts, odorous matter released from any operation or activity shall not exceed the odor threshold concentration beyond the district boundary of any residential, commercial or agricultural district.

Within all other districts, odorous matter released from any operation or activity shall not exceed the odor threshold concentration beyond the zone lot line.

As a guide to classification of odor, it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts or coffee shall not normally be considered obnoxious within the meaning of this section.

(f) Performance standards regulating toxic matter and fire and explosive hazards. The use and/or storage of any toxic, detonable, or explosive materials and any fire hazard solids, liquids or gases shall be in strict accordance with the current NFPA code as adopted by the city. Adequate precautions shall be taken to protect against any negative off-site impacts of any hazardous or toxic materials release, using best available technology. Any such release shall be a violation of this ordinance punishable as provided by law.

(g) Performance standards regulating glare and electromagnetic interference.

(i) Definitions.

(A) Foot candle: a unit of illumination. Technically the illumination at all points one foot (1') distance from a uniform point source of one (1) candlepower.
(ii) Limitation of glare. In all districts, any operation or activity producing glare shall be conducted so that direct and indirect light from the source shall not cause illumination in excess of one-half \((1/2)\) feet candles when measured at a residential district boundary or at the street right-of-way line.

All site lighting shall be shielded so that substantially all directly emitted light falls within the property line of the lot emitting the light. No illumination shall produce direct, incident or reflected light that interferes with the safe operation of motor vehicles on public streets. Lighting prohibited by this provision shall include, but not be limited to any light that may be confused with or construed as a traffic-control device.

(iii) Electromagnetic interference. In all districts, no operations or activities shall be conducted which cause electrical disturbances to be transmitted across zone lot lines.

(h) Performance standards regulating radioactive materials. The manufacture, storage, and utilization of radioactive materials shall be prohibited except for use as a part of medical practice and facilities and such use shall be in accordance with the state regulations.

(i) Nonconforming uses by reason of performance standards. Any use existing on the effective date of this ordinance, or subsequent amendment as applicable, and permitted by right that does not meet the requirements of one or more of the performance standards established explicitly in this section or by reference shall be subject to the nonconforming use provisions of § 14-212. (Ord. #06-674, June 2006)

14-212. Provisions governing nonconforming uses and noncomplying buildings or other structures. (1) Nonconforming uses. The provisions of this section are applicable to all uses which are not permitted within the districts in which they are located.

(a) Continuation of nonconforming use. Any nonconforming use which existed at the time of enactment of this ordinance and which remains nonconforming, or any use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto may be continued subject to the provisions, contained in this section. Provided however, that nothing herein shall be construed to authorize the continuation of any illegal or nonconforming use which was illegal prior to the adoption of this ordinance.

(b) Repairs and alterations. Nothing in this section shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

(i) Incidental alterations. Incidental alterations as defined by this ordinance may be made to a building or other
structure occupied by a nonconforming use, or in connection with a permitted change of a nonconforming use.

(ii) Alterations other than incidental alterations. No alterations other than incidental alterations shall be made to a building or other structure occupied by a nonconforming use, except as provided below or when made:

(A) In order to comply with requirements of law regarding fire protection, safety of the structure, etc., or
(B) In order to conform to the applicable district regulations or performance standards.

(iii) Alteration of commercial and industrial uses. Any commercial or industrial use subject to the provisions of this section shall be allowed to continue in operation and to make such alterations as may prove necessary for the continuation of said use. However, no alteration may be made which would result in a change from one nonconforming use to another and further provided that any such alteration permitted hereunder shall take place only upon the zone lot(s) on which said use was operating as of the effective date of this ordinance.

(c) Expansion. The nonconforming use or part of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be extended throughout the building or structure in which said use is presently located, but no changes or structural alterations which increase the bulk of the building or structure shall be made unless such changes or structural alterations and the use thereof conform to all the regulations of the district in which the building or structure is located.

(i) Expansion of commercial and industrial uses. Any commercial or industrial use subject to the provisions of this section shall be allowed to continue in operation and to expand provided that no expansion permitted under this section:

(A) Shall result in a change of one nonconforming use to another nonconforming use which increases the degree of nonconformity;
(B) Shall infringe, or increase the extent of any infringement existing at the time of adoption of this ordinance, upon any open space required by this ordinance;
(C) Shall take place beyond the zone lot(s) on which said use was operating as of the effective date of this ordinance.

(d) Change of use. For the purpose of this section, a change in use is a change to another use either under the same activity type or any other activity type that constitutes a reduction in the degree of
nonconformity; however, a change in ownership shall not, by itself, constitute a change of use.

A nonconforming use may be changed to any conforming use, and the applicable bulk regulations and accessory off-street parking requirements shall apply to such change of use or to alterations made in order to accommodate such conforming use.

A nonconforming use may be changed to another nonconforming use provided that:

(i) Any structural alterations or enlargements can be accomplished in accordance with all applicable bulk regulations;
(ii) The degree of nonconformity or noncompliance is not increased;
(iii) The nonconforming use to which such change is made will be less detrimental to the neighborhood than the existing nonconforming use.

(e) Damage or destruction. Any commercial, industrial, or single-family residential use subject to the provisions of this section shall be allowed to reconstruct new facilities necessary to the conduct of such operation, provided that no destruction or rebuilding;

(i) Shall result in a change of one nonconforming use to another nonconforming use which increases the degree of nonconformity;
(ii) Shall infringe upon, or increase the extent of any infringement existing at the time of this ordinance, upon any open space, bulk and lot requirements established by this ordinance.
(iii) Shall take place only upon the zone lot(s) on which said use was operating as of the effective date of this ordinance, and shall be reconstructed within one (1) year.

(f) Discontinuance. When a nonconforming use in any building or other structure or tract of land is discontinued for a period of two and one-half (2 1/2) years, then the land or building or other structure shall thereafter be used only for a conforming use. Intent to resume a nonconforming use shall not affect the foregoing provisions.

(g) Special provisions governing nonconforming buildings within floodplain districts.

(i) General provisions. In all districts or portions thereof which extend into the floodplain districts as established by § 14-209, any building or other structure or use which is not permitted in the floodplain district provisions shall become nonconforming upon the effective date of this ordinance, or subsequent amendment as applicable.
(ii) Enlargements of buildings within the floodplain. A building or other structure which is nonconforming by reason of location within the floodplain shall not be enlarged or expanded
but may be altered, or repaired as set forth in subsection (b) above, or as may be expressly authorized by the board of appeals in order to incorporate floodproofing measures provided that such alteration will not increase the level of the 100-year flood or extend the normal life of such nonconforming building or structure.

(iii) Special provisions governing reconstruction of buildings or structures located within the floodway portion of FP floodplain districts. Within any designated floodway, any building or structure in existence prior to the effective date of this ordinance that is hereafter destroyed or substantially damaged by any means may be reconstructed and used as before only if the following requirements are met.

(A) The reconstruction does not exceed the volume and external dimensions of the original structure or does not offer any greater obstruction to the flow of floodwaters than did the original structure.

(B) Non-residential structures may be reconstructed only if the lowest floor (including basement) elevation is at least one foot (1') above the level of the 100-year flood or the structure is floodproofed to a height of at least one foot (1') above the level of the 100-year flood.

(C) Residential structures may be reconstructed only if the lowest floor (including basement) of the structure is elevated to a point at least one foot (1') above the level of the 100-year flood.

(D) The level of the 100-year flood shall not be increased above that shown.

(2) Noncomplying buildings or other structures. The provisions of this section shall control buildings and other structures, including signs, which do not meet the bulk or any other provisions applicable in the districts in which they are located except those provisions which pertain to activity or use.

(a) Continuation of use. The use of a noncomplying building or other structure or parcel may be continued, except as otherwise provided by this section.

(b) Repairs and alterations. Repairs, incidental alterations, or structural alterations may be made in noncomplying buildings or other structures subject to the provisions contained herein.

(c) Enlargements or conversions. A noncomplying building or other structure may be enlarged or converted, provided that no enlargement or conversion may be made which would either create a new noncompliance or increase the degree of noncompliance of a building or other structure or parcel of any portion thereof.

(d) Damage or destruction. In all districts, when a noncomplying building or other structure is damaged by any involuntary
means to the extent of fifty percent (50%) or more of its total floor area, such building or other structure may be reconstructed only in accordance with the applicable bulk regulations and other provisions of this ordinance. Provided however, that any residential development which was approved and completed with valid certificates of occupancy having been issued prior to the adoption of Ordinance No. 99-589 under provisions then in effect may be permitted to reconstruct the same number of buildings and dwelling units that existed prior to the damage or destruction.

(3) **Noncomplying lots of record.** A noncomplying lot of record may be used for building purposes provided that a variance for the noncompliance may be granted by the board of appeals. Such variance shall be the minimum variance required to provide for use of the lot. (Ord. #06-674, June 2006)

14-213. **Administration and enforcement.** (1) **Organization and purpose.** The administration and enforcement of this ordinance is hereby vested in the following offices of the government of the City of Goodlettsville:

(a) The office of the codes administrator
(b) The office of the planning director
(c) The board of zoning appeals.

It is the purpose of this chapter to set out the authority of each of these offices and then describe the procedures and substantive standards with respect to the following administrative functions:

(a) Issuance of permits
(b) Issuance of use an occupancy permits
(c) Performance standards
(d) Variances
(e) Conditional use permits
(f) Amendments.

(2) **Duties of the codes administrator.** The codes administrator shall enforce the terms of this ordinance and in addition thereto and in furtherance of said authority he shall:

(a) Issue all zoning permits, and make and maintain records thereof;
(b) Issue all use and occupancy permits, and make and maintain all records thereof;
(c) Conduct inspections of buildings, structures, and use of land to determine compliance with the provisions of this ordinance;
(d) Provide information to the public on provisions of this ordinance as requested.

(3) **Duties of the planning director.** The planning director shall:

(a) Maintain permanent and current records of this ordinance, and subsequent amendments, including, but not limited to, all maps,
amendments, conditional uses, variations, appeals and applications therefore;

(b) Initiate, direct and review, from time to time, a study of the provisions of this ordinance, and make reports of the recommendations to the Goodlettsville Municipal/Regional Planning Commission.

(c) Analyze and report on all requests for amendments to the Goodlettsville Municipal/Regional Planning Commission and City Commission;

(d) Make analyses and recommendations to the board of appeals on all requests for variances and conditional use permits; and

(e) Receive, file and forward to all necessary agencies all applications for conditional uses;

(f) Receive, file and forward to the board of zoning appeals all applications for variances or other matters, on which the board is required to pass under the provisions of this ordinance;

(4) Powers of the codes administrator regarding the issuance of permits. The codes administrator shall have the power to grant zoning permits and use and occupancy permits, and make inspections of buildings or premises necessary to carry out his duties in the enforcement of this ordinance. It shall be unlawful for the codes administrator to approve any plan or issue any permits as certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform to this ordinance.

Under no circumstances is the codes administrator permitted to make changes in this ordinance nor to vary its terms and provisions in carrying out his duties.

The codes administrator shall not refuse to issue a permit when conditions imposed by this ordinance are complied with by the applicant despite the violations of contracts such as covenants or private agreements which may occur upon the granting of said permit.

(5) Powers of the codes administrator to enforce performance standards. The codes administrator shall enforce performance standards in accordance with the procedure set forth below.

(a) Procedure. Before issuing a zoning permit for a use in any commercial or industrial district, the codes administrator shall be given information by the applicant as needed sufficient to insure that all performance standards and site development standards set forth in this ordinance can and will be complied with at all times.

The codes administrator, in order to determine whether or not the applicant will meet such standards, may require the submission of all information and evidence submitted in applications to indicate conformity with the performance standards set forth herein, which shall constitute a certification and an agreement on the part of the applicant that the proposed use can and will conform to such standards at all times.
Where in the opinion of the codes administrator or other designated inspector there is a probable violation of any provision of this ordinance, he is empowered to have a qualified technician perform such investigations, measurements, and analysis as may be necessary to determine whether or not there is in fact a violation of this ordinance. Upon confirmation of a violation, the offending industry or activity shall bear the cost incurred by the city in retaining the qualified technician.

(b) Power to make measurement of manufacturing or other uses in districts where performance standards apply. Notwithstanding the foregoing provisions, in any district where performance standards apply, the codes administrator may cause to have made, within available appropriations therefore, scientific tests of any use to determine its performance characteristics, whether or not a violation exists.

c) Right of entry upon land. The codes administrator or persons engaged by him to perform tests or any other duties may enter upon any land within the jurisdiction of the city for the purpose of performing tests, making examinations, or surveys, and placing or removing public notices as may be required by this ordinance.

d) Conflict with state or federal enforcement. Where any of the performance standards contained herein are enforced by appropriate state or federal authorities, the codes administrator shall be exempted from such enforcement. However, this shall not be construed as preventing the city from adopting and enforcing stricter standards than federal or state if the city so desires.

(6) Zoning permits and use and occupancy permits. (a) Zoning permits required. No building or other structure shall be erected, moved, added to or structurally altered without a zoning permit issued by the codes administrator.

Prior to the issuance of any zoning permit for any building except single and two-family dwellings, a letter of credit, bond or cash deposit shall be posted to cover the cost of installing all landscape materials. Said bond, letter of credit or cash deposit shall be released upon completion of the improvements, final inspection and issuance of the use and occupancy permit.

Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any office, department, or employee of the city unless the application for such permit has been examined by the codes administrator indicating that the proposed building or structure complies with all the provisions of this ordinance. Any zoning permit or use and occupancy permit issued in conflict with the provisions of this ordinance shall be null and void.

(b) Site plan required for zoning permits. All applications for zoning permits shall be accompanied by a site plan meeting the requirements specified in § 14-208(4).
(c) Use and occupancy permit required. No building or addition thereto, constructed after the effective date of this ordinance, and no addition to a previously existing building shall be occupied, and no land shall be used for any purpose, until a use and occupancy permit has been issued by the office of the codes administrator. No change in a use other than that of a permitted use shall be made until a use and occupancy permit has been issued by the codes administrator.

(d) Application for use and occupancy permit. Every application for a zoning permit shall be deemed to be an application for a use and occupancy permit. Every application for a use and occupancy permit for a new use of land where no zoning permit is required shall be made directly to the office of the codes administrator.

(e) Issuance of use and occupancy permit. The following shall apply in the issuance of any use an occupancy permit.

(i) Permits not to be issued. No use and occupancy permit shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with the provisions of this ordinance.

(ii) Permits for new use of land. No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use or activity of a different class or type, unless a use and occupancy permit is first obtained for the new or different use.

(iii) Uses and occupancy permits for existing buildings. Use and occupancy permits may be issued for existing buildings, structures or parts thereof, or existing uses of land, if, after inspection, it is found that such buildings, structures or parts thereof, or such use of land, are in conformity with the provisions of this ordinance.

(iv) Temporary use and occupancy permits. Nothing in this ordinance shall prevent the issuance of a temporary use and occupancy permit for a portion of a building or structure in process of erection or alternation, provided that such temporary permit shall not be effective for a time period in excess of six (6) months, and provided further that such portion of the building, structure, or premises is in conformity with the provisions of this ordinance.

(v) Permits for dwelling accessory buildings. Buildings accessory to dwellings shall not require separate use and occupancy permits but may be included in the use and occupancy permits for the dwelling when shown on the plot plan and when completed at the same time as such dwelling.

(f) Final inspection. No use and occupancy permit for a building, structure or an addition thereto, constructed after the effective date of this amendment, shall be issued until construction of the building
and on-site improvements have been completed and inspected by codes administrator, planning director and director of public works as appropriate.

Additionally, the licensed professional that prepared the plan shall certify to the planning director that the final construction including all site improvements is in conformity with the plans and specifications which were approved and upon which the zoning permit was based.

(7) The board of zoning appeals. (a) Creation of board of zoning appeals. The board of zoning appeals as created by Ordinance No. 61-26 and amended by Ordinance No. 77-225 shall continue in effect as appointed.

(b) Vacancies and removal. Vacancies of said board shall be filled for the unexpired term of those members whose position has become vacant by appointment of the mayor with confirmation by the city commission. A member may be removed from such board for continued absences or just cause by action of the mayor and city commission and after proper hearing.

(c) Advisory opinions. The Goodlettsville Municipal/Regional Planning Department and/or the planning director may submit an advisory opinion to the board on any matter which may come before said board. Such opinion shall be made a part of the official record of the board.

(d) Powers of the board. The board is hereby vested with the powers to:

(i) Hear and decide appeals from any order, requirement, decision, or determination made by the codes administrator in carrying out the enforcement of this ordinance, whereby it is alleged in writing that the codes administrator is in error or has acted in an arbitrary manner;

(ii) Hear and act upon application for variances in accordance with § 14-213(8) of this chapter to alleviate hardships by virtue of the inability of the landowner to comply strictly with the provisions of this ordinance by reasons of unique shape, topography, or physical features of the zone lot;

(iii) Hear and act upon applications for conditional use permits in the manner and subject to the standards set out in § 14-213(9) of this chapter;

(iv) Hear and decide all matters referred to it on which it is required to act under this ordinance;

The board of zoning appeals shall also serve as the board of construction appeals.
(e) Election of officers. The board shall elect from its members its own chairman, vice-chairman, who shall serve for one year and may upon election serve succeeding terms.

The board shall elect a secretary who may be a member or such other person from city staff as the board and city manager shall approve. It shall be the duty of the secretary to keep all records, conduct official correspondence, and supervise the clerical work of the board. The city manager may provide such other assistance as is necessary.

(f) Conflict of interest. Any member of the board who shall have direct or an indirect interest in any property which is the subject matter of or affected by, a decision of the board shall be disqualified from participating in the discussion, decision, and proceedings of the board in connection therewith. The burden for revealing any such conflict rests with individual members of the board. Failure to reveal any such conflict shall constitute grounds for immediate removal from the board for cause.

(g) Meetings of the board. Meetings shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the vice-chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public and proper public notice of such meetings shall be given.

(h) Rules and proceedings of the board. The board shall adopt rules for the conduct of its meetings. Such rules shall at the minimum require that:

(i) The presence of three (3) members of the board shall constitute a quorum. The concurring vote of at least three (3) members shall be necessary to deny or grant any application before the board;

(ii) No action shall be taken by the board on any case until after a public hearing and notice thereof. Said notice of public hearing shall be a legal notice published in a newspaper of general circulation at least ten (10) days before the date set for a public hearing and written notice to the applicant and to directly affected property owners at least five (5) days prior to the meeting at which the action is to be heard. No appeal shall be considered and heard by the board unless such appeal shall have been filed at least fifteen (15) days prior to the meeting at which it is to be heard;

(iii) The board may call upon any other office or agency of the city government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the board as may be reasonably required;

(iv) Any officer, agency, or department of the city or other aggrieved party may appeal any decision of the board to a court of competent jurisdiction as provided for by state law;
(v) In any decision made by the board on a variance the board shall:

(A) Indicate the specific section of this ordinance under which the variance is being considered, and shall state its findings beyond such generalities as "in the interest of public health, safety and general welfare."

(B) In cases pertaining to hardship, specifically identify the hardship warranting such action by the board.

(C) Any decision made by the board on a conditional use permit shall indicate the specific section of this ordinance under which the permit is being considered and shall state its findings beyond such generalities as "in the interest of public health, safety and general welfare," and shall state clearly the specific conditions imposed in granting such permit.

(D) Appeals will be assigned for hearing in the order in which they appear on the calendar thereof, except that appeals may be advanced for hearing by order of the board, good and sufficient cause being shown.

(E) At the public hearing of the case before the board, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.

(vi) Rehearings may be granted by a majority vote of the board when it is alleged that there was error or mistake in the original facts or upon introduction of new information not available at the original hearing. A vote of the board shall not be reversed on the same set of facts.

(i) Stay of proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the codes administrator certifies to the board, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause imminent peril to life or property. In such instance the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board or by a court of competent jurisdiction on application, on notice to the codes administrator, and on due cause shown.

(j) Liability of board members, codes administrator and employees. Any board member, codes administrator, or other employee charged with the enforcement of this ordinance, acting for the city in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability and shall be held
harmless by the city of any damage that may accrue to persons or
property as the result of any act required or permitted in the proper
discharge of their duties. Any suit brought against any board member,
codes administrator or employee charged with the enforcement of any
 provision of this ordinance shall be defended by legal representative
furnished by the city until the final termination of such proceedings.

(k) Right to entry upon land. The board, its members, and
employees, in the performance of its work, may enter upon any land
within its jurisdiction and make examinations and surveys and place or
remove public notices as required by this ordinance.

(l) Fee. Any application for a hearing before the board shall be
accompanied by a nonrefundable fee of two hundred dollars ($200.00) to
partially defray the cost of processing. Said fee shall be waived for a
government agency.

(8) Zoning variances. The board of zoning appeals may grant variances
where it makes findings of fact based upon the standards prescribed in this
section.

(a) Application for variances, notice of hearing, fee. A written
application for a variance shall be filed with the board by the property
owner or his designated agent on forms provided by the board or by letter,
and the application shall contain information and exhibits as may be
required under § 14-213(6)(b) of this chapter. No more than sixty (60)
days after the filing of the application, a hearing shall be held on the
application, unless otherwise withdrawn or postponed by written request
by the applicant. Notice of hearing shall be in accordance with
§ 14-213(7)(h)(ii) of this chapter.

(b) Notice to affected property owners. It shall be the general
rule of the board that reasonable efforts shall be made to contact and
notify interested parties, who in the opinion of the board, may be affected
by any matter brought before the board. In all cases all owners of record
of adjoining property, including those separated by a public way from the
premises in question shall be notified.

(c) Standards for variances. The board shall not grant a
variance unless it makes findings based upon evidence presented to it as
follows:

(i) The particular physical surroundings, shape,
topographic conditions of the specific property involved that would
result in a particular hardship upon the owner as distinguished
from a mere inconvenience, if the strict application of this
ordinance were carried out must be stated;

(ii) The conditions upon which the petition for a variance
is based would not be applicable, generally, to other property
within the same district;
(iii) The variance will not authorize activities in a zone district other than those permitted by this ordinance;

(iv) Financial returns only shall not be considered as a basis for granting a variance;

(v) The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance;

(vi) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same districts;

(vii) The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

(viii) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and

(ix) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

(d) Non-conformity does not constitute grounds for granting of a variance. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(e) Prohibition of use variances. Under no circumstances shall the board of appeals grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

(f) Conditions and restrictions by the board. The board may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the provisions set out in § 14-213(8)(c) above to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this ordinance. The board may establish expiration dates as a condition or as a part of the variances.

(g) Board has powers of administrative official on appeals; reversing decision of administrative official. In exercising its powers, the board of appeals may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made,
and to that end shall have the powers of the administrative official from whom the appeal is taken.

(h) Variance appeals. Any person including any agency of the city government aggrieved by a decision of the board on a variance may appeal by certiorari to a court of competent jurisdiction. The judgment and findings of the board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this chapter shall be final and subject to review only for illegality or want of jurisdiction.

(9) Conditional use permits. (a) Conditional uses. The board of appeals may hear and decide, in accordance with the provisions of this ordinance, requests for conditional use permits. For the purposes of administration of this ordinance, conditional uses shall be construed as synonymous with special exceptions, as controlled by Tennessee Code Annotated, § 13-7-207.

(b) Application for conditional use permit, notice of public hearing. The application for a conditional use permit shall be made by the property owner or his designated agent and filed in writing with the board and shall contain information and exhibits as may be required under section § 14-213(6)(b) of this chapter or in the case of buildings or other structures or uses to be located within floodplain districts, as may be required by § 14-209. Not more than sixty (60) days after filing such application, a hearing shall be held on the application, unless otherwise withdrawn or postponed upon written request by the applicant. Notice of hearing shall be held in accordance with § 14-213(7)(h)(ii) of this chapter.

(c) Requirements for conditional use permit. General requirements are hereby established which shall apply to all applications for conditional use permits, and specific standards listed shall apply to the issuance of a conditional use permit as appropriate. The board may impose such other conditions and restrictions upon the premises benefitted by a conditional use permit as may be necessary to comply with the provisions set out hereafter in this section in order to reduce or minimize the injurious effect of such conditional use upon and ensure compatibility with surrounding property and to better carry out the general intent of this ordinance. The board may establish expiration dates for the expiration of any conditional use permit as a condition of approval. A permit may not be transferred to another owner or type of use without a rehearing before the board.

(d) General requirements. A conditional use permit shall only be granted provided the board makes specific findings that it:

(i) Is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected;

(ii) Will not adversely affect other property in the area in which it is located;
(iii) Is within the provisions of "conditional uses" as set forth in this ordinance; and
(iv) Conforms to all applicable provisions of this ordinance for the district in which it is to be located and is necessary for public convenience in that location and meets the specific standards below.

(e) Specific standards for community facility activities. In addition to the requirements of the applicable district and the general requirements set forth above, a conditional use permit shall be granted for the community facility activities specified below only when the standards established are met as part of the condition for issuing the permit in the applicable zone districts.

(i) Special conditions for administrative services.
(A) There must be a demonstrated need for such activities to serve the neighborhood or the total community.
(B) All lot, yard, and bulk regulations of the zone district shall apply.
(C) Appropriate off-street parking requirements shall apply.
(D) Fencing, screening, and landscaping shall be provided as appropriate to protect surrounding properties and reduce any potential adverse impact.
(E) The site and architectural plans shall be approved by the Goodlettsville Municipal/Regional Planning Commission.

(ii) Special conditions for personal and group care facilities (day care). For purposes of this ordinance, day care facilities are classified into two (2) types as defined below:
(A) Day care home - include day care in an occupied residence of not more than eight (8) children including children living in the home.
(B) Day care center - includes day care for more than eight (8) pre-teenage children in any kind of building.

(1) Day care home.
(i) The required lot size, yard, and bulk regulations of the district shall apply. No variances shall be permitted for lots on which such use is to be located.
(ii) All public utilities and sanitary sewers shall be available and connected to the site unless the site is over one (1) acre in size and sewer is not available. The fire department shall approve the facility for safety.
(iii) All requirements of the State of Tennessee that pertain to the use shall be met.

(iv) An outdoor play area of at least two hundred (200) square feet per child in size shall be available and shall be fenced.

(v) The facility shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.

(vi) Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.

(vii) A site plan shall be submitted in conjunction with the application for a conditional use permit.

(2) Day care center.

(i) No such facility shall be permitted on a zone lot in a residential district unless such lot contains twice the lot area requirements of the district.

(ii) No such facility shall be located on a minor residential street. Locations shall be limited to collector or arterial streets specified on the official major thoroughfare plan.

(iii) In commercial districts the side and rear yard requirements of the adjoining residential district, which has the highest standards shall apply.

(iv) A fenced outdoor play area shall be provided of at least two hundred (200) square feet per child or two thousand (2,000) square feet whichever is greater.

(v) All bulk and space regulations of the district shall be met.

(vi) Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to pick-up or deliver children. Such facilities shall provide for driveways that do not require any back-up vehicle movements to enter or exit the zone lot.

(vii) All public utilities and sanitary sewers shall be available at the site and connected.
(viii) All regulations of the State of Tennessee that pertain to the use shall be met.

(ix) The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facilities.

(x) Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area as well as the facility.

(xi) A site plan shall be submitted in conjunction with the application for a conditional use permit.

(iii) Special conditions for all other personal and group care activities.

(A) No such facility shall be permitted on a zone lot unless it contains a minimum of ten thousand (10,000) square feet, or twice the lot area requirements of the zone district whichever is greater.

(B) All bulk regulations of the district shall be met.

(C) The requirements of the accessory off-street parking regulations of this ordinance shall apply.

(D) All regulations of the State of Tennessee shall be met.

(E) All public utilities and sewage disposal shall be available and connected to the site, and the site and architectural plans for such a facility shall be approved by the Goodlettsville Municipal/Regional Planning Commission taking into account the above conditions as well as any other pertinent factors.

(iv) Special conditions for community assembly.

(A) No such facility shall be permitted on a zone lot unless it contains twice the lot area requirements of the districts; provided, however, that if such community assembly includes outdoor activities the minimum lot area shall be four (4) acres.

(B) All bulk regulations of the zone district shall apply.

(C) Off-street parking:

(1) For non-profit clubs, lodges, meeting halls and recreation centers, one (1) space for each four (4) seats in an assembly area within the facility, or one (1) space for each seventy-five (75) square feet
of gross floor area, whichever is greater, shall be provided.

(2) For temporary non-profit festivals, the required number of off-street parking spaces shall be determined by the board, taking into account the traffic generation of such facility, the hours of other such factors as affect the need for off-street parking.

(D) Except for temporary non-profit festivals, fencing, screening and landscaping shall be provided as appropriate for such facility, except that no landscaped screen shall be located closer than fifteen feet (15') of any vehicular entrance or exit to the property.

(E) The location and operation of such community assembly facility shall be in keeping with the character of the surrounding area and shall not adversely affect the properties within the surrounding area.

(F) All public utilities and sewage disposal shall be available to the site and connected.

(G) Except for temporary non-profit festivals, the site and/or architectural plans shall be approved by the Goodlettsville Municipal/Regional Planning Commission taking into account the above conditions.

(v) Special conditions for cultural and recreational services.

(A) No such activity shall be permitted on a zone lot unless it contains twice the lot area requirements of the zone district.

(B) All bulk regulations of the zone district shall apply.

(C) The off-street parking requirements of this ordinance shall apply.

(D) Fencing, screening, landscaping shall be provided as appropriate to protect the surrounding area and shall not have an adverse affect on properties within the surrounding area.

(E) The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse affect the properties within the surrounding area.

(F) The site and architectural plans shall be approved by the Goodlettsville Municipal/Regional Planning Commission taking into account the above conditions.

(vi) Special conditions for community education.
(A) No such facility shall be permitted on a zone lot unless such lot contains the lot acreage recommended for such facilities by the appropriate state agency.

(B) The traffic generated by such facility shall be safely accommodated along the streets which will provide access to the site.

(C) The location and design of such facilities shall not have an adverse effect upon surrounding properties.

(D) The off-street parking requirements of this ordinance shall apply.

(vii) Special conditions for essential services. When an application for an essential service includes an electrical or gas substation, a sewer or water pump station or a water storage tank, the following conditions shall apply:

(A) All such facilities shall have a minimum fifty feet (50') setback line from any public street or residential lot line.

(B) Buffer yard 2 shall be provided around the perimeter of the site on which the facility is proposed to be located.

(viii) Special conditions for health care.

(A) Minimum lot area.

(1) No health clinic shall be permitted on a zone lot unless it contains ten thousand (10,000) square feet, or twice the lot area requirements of the district, whichever is greater.

(2) No hospitals, or centers for observation or rehabilitation shall be permitted on a zone lot unless it contains a minimum of five (5) acres.

(B) Hospitals, centers for observation or rehabilitation. The minimum side and rear yards for hospitals and centers for observation or rehabilitation shall be fifty feet (50') for a one (1) or two (2) story building, increased by five feet (5') for each story above two (2).

(C) All other regulations of the zone district shall apply.

(D) There shall be provided along the entire site boundaries fencing, screening, and landscaping as appropriate to protect the surrounding residential area.

(E) The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect the properties within the surrounding area.
(F) All public utilities and sewage disposal shall be available to the site and connected.

(G) The site and/or architectural plans shall be approved by the Goodlettsville Municipal/Regional Planning Commission taking into account the above conditions.

(H) The following activity classes and types may be permitted accessory to the health care activities provided they appropriately complement the health care activity, will not impose an adverse impact on the surrounding land use, and be subject to all other provisions of the zoning district:

1. Community facility activities
2. Commercial activities
3. Convenience sales and services
4. Automotive parking
5. Food service
6. Medical service.

(ix) Special conditions for intermediate and extensive impact.

(A) The location, size, and design of such facilities shall be such that the proposed development shall be as compatible as possible with the development within the surrounding area, thus reducing the impact upon the surrounding area.

(B) The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.

(C) The proposed facility shall provide a basic community function or essential service necessary for a convenient and functional living environment in order to be located on the proposed site.

(D) The off-street parking requirements shall be determined by the board taking into account characteristics of the use.

(E) The site plan for such facilities shall be approved by the Goodlettsville Municipal/Regional Planning Commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facility.

(x) Special conditions for religious facilities in residential districts.

(A) No such facility shall be permitted on a zone lot unless it contains a minimum of five (5) acres.

(B) The location, size, and design of such facilities shall be situated so that the proposed facility shall be
compatible with the development within the surrounding area thus reducing the impact upon such area.

(C) Such facilities shall be located only on major or collector streets as shown on the official major thoroughfare plan.

(D) All bulk regulations of the district shall be met.

(E) The off-street parking requirements of this ordinance shall apply.

(xi) Special conditions for religious facilities in commercial and industrial districts

(A) All bulk, parking and landscaping regulations of the district shall be met.

(B) Traffic from such facilities shall be directed so as to avoid residential streets.

(C) Uses on adjoining properties shall be considered in determining if a particular site is appropriate for such use.

(xii) Commercial community garden facilities: Conditional use requests for commercial community gardening facilities shall include the following items to ensure a limited community scale and determine compatibility and to reduce the negative effects of the use:

(A) Location: The board shall consider proposed traffic generation and scale of the garden to determine compatibility with adjacent commercial zoning district and the facility may be a primary or accessory use.

(B) Property: The board shall consider the scale of the garden but to ensure a limited scale facility, the maximum area of the community garden facility, not including off-street parking facilities shall not exceed one (1) acre, larger sections of property may be reviewed only if the scale of the facility is compatible with the adjacent commercial district.

(C) Landscape buffer yard. The board shall have the authority to require landscape buffering for properties abutting a residentially zoned property.

(D) On-site storage and use of compost and organic matter. All compost and/or organic matter on the site:

(1) Shall not cover more than ten percent (10%) of the total area of the property;

(2) Compost piles abutting adjacent properties must not be visible from adjacent property (shielded from view by shrubbery or an enclosure).
(3) Shall be managed to prevent the harborage of rodents and pests.

(4) Shall be maintained to prevent odors.

(5) Shall be located to prevent leachate (the water that has come in contact with the compost) from flowing onto adjacent property or into natural or human-made channels.

(E) Drainage. The site shall be designed and maintained to prevent water from irrigation and/or other activities and/or fertilizer from draining onto adjacent property. The board shall also review potential impacts onto adjacent storm water facilities.

(F) Refuse storage and disposal. Trash areas shall be provided and screened on at least three (3) sides from public view by an opaque impact-resistant fence of sufficient height to screen the dumpster(s).

(G) Parking. Off-street parking areas shall be provided meeting the requirements of the zoning ordinance but the board may permit temporary parking facilities.

(H) Maintenance. Plan to be provided to detail maintenance schedule during and after growing seasons.

(f) Specific standards for commercial activities. A conditional use permit shall not be granted for the commercial activities specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable districts. Prior to the appeals board review, the planning commission shall first review the request and submit an advisory opinion regarding compliance with the conditional use provisions listed above.

(i) Special conditions for consumer repair.

(A) The operation of any such repair or servicing activity shall be done within completely enclosed buildings, and no outside storage shall be permitted.

(B) The operation of the activity shall not include the storage or use of flammable, explosive, or toxic materials or liquids.

(ii) Special conditions for entertainment and amusement services.

(A) When entertainment and amusement services are proposed to be located in the CSL and OP districts, the following types of activities shall be excluded:

(i) Batting and golf driving ranges.

(iii) Special conditions for mini-warehouses. Mini-warehouse, as defined, may be included as a general personal service subject to the following standards:
(A) The location, size, and design of such facility shall be compatible with development in the surrounding area;

(B) There shall be provided along the entire site boundaries fencing, screening, and landscaping in accordance with § 14-208(4);

(C) The use of buildings in which the exterior facade is of one hundred percent (100%) metal construction shall be prohibited with the buildings, which face a street having a minimum of fifty percent (50%) brick or stone;

(D) All parking areas and driveways shall be paved;

(E) All buildings shall be separated by a minimum of twenty feet (20');

(F) The setback for such activities shall be a minimum of sixty-five feet (65');

(G) An apartment on site may be permitted for security purposes;

(H) The maximum size of an individual storage unit shall be five hundred (500) square feet;

(I) The facilities shall be designed to prohibit the use by and generation of heavy or semi-truck vehicles.

(iv) Special conditions for group assembly activities.

(A) The location, size, and design of such facilities shall be situated so that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.

(B) The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.

(C) The off-street parking requirements shall be based on the type of use and the needs of the use to adequately accommodate the expected groups of people.

(D) The site plan for such facilities shall be approved by the Goodlettsville Municipal/Regional Planning Commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facilities.

When an application for a group assembly permit includes amusement parks, sports arenas, fairgrounds, racetracks, and similar recreational pursuits, the following requirements shall be observed:

(1) The minimum size site shall be twenty-five (25) acres;
(2) The minimum setback of all structures from all public roads shall be one hundred feet (100');

(3) Such facility shall be situated so that no residential use is located closer than five hundred feet (500') from building entrance of the principal use at the time of approval;

(4) Access to such facility shall be by a paved public road and such road shall be either a major arterial or major collector. Traffic shall not be directed through residential subdivisions or on minor residential streets;

(5) Off-street parking shall be provided at a minimum of one (1) space for each four (4) patrons or seats. For those facilities which are not utilized on a regular and frequent basis, parking may be provided on adjacent parcels of land provided further that any parcel so used is located no more than five hundred feet (500') from the lot boundary;

(6) Any lighting provided at such facilities shall be designed so that no direct light falls on adjacent residential property;

(7) Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, gift or souvenir shops, and similar activities;

(8) Accessory structures may be permitted which are incidental and sub-ordinate to the principal structure. Such structures may not be located within any required setback or buffer area.

(v) When an application for a group assembly permit includes a private campground, the following standards shall be met:

(A) Such campground shall have on-site management;

(B) The campground may include convenience commercial establishments such as camp stores, laundry facilities, and personal services; provided that such convenience establishments are subordinate to the recreational character of the campground; are located, designed, and intended to serve exclusively the patrons staying in the campground; and such establishments and their parking areas shall not occupy more than ten percent
(10%) of the area of the park or one (1) acre whichever is smaller;

(C) Such campground shall meet the following standards:

1. Minimum size - ten (10) acres
2. Maximum density - ten (10) campsites per gross acre
3. Sanitary facilities, including flush toilets and showers - within three hundred feet (300') walking distance of each campsite
4. Portable water supply - one (1) spigot for each four (4) campsites
5. Trash receptacle - one (1) for each two (2) campsites
6. Parking - one (1) space per campsite
7. Picnic table - one (1) per campsite
8. Fireplace or grill - one (1) per campsite
9. Administration or safety building - open at all times wherein a portable fire extinguisher in operable condition and first aid kit is available, and a telephone is available for public use.

(D) Such campground shall meet the following design requirements:

1. A vegetation screen or ornamental fence which will substantially screen the campsites from view of public rights-of-way and neighboring properties shall be provided around or near the perimeter or that part of the campground containing campsites. Such vegetation or fence shall be maintained in good condition at all times.
2. Each campground shall reserve at least twenty-five percent (25%) of its total area as natural open space excluding perimeter screening. Such open space may include recreation and water areas, but may not include utility areas, administration buildings, commercial areas or similar activities.
3. Each campsite shall have a minimum setback of twenty-five feet (25') from any exterior boundary line.
4. Each campsite and all other buildings shall have a minimum setback from any public road of fifty feet (50').
5. Each separate campsite shall contain a minimum of three thousand two hundred (3,200)
square feet. (A campsite shall be considered to consist of trailer or tent space, parking space, picnic table, fireplace, and one-half (1/2) the road-way providing access.)

(6) Each campsite shall be directly accessible by an interior road.

(7) All interior roads shall be a minimum of ten feet (10') wide for one way traffic and eighteen feet (18') wide for two way traffic.

(8) All interior roads shall meet the following curve requirements:
- Minimum radius for a 90 degrees turn - 40 feet
- Minimum radius for a 60 degrees turn - 50 feet
- Minimum radius for a 45 degrees turn - 68 feet

(9) No camping vehicle or camping equipment shall be used for human habitation for a period exceeding thirty (30) consecutive days.

(10) Each campground shall provide a trailer dump station for the disposal of holding tank sewage.

(vi) Special conditions for extended stay hotels or motels. An extended stay hotel or motel shall comply with the following conditions:

(A) Such facility shall not exceed three (3) stories in height and shall have no more than twenty (20) rooms for each acre of land.

(B) Such facility shall include a twenty-four (24) hour daily attendant at the front desk.

(C) Each room must have daily housekeeping service.

(D) Guest rooms shall be limited to two (2) persons per room.

(E) Each guest room shall have a minimum of three hundred twenty-five (325) square feet per room.

(F) The maximum length of stay per guest room shall be one (1) month.

(vi) Special conditions for tourist oriented limited manufacturing activities. Tourist oriented limited manufacturing activities: The use would include limited alcohol and beverage manufacturing, food products, clothes, furniture, furnishings, and similar uses that include on-site retail sales and services associated with a tourist oriented business. The intention is for a limited scale facility to reduce impacts onto adjacent non-industrial zoned properties. The following specific conditional
uses standards are to be reviewed with all conditional use requests:

(A) Applicant to provide documentation of business process including a preliminary site sketch with application including buildings and site improvements proposed including interior building layout, storage areas, and any specific traffic needs regarding shipping, delivery, and tour buses to determine impacts on adjacent properties.

(B) Applicant to provide list of the city's building and fire code requirements for the board to determine the level of fire risk associated with the business to determine any impacts onto adjacent properties.

(C) Applicant to provide information regarding the manufacturing process to determine any odor, dust, vapor, and noise associated with the process that would create a nuisance or negative impact onto adjacent non-industrial zoning districts to determine use compatibility with adjacent uses and compliance with the performance standards of the zoning ordinance.

(D) The use shall include a minimum twenty-five percent (25%) on-site retail customer sales and service area to meet the intention of a tourist oriented use. The board may review variations due to unique site, building, or business conditions.

(E) The use shall not exceed a total building area of ten thousand (10,000) square feet to meet intention for a limited scale use. The board may review variations due variations due to unique site, building, or business conditions. The manufacturing process shall take place indoors.

Applicant is required to obtain all additional required local and state permits and licenses

(g) Specific standards for agricultural and extractive activities. A conditional use permit shall not be granted for the agricultural and extractive activity specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable zone districts.

(i) Special conditions for crop and animal raising.

(A) This shall apply to the keeping of farm animals only, provided however, that hog pens and game roosters and/or fighting roosters shall be prohibited.

(B) Minimum lot size shall be five (5) acres for keeping, raising, or grazing horses, cattle, goats, sheep, or chickens.
(C) This shall not be construed to include any kind of feed lot operation.

(ii) Special conditions for plant and forest nurseries.
(A) The minimum lot size shall be twice the district requirement.
(B) Any buildings shall be appropriately screened from adjoining residential property.
(C) Off-street parking shall be provided adequate for the size of the operation.
(D) Complete plans for the facility including a site plan shall be approved by the Goodlettsville Municipal/Regional Planning Commission.

(h) Specific standards for residential activities. A conditional use permit shall not be granted for the residential activities specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable zone districts.

(i) Special conditions for semi-permanent residential.
(A) The lot size shall be twice the district requirements, and the minimum development area per unit shall be five thousand (5,000) square feet.
(B) Off-street parking shall be provided in the amount of one (1) space for each rooming unit plus two (2) spaces for the use.
(C) Fencing, screening, and landscaping may be required to protect adjoining uses.
(D) All public utilities and public sewer service shall be available.
(E) The building shall be first approved for such use by the Goodlettsville Fire Department.
(F) The site plan for such activity shall be approved by the Goodlettsville Municipal/Regional Planning Commission.

(ii) Bed and breakfast homestay.
(A) The owner of the property must reside permanently in the home. If there is more than one (1) owner, the owner with the largest share of the ownership shall reside permanently in the home. If two (2) or more owners own equal shares, at least one (1) of the owners shall reside permanently in the home.
(B) A maximum of one (1) off-street parking space shall be provided for each guest room. The design of the parking spaces and their number and location shall also take into account the owner's parking spaces. Fencing, screening and landscaping shall be required to buffer and
protect adjoining properties. Large expanses of paved area shall be avoided. No more than two (2) such spaces shall be located in the front yard.

(C) A maximum of four (4) guest rooms shall be available for rent, and such rooms shall not occupy more than fifty percent (50%) of the total habitable floor area. A guest register shall be maintained and made available to the codes administrator or other enforcing officer.

(D) Meal service shall be limited to breakfast and shall be restricted to overnight guests only. No cooking facilities shall be available in any guest room.

(E) No exterior structural or architectural alterations or expansions, other than those necessary to ensure the safety of the building, shall be made to the building for the purpose of providing a bed and breakfast homestay.

(F) The maximum length of stay for any guest(s) shall be fourteen (14) consecutive days.

(G) The building shall comply with the International Residential Code and shall be inspected prior to occupancy by the codes administrator and the fire chief or other enforcement officials. In the event the home is a historic building the board may consider the varying the strict application of the code requirements as long as the safety of the guests is not compromised.

(H) One (1) incidental sign may be permitted in accordance with the Goodlettsville Sign Ordinance.

(iii) Limited principal dwelling unit. The following restrictions are to permit a principal dwelling unit to provide a functional use of the property and reduce the potential negative aspects of a principal residential unit in a commercial zoning district. The following provisions shall apply:

(A) Principal residential use to be limited to a one family dwelling unit.

(B) Except for building and site signage, all commercial site and building improvements including parking, lighting, landscaping, access upgrades shall be maintained to allow conversion to a permitted commercial use and maintain the commercial appearance of the property and building.

(C) All outdoor storage, except for licensed and operable motor vehicles on asphalt or concrete parking areas, shall be limited to indoor facilities
(D) All proposed building and site improvements shall meet commercial development standards.

(E) The board of zoning appeals shall conduct a hearing with prior notice to the property owner and may act to cancel the conditional use in the case of two (2) or more property maintenance or municipal code violations with the residential dwelling unit.

(F) Conditional use approval to expire with a change of use to a permitted use in the zoning district. A permit may not be transferred to another owner or type of use without a rehearing before the board.

(I) Detached accessory guest building alternative bed and breakfast homestay use to meet the provisions of (ii) bed and breakfast homestay items (A) through (H) but the application may also be reviewed through the conditional use process defined by the zoning ordinance including the following additional sections:

   (1) Detached accessory building and guest buildings shall only be permitted for properties five (5) acres or larger; and,

   (2) Existing accessory residential dwellings unit buildings constructed prior to the effective date of this section (I) may be reviewed in current condition; and,

   (3) Detached accessory building guest buildings shall only be permitted on the property of the primary single family dwelling unit; and,

   (4) The total number of guest units four (4) shall apply to the entire property and guest accessory buildings shall not contain any kitchen or cooking facilities; and,

   (5) The accessory guest buildings units shall be constructed per the requirements of the zoning ordinance accessory building requirements regarding location, maximum floor area ratio and lot coverage, maximum building height; and,

   (6) The accessory guest buildings units shall be constructed to be consistent with the wall and roof materials of the primary single family dwelling unit; and

   (7) The accessory guest buildings units shall be constructed to meet the minimum side and rear setbacks of the residential zoning district; and,
(8) The accessory buildings shall be permanent buildings meeting the requirements of the International Residential Building Code and shall not include any portable structures; and,

(9) The accessory guest buildings shall be connected to the primary single family residence building where a meal is provided to overnight guests only. The connections shall be either a vehicular or pedestrian connections and the accessory guest buildings shall be accessible for emergency services. A scaled site plan shall be submitted to the board of zoning and sign appeals as part of the conditional use application process to ensure the compliance with this item; and

(10) The accessory guest building shall not be constructed in a FEMA flood insurance rate map designed floodplain or floodway zone; and,

(11) Accessory guest buildings shall not be used as permitted residential dwellings units and property owner to provide notarized statement that accessory guest buildings are not permitted permanent dwelling units.

(i) Specific standards for floodway and flood-fringe districts. A conditional use permit shall not be granted for any use requiring such a permit until the board of appeals has: 1) Reviewed the contents of the plan required by § 14-209(2)(a)(ii)(A); 2) Made such determinations as required by § 14-209(4)(b)(iv) where necessary; 3) Considered all relevant factors specified below; and 4) Attached such conditions as it deems necessary for the protection of the public health, safety and welfare.

(i) Factors upon which the decision of the board shall be based. In its review of any conditional use proposed for location within any area subject to flood, the board shall consider all relevant factors specified in § 14-209 of this title, and;

(A) The danger to life and property due to increased flood heights or velocities caused by encroachments.

(B) The danger that materials may be swept on to other lands or downstream to the injury of others.

(C) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

(D) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
(E) The importance of the services provided by the proposed facility to the community.
(F) The requirements of the facility for a waterfront location.
(G) The availability of alternative locations not subject to flooding for the proposed use.
(H) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
(I) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
(J) The safety of access to the property in times of flood for ordinary and emergency vehicles.
(K) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood-water expected at the site.
(L) Such other factors which are relevant to the purposes of this title.
(ii) Conditions attached to conditional uses. Upon consideration of any conditional use proposed for location within any area subject to flood, the board may attach such conditions to the granting of such use as it deems necessary to further the purposes of this title. Among such conditions, without limitations because of specific enumeration, may be included:
(A) Modification of waste disposal and water supply facilities.
(B) Limitations of periods of use and operation.
(C) Imposition of operations controls, sureties, and deed restrictions.
(D) Requirements for construction of channel modifications, dikes, levees, and other protective measures.
(E) Floodproofing measures such as those set forth in § 14-209 of this title.

(j) Conditional use permit appeals. Any person or agency of the city government may appeal to a court of competent jurisdiction from the board's decision as provided under statutes of the State of Tennessee. The judgment and findings of the board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this chapter shall be final, and subject to review only for illegality or want of jurisdiction.

(10) Amendments. (a) General. The board of commissioners may, from time to time, amend this title by changing the boundaries of districts or
by changing any other provisions whenever they find the public necessity, convenience, and general welfare require such amendment.

(b) Initiation of amendment. Amendments may be initiated by the city commission, Goodlettsville Municipal/Regional Planning Commission or by an application of one or more owners of property affected by the proposed amendment.

(c) Application for amendment fee. An application by an individual for an amendment shall be accompanied by a fee of two hundred dollars ($200.00) without legal description or four hundred dollars ($400.00) with a required legal description payable to the city, and shall also be accompanied by maps, drawings, and data necessary to demonstrate that the proposed amendment is in general conformance with the general plan of the area and that public necessity, convenience, and general welfare, require the adoption of the proposed amendment. An accurate legal description and scale drawing of the land and existing buildings shall be submitted with application.

(d) Review and recommendations by the Goodlettsville Municipal/Regional Planning Commission. The Goodlettsville Municipal/Regional Planning Commission shall review and make recommendations to the board of commissioners on all proposed amendments to this title. The review and recommendations of the Goodlettsville Municipal/Regional Planning Commission shall be based upon the land use or general plan for the area as adopted and such other considerations as the Goodlettsville Municipal/Regional Planning Commission finds to be applicable to the case.

(e) Public hearing and notice of hearing. A public hearing shall be held on all proposed amendments to this ordinance prior to second reading by the city commission. Notice of such hearing shall be displayed as follows:

The city manager shall give notice in a newspaper of general circulation within the city at least fifteen (15) days prior to the public hearing. This notice shall specify the location, current and proposed zoning classification, and it may contain a graphic illustration of the area.

(f) Amendments affecting zoning map. Upon enactment of an amendment to the zoning map which is part of this ordinance, the planning director shall cause such amendment to be placed upon the zoning map noting thereon the ordinance number.

(g) Effect of denial of application. Whenever an application for an amendment to the text of this title or for change in the zoning classification of any property is denied, the application for such amendment shall not be eligible for reconsideration for one (1) year following such denial, except in the following cases:

(i) Upon initiation by the board of commissioners or Goodlettsville Regional/Municipal Planning Commission.
(ii) When the new application, although involving all or a portion of the same property, is for a different zoning district than that for which the original application was made;

(iii) When the previous application was denied for the reason that the proposed zoning would not conform with the general plan, and the general plan has subsequently been amended in a manner which will allow the proposed zoning.

(11) Remedies and enforcement. (a) Complaints regarding violations. Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the cause and basis thereof shall be filed with the code administrator. The code administrator shall record properly such complaint, immediately investigate, and take action thereon as provided in this ordinance.

(b) Penalties for violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall be punishable as provided for by law. Each day such violation exists shall be deemed a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participated in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

(c) Remedies. In case any building or other structure is proposed to be erected, constructed, reconstructed, altered, extended or converted, or any building or other structure or land is or is proposed to be used in violation of this ordinance, the building inspector or other appropriate authority of the city government or any adjacent or neighboring property owner who would be especially damaged by such violation may, in addition to other remedies, institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, conversion or use, to correct or abate such violation, or to prevent the occupancy of such building or other structure or land. Where a violation of these regulations exists with respect to a building or other structure or land, the codes administrator may, in addition to other remedies, notify all public utilities and municipal service departments of such violation and request that initial or re-establishment of service be withheld there from until such time as the building or other structure or premises are no longer in violation of these regulations, and each such utility or department shall comply with such request. (Ord. #06-674, June 2006, as amended by Ord. #10-747, Sept. 2010, Ord. #15-850, Nov.

14-214. Legal status provisions. (1) Interpretation. In their interpretation and application, the provisions of this section shall be held to the minimum requirements for the promotion of the public health, safety, morals, and welfare.

(2) Relationships to other laws and private restrictions. (a) Where the conditions imposed by any provisions of this ordinance upon the use of land or buildings or other structures or upon the height or bulk of buildings or other structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or any other law, or ordinance, of any kind, the provisions which are most restrictive shall apply.

(b) This ordinance is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this section are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other restrictive agreements, the requirements of this title to the extent that they are more restrictive shall govern.

(c) Provisions do not constitute permit. Nothing contained in this ordinance shall be deemed to be a consent, license or permit: to use any property; or locate, construct, or maintain any building, structure, or facility; or to carry on any trade, industry, occupation or activity.

(3) Provisions are cumulative. The provisions of this ordinance are cumulative with any additional limitations imposed by all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter appearing in this ordinance.

(4) Severability. It is hereby declared to be the intention of the board of commissioners that the several provisions of this ordinance are separable in accordance with the following:

(a) If any court of competent jurisdiction shall adjudge any provision of this ordinance invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment.

(b) If any court competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provisions to any other property, building, or structure not specifically included in said judgment.

(5) Effective date. This ordinance shall be in force and effect from and after its passage and adoption, the public welfare requiring it. (Ord. #06-674, June 2006)
## APPENDIX A

### TABLE I

**LAND USE ACTIVITY MATRIX**

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<tr>
<td><strong>AGRICULTURAL, RESOURCE PRODUCTION AND EXTRACTIVE ACTIVITIES</strong></td>
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<tr>
<td>Crop &amp; Animal Raising</td>
<td>P</td>
<td>C</td>
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</tr>
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<td>Mining &amp; Quarrying</td>
<td>N</td>
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</tr>
<tr>
<td>Plant &amp; Forest Nurseries</td>
<td>P</td>
<td>C</td>
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<td>N</td>
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<td>N</td>
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<td>P</td>
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</tr>
<tr>
<td>Confined Animal Feeding Operations</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
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</tr>
</tbody>
</table>

- P - Permitted Use
- N - Not a Permitted Use
- C - Permitted Only by Conditional Use
- *Mobile Home Park

**All such facilities are prohibited with the exception of Day Care Homes as defined in Section 14-1409(e)(2)(g) which shall be permitted by conditional use only.

***May be considered only when the PUD contains 200 dwelling units or more. (as amended by Ord. #12-784, Aug. 2012)

****Interchange Overlay District limitation of uses per Ord. #13-806.

*****Tourist Oriented Limited Manufacturing permitted in CG and IR zoning districts and conditional use would only apply for alcoholic beverages.

TABLE II
BULK, YARD AND DENSITY REGULATIONS
RESIDENTIAL DISTRICTS

<table>
<thead>
<tr>
<th></th>
<th>A</th>
<th>R40</th>
<th>R25</th>
<th>R15</th>
<th>R10</th>
<th>R7</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum lot requirements</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential buildings</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(in square feet)</td>
<td>217,800</td>
<td>40,000</td>
<td>25,000</td>
<td>15,000</td>
<td>10,000</td>
<td>7,000</td>
</tr>
<tr>
<td>Other uses</td>
<td>217,000</td>
<td>120,000</td>
<td>120,000</td>
<td>120,000</td>
<td>40,000</td>
<td>25,000</td>
</tr>
<tr>
<td>Minimum lot width*</td>
<td>150</td>
<td>125</td>
<td>100</td>
<td>75</td>
<td>60</td>
<td>50</td>
</tr>
<tr>
<td><strong>Maximum lot coverage</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal &amp; accessory bldgs.</td>
<td>10%</td>
<td>20%</td>
<td>20%</td>
<td>25%</td>
<td>40%</td>
<td>40%</td>
</tr>
<tr>
<td>Maximum floor area ratio</td>
<td>0.12</td>
<td>0.25</td>
<td>0.25</td>
<td>0.33</td>
<td>0.40</td>
<td>0.50</td>
</tr>
<tr>
<td>Maximum height (in feet)</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
</tr>
<tr>
<td><strong>Minimum development area per dwelling unit</strong></td>
<td>217,800</td>
<td>40,000</td>
<td>25,000</td>
<td>15,000</td>
<td>10,000</td>
<td>7,000</td>
</tr>
<tr>
<td>(in square feet)</td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>Minimum yard requirements</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front - Arterial streets</td>
<td>75</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>40</td>
<td>40</td>
</tr>
<tr>
<td>Collector streets</td>
<td>75</td>
<td>50</td>
<td>40</td>
<td>40</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Minor streets</td>
<td>75</td>
<td>50</td>
<td>40</td>
<td>30</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Side</td>
<td>40</td>
<td>20</td>
<td>15</td>
<td>10</td>
<td>10</td>
<td>9</td>
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<tr>
<td>Rear</td>
<td>40</td>
<td>40</td>
<td>30</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
</tbody>
</table>

*Lot width shall be measured at the minimum front setback line as specified above.
**May also be used as "density" for calculating dwelling units per acre. Planned unit development requirements are contained in § 14-210.
<table>
<thead>
<tr>
<th></th>
<th>CC</th>
<th>CG</th>
<th>CS</th>
<th>CSL</th>
<th>OP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot size (in square feet)</td>
<td>2,500</td>
<td>20,000</td>
<td>25,000</td>
<td>20,000</td>
<td>15,000</td>
</tr>
<tr>
<td>Minimum lot width (in feet at the street line)</td>
<td>25</td>
<td>100</td>
<td>125</td>
<td>100</td>
<td>75</td>
</tr>
<tr>
<td>Maximum lot coverage (all buildings)</td>
<td>80%</td>
<td>40%</td>
<td>40%</td>
<td>40%</td>
<td>40%</td>
</tr>
<tr>
<td>Maximum height (in stories)*</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>Maximum floor area ratio</td>
<td>2.00</td>
<td>2.00</td>
<td>1.00</td>
<td>1.00</td>
<td>0.20</td>
</tr>
<tr>
<td>Minimum setback requirements</td>
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<td></td>
</tr>
<tr>
<td>Front</td>
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<tr>
<td>Side</td>
<td>0</td>
<td>10</td>
<td>10</td>
<td>15</td>
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<tr>
<td>Rear</td>
<td>0</td>
<td>30</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
</tbody>
</table>

*For each story above two (2), the side and rear setbacks shall increase five feet (5') in the CG, CS, CSL, & OP zones.

NOTE: The requirements of the commercial core overlay zone supercede all other requirements.

Planned unit development requirements are contained in chapter 11.

(as amended by Ord. #14-817, May 2014, Ord. #14-827, Jan, 2015, and Ord. #15-836, June 2015)
### TABLE IV
BULK, LOT AND OPEN SPACE REQUIREMENTS
INDUSTRIAL DISTRICTS

<table>
<thead>
<tr>
<th></th>
<th>IR</th>
<th>IG</th>
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</thead>
<tbody>
<tr>
<td>Minimum lot size (in square feet)</td>
<td>25,000</td>
<td>40,000</td>
</tr>
<tr>
<td>Minimum lot width (in feet at the street line)</td>
<td>75</td>
<td>100</td>
</tr>
<tr>
<td>Maximum lot coverage (all buildings)</td>
<td>40%</td>
<td>50%</td>
</tr>
<tr>
<td>Maximum height (in stories)</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Maximum floor ratio</td>
<td>1.00</td>
<td>2.00</td>
</tr>
<tr>
<td>Minimum setback requirements</td>
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<tr>
<td>Front</td>
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<td>50</td>
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<tr>
<td>Side</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Rear</td>
<td>20</td>
<td>30</td>
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</tbody>
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### APPENDIX B
PROHIBITED AND RECOMMENDED PLANT LISTS

The following listed plants shall not be used in any landscape plan required by this ordinance nor in any supplemental planting on any site.

#### SEVERE THREAT

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ailanthus Altissima (Mill.) Swingle</td>
<td>Tree of Heaven</td>
</tr>
<tr>
<td>Albizia Julibrissin Durz.</td>
<td>Mimosa</td>
</tr>
<tr>
<td>Celastrus Orbiculata Thunb.</td>
<td>Asian Bittersweet</td>
</tr>
<tr>
<td>Elaeagnus Umbellata Thunb.</td>
<td>Autumn Olive</td>
</tr>
<tr>
<td>Elaeagnus Pungens Thunb.</td>
<td>Thorny Olive</td>
</tr>
<tr>
<td>Euonymus Fortunei (Turcz.) Hand.-Mazz</td>
<td>Winter Creeper</td>
</tr>
<tr>
<td>Hedera Hilix L.</td>
<td>English Ivy</td>
</tr>
</tbody>
</table>
### Scientific Name

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lespedeza Cuneata (Dum.-Cours.) G. Don</td>
<td>Sericea Lespedeza</td>
</tr>
<tr>
<td>Ligustrum Sinense Lour.</td>
<td>Chinese Privet</td>
</tr>
<tr>
<td>Ligustrum Vulgare L.</td>
<td>Common Pirvet</td>
</tr>
<tr>
<td>Lonicera Fragrantissima Lindl. &amp; Paxton</td>
<td>January Jasmine</td>
</tr>
<tr>
<td>Lonicera Japonica Thunb.</td>
<td>Japanese Honeysuckle</td>
</tr>
<tr>
<td>Lonicera Maackii (Rupr.) Maxim.</td>
<td>Amur Bush Honeysuckle</td>
</tr>
<tr>
<td>Lonicera Morrowii A. Gray</td>
<td>Morrow’s Bush Honeysuckle</td>
</tr>
<tr>
<td>Lonicera Tatarica L.</td>
<td>Tartarian Honeysuckle, Twinsisters</td>
</tr>
<tr>
<td>Lonicera X Bella Zabel</td>
<td>Bush Honeysuckle</td>
</tr>
<tr>
<td>Lythrum Salicaria L. (all varieties and cultivars)</td>
<td>Purple Loosestrife</td>
</tr>
<tr>
<td>Paulownia Tomentosa (Thunb.) Sieb. &amp; Zucc. Ex Steud</td>
<td>Princess Tree</td>
</tr>
<tr>
<td>Spiraea Japonica L. F.</td>
<td>Japanese Spriaea</td>
</tr>
</tbody>
</table>

### SIGNIFICANT THREAT

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
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</thead>
<tbody>
<tr>
<td>Berberis Thunbergii DC.</td>
<td>Japanese Barberry</td>
</tr>
<tr>
<td>Euonymus Alata (Thunb.) Sieb.</td>
<td>Burning Bush</td>
</tr>
<tr>
<td>Lespedeza Bicolor Turcz.</td>
<td>Bicolor Lespedeza, Shrubby Bushclover</td>
</tr>
<tr>
<td>Ligustrum Japonicum Thunb.</td>
<td>Japanese Privet</td>
</tr>
<tr>
<td>Lysimachia Nummularia L.</td>
<td>Moneywort, Creeping Jenny</td>
</tr>
<tr>
<td>Mahonia Bealei (Fortune) Carriere</td>
<td>Leatherleaf Mahonia</td>
</tr>
<tr>
<td>Miscanthus Sinensis Andersson</td>
<td>Zebra Grass, Chinese Silver Grass</td>
</tr>
<tr>
<td>Nandina Domestica Thunb.</td>
<td>Nandina, Sacred-Bamboo</td>
</tr>
<tr>
<td>Populus Alba L.</td>
<td>White Poplar</td>
</tr>
<tr>
<td>Vinca Minor L.</td>
<td>Common Periwinkle</td>
</tr>
</tbody>
</table>
### Recommended Tree and Shrub List

The following trees and shrubs have been identified as species that are suitable in this geographic region and are acceptable by the City of Goodlettsville.

Canopy trees - (A tree that normally achieves an overall height at maturity of thirty feet (30') or more).

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acer rubrum</td>
<td>Red Maple and cultivars</td>
</tr>
<tr>
<td>Acer saccharum</td>
<td>Sugar Maple and cultivars</td>
</tr>
<tr>
<td>Betula nigra</td>
<td>River Birch</td>
</tr>
<tr>
<td>Cercidiphyllum japonicum</td>
<td>Katsuratree</td>
</tr>
<tr>
<td>Cladrastis kentukea</td>
<td>American Yellowwood</td>
</tr>
<tr>
<td>Fraxinus americana</td>
<td>White Ash - seedless varieties only</td>
</tr>
<tr>
<td>Fraxinus pennsylvanica</td>
<td>Green Ash - seedless varieties only</td>
</tr>
<tr>
<td>Gingko biloba</td>
<td>Gingko, Maidenhair - male only</td>
</tr>
<tr>
<td>Gymnocladus dioicus</td>
<td>Kentucky Coffeetree - fruitless</td>
</tr>
<tr>
<td>Liquidambar styraciflua</td>
<td>Sweetgum - fruitless varieties only</td>
</tr>
<tr>
<td>Liriodendron tulipifera</td>
<td>Yellow Poplar, Tuliptree</td>
</tr>
<tr>
<td>Metasequoia glyptostroboides</td>
<td>Dawn Redwood</td>
</tr>
<tr>
<td>Nyssa sylvatica</td>
<td>Black Gum, Tupelo</td>
</tr>
<tr>
<td>Platanus acerifolia</td>
<td>London Planetree</td>
</tr>
<tr>
<td>Platanus occidentalis</td>
<td>Sycamore</td>
</tr>
<tr>
<td>Quercus acutissima</td>
<td>Sawtooth Oak</td>
</tr>
<tr>
<td>Quercus alba</td>
<td>White Oak</td>
</tr>
<tr>
<td>BOTANICAL NAME</td>
<td>COMMON NAME</td>
</tr>
<tr>
<td>---------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>Quercus coccinea</td>
<td>Scarlet Oak</td>
</tr>
<tr>
<td>Quercus imbricaria</td>
<td>Shingle Oak</td>
</tr>
<tr>
<td>Quercus palustris</td>
<td>Pin Oak</td>
</tr>
<tr>
<td>Quercus phellos</td>
<td>Willow Oak</td>
</tr>
<tr>
<td>Quercus prinus</td>
<td>Chestnut Oak</td>
</tr>
<tr>
<td>Quercus rubra</td>
<td>Red Oak</td>
</tr>
<tr>
<td>Quercus shumardii</td>
<td>Shumard Oak</td>
</tr>
<tr>
<td>Taxodium distichum</td>
<td>Bald Cypress</td>
</tr>
<tr>
<td>Ulmus parvifolia</td>
<td>Chinese Elm - disease resistant only</td>
</tr>
<tr>
<td>Zelkova serrata</td>
<td>Japanese Zelkova</td>
</tr>
</tbody>
</table>

**Evergreen Tall Growing Trees:**

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ilex opaca</td>
<td>American Holly and cultivars</td>
</tr>
<tr>
<td>Juniperus virginiana</td>
<td>Eastern Redcedar</td>
</tr>
<tr>
<td>Magnolia grandiflora</td>
<td>Southern Magnolia</td>
</tr>
<tr>
<td>Picea abies</td>
<td>Norway Spruce</td>
</tr>
<tr>
<td>Pinus strobus</td>
<td>White Pine</td>
</tr>
<tr>
<td>Pinus sylvestris</td>
<td>Scots Pine</td>
</tr>
<tr>
<td>Pinus thunbergiana</td>
<td>Japanese Black Pine</td>
</tr>
<tr>
<td>Pinus virginiana</td>
<td>Virginia Pine</td>
</tr>
<tr>
<td>Tsuga canadensis</td>
<td>Canadian (Eastern) Hemlock</td>
</tr>
</tbody>
</table>

**Understory trees** - (Trees that normally achieve an overall height at maturity of fifteen to thirty feet (15’ – 30’), and can grow under canopy trees).

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acer buergeranum</td>
<td>Trident Maple</td>
</tr>
<tr>
<td>Acer campestre</td>
<td>Hedge Maple</td>
</tr>
<tr>
<td>BOTANICAL NAME</td>
<td>COMMON NAME</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>--------------------------------------------</td>
</tr>
<tr>
<td>Acer ginnala</td>
<td>Amur Maple and cultivars</td>
</tr>
<tr>
<td>Acer griseum</td>
<td>Paper Bark Maple</td>
</tr>
<tr>
<td>Acer palmatum</td>
<td>Japanese Maple and cultivars</td>
</tr>
<tr>
<td>Aesculus pavia</td>
<td>Red Buckeye</td>
</tr>
<tr>
<td>Amelanchier arborea</td>
<td>Serviceberry</td>
</tr>
<tr>
<td>Carpinus caroliniana</td>
<td>American Hornbeam</td>
</tr>
<tr>
<td>Cercis canadensis</td>
<td>Eastern Redbud and cultivars</td>
</tr>
<tr>
<td>Chioanthus retusus</td>
<td>Chinese Fringetree</td>
</tr>
<tr>
<td>Chioanthus virginicus</td>
<td>White Fringetree</td>
</tr>
<tr>
<td>Cornus florida</td>
<td>Flowering Dogwood and cultivars</td>
</tr>
<tr>
<td>Cornus kousa</td>
<td>Kousa Dogwood and cultivars</td>
</tr>
<tr>
<td>Cornus mas</td>
<td>Corneliancherry Dogwood</td>
</tr>
<tr>
<td>Crataegus phaenopyrum</td>
<td>Washington Hawthorn</td>
</tr>
<tr>
<td>Crataegus viridis</td>
<td>Green Hawthorn</td>
</tr>
<tr>
<td>Franklinia alatamaha</td>
<td>Franklin Tree</td>
</tr>
<tr>
<td>Ilex decidua</td>
<td>Possumhaw</td>
</tr>
<tr>
<td>Lagerstroemia indica</td>
<td>Crepe Myrtle - Tree forms only</td>
</tr>
<tr>
<td>Magnolia x soulangiana</td>
<td>Saucer Magnolia</td>
</tr>
<tr>
<td>Magnolia stellata</td>
<td>Star Magnolia</td>
</tr>
<tr>
<td>Magnolia virginiana</td>
<td>Sweetbay Magnolia</td>
</tr>
<tr>
<td>Malus cultivars/varieties</td>
<td>Crabapples - disease resistant only</td>
</tr>
<tr>
<td>Ostrya virginiana</td>
<td>American Hophornbeam</td>
</tr>
<tr>
<td>Oxydendron arboreum</td>
<td>Sourwood</td>
</tr>
<tr>
<td>Prunus serrulata</td>
<td>Flowering Cherry</td>
</tr>
<tr>
<td>Prunus x yedoensis</td>
<td>Yoshino Cherry</td>
</tr>
<tr>
<td>Styrax japonica</td>
<td>Japanese Snowball</td>
</tr>
<tr>
<td>BOTANICAL NAME</td>
<td>COMMON NAME</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>Syringa reticulata</td>
<td>Japanese Tree Lilac</td>
</tr>
<tr>
<td><strong>Evergreen Low Growing Trees:</strong></td>
<td></td>
</tr>
<tr>
<td>Ilex cornuta 'Burfordi'</td>
<td>Burford Holly</td>
</tr>
<tr>
<td>Ilex x attenuata 'Fosteri'</td>
<td>Foster's Hybrid Hollies</td>
</tr>
<tr>
<td>Ilex x 'Nellie R. Stevens'</td>
<td>Nellie R. Stevens Holly</td>
</tr>
<tr>
<td>Prunus caroliniana</td>
<td>Cherry Laurel</td>
</tr>
<tr>
<td>Magnolia grandiflora 'Little Gem'</td>
<td>Little Gem Magnolia</td>
</tr>
</tbody>
</table>

Shrubs - a woody plant with multiple stems capable of growing to a height of no more than fifteen feet (15').

Shrubs for buffer yards: One-half (1/2) of required shrubs should reach a height of five feet (5') within five (5) years of planting. One-half (1/2) of shrubs must be evergreen species.

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Deciduous &amp; Semi-evergreen Shrubs:</strong></td>
<td></td>
</tr>
<tr>
<td>Abelia x grandiflora &amp; cultivars</td>
<td>Glossy Abelia</td>
</tr>
<tr>
<td>Aronia arbutifolia &amp; cultivars</td>
<td>Red Chokecherry</td>
</tr>
<tr>
<td>Chaenomeles speciosa</td>
<td>Flowering Quince</td>
</tr>
<tr>
<td>Clethra alnifolia</td>
<td>Sweet Pepperbush</td>
</tr>
<tr>
<td>Forsythia x intermedia</td>
<td>Flowering Forsythia</td>
</tr>
<tr>
<td>Hamamelis</td>
<td>Witch Hazel</td>
</tr>
<tr>
<td>Hydrangea quercifolia &amp; cultivars</td>
<td>Oakleaf Hydrangea</td>
</tr>
<tr>
<td>Ilex serrata</td>
<td>Finetooth Holly</td>
</tr>
<tr>
<td>Ilex verticillata</td>
<td>Winterberry</td>
</tr>
<tr>
<td>Itea virginica</td>
<td>Virginia Sweetspire</td>
</tr>
<tr>
<td>Kolkwitzia amabalis</td>
<td>Beautybush</td>
</tr>
<tr>
<td>Lagerstroemia cultivars</td>
<td>Shrub Crepe myrtles</td>
</tr>
<tr>
<td>BOTANICAL NAME</td>
<td>COMMON NAME</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>------------------------------</td>
</tr>
<tr>
<td>Viburnum species &amp; cultivars</td>
<td>Viburnum</td>
</tr>
<tr>
<td>Evergreen Shrubs:</td>
<td></td>
</tr>
<tr>
<td>Ilex cornuta cultivars</td>
<td>Chinese Hollies</td>
</tr>
<tr>
<td>Ilex crenata</td>
<td>Japanese Holly</td>
</tr>
<tr>
<td>Ilex glabra</td>
<td>Inkberry</td>
</tr>
<tr>
<td>Ilex x meserveae</td>
<td>Meserveae Hybrid Hollies</td>
</tr>
<tr>
<td>Juniperus chinensis cultivars</td>
<td>Chinese Juniper</td>
</tr>
<tr>
<td>Nandina domestica</td>
<td>Nandina</td>
</tr>
<tr>
<td>Prunus laurocerasus 'Otto Luyken'</td>
<td>Otto Luyken and Schip Laurel</td>
</tr>
<tr>
<td>and 'Schipkaensis'</td>
<td></td>
</tr>
<tr>
<td>Viburnum pragense</td>
<td>Prague Viburnum</td>
</tr>
<tr>
<td>Viburnum rhytidophyllum</td>
<td>Leatherleaf Viburnum</td>
</tr>
</tbody>
</table>

Shrubs for perimeter: Evergreen shrubs should be maintained at two and one-half feet (2 1/2').

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buxus sempervirens</td>
<td>American Boxwood</td>
</tr>
<tr>
<td>Juniperus chinensis</td>
<td>Chinese Juniper</td>
</tr>
<tr>
<td>Nandina domestica</td>
<td>Dwarf Nandina 'Fire Power', 'Harbour Dwarf'</td>
</tr>
<tr>
<td>Prunus laurocerasus 'Otto Luyken'</td>
<td>Otto Luyken and Schip Laurel</td>
</tr>
<tr>
<td>and 'Schipkaensis'</td>
<td></td>
</tr>
<tr>
<td>Taxus x media 'Densiformis'</td>
<td>Densiformis Yew</td>
</tr>
</tbody>
</table>

APPENDIX C

The following cross index lists many types of land uses and references the activity classification in which the use is located for regulatory purposes and which is further detailed in § 14-202. The index does not necessarily include all possible land uses. Some uses may fall into more than one classification depending upon the use characteristics.
Land Use

A
Accounting, Auditing, & Bookkeeping Services
Advertising Agencies & Services
Adjustment, Collection & Credit Reporting Agencies
Aeronautical Devices
Agricultural Credit Institution
Air Cargo Terminals, Airports, Heliports
Airports, Air Cargo Terminals, Heliports, or Other Aeronautical Devices
Amusement Parks
Antique & Second Hand Merchandise Stores
Apparel, Piece Goods, & Notions
Aquariums
Arcades - Coin Operated Amusement
Architectural Services
Art & Music Schools
Art Galleries
Artists Studios (Excluding Commercial Artists)
Associations for Physically or Mentally Handicapped Persons
Attorneys & Law Offices
Auditing, Accounting, Bookkeeping Services
Auditoriums
Auto Cleaning & Repair Services
Auto Repair & Auto Cleaning Services
Auto Glass Repair & Replacement Shops
Auto Inspection & Diagnostic Services
Auto Minor Repairs
Auto Paint Shops
Auto Towing Services
Automobile Clubs
Automobile Junk Yards
Automotive Parts (No Exterior Storage)

Activity Classification

Financial, Consultative & Administrative Services
General Business/Communication Services
General Business/Communication Services
Extensive Impact Facilities
Financial, Consultative & Administrative Services
Extensive Impact Facilities
Extensive Impact Facilities
Group Assembly
General Retail Trade
Wholesale Sales
Cultural/Recreational Services
Entertainment/Amusement Services
Financial, Consultative & Professional Services
General Personal Services
Cultural/Recreational Services
Entertainment & Amusement
Entertainment/Amusement Services
Medical Services
Financial, Consultative & Professional Services
Financial, Consultative & Administrative Services
Extensive Impact Facilities, Entertainment & Amusement Services
Automotive Repair/Cleaning
Automotive Repair/Cleaning
Automotive Repair/Cleaning
Automotive Repair/Cleaning
Automotive Servicing
Automotive Repair/Cleaning
Automotive Repair/Cleaning
General Business/Communication Services
Salvage Operations
General Retail Trade

B
Bakeries
Bandstands
Banking & Bank-Related Functions

Convenience Commercial
Extensive Impact Facilities
Financial, Consultative &
Barber & Beauty Schools
Bathing Suit Stores
Batting & Golf Driving Ranges
Beaches
Beauty Shops
Bedding & Linen Stores
Beer, Wine, & Distilled Alcoholic Beverages
Better Business Bureaus
Billiard Parlors & Bowling Alleys
Boat & Motor Dealers
Book & Stationery Stores (Excluding Adult Bookstores)
Bookkeeping Services
Botanical Gardens
Bowling Alleys & Billiard Parlors
Builder's Hardware
Building Contractors
Bus Terminals
Bus & Truck Maintenance & Repair
Business Schools

C
Camera Stores
Camp Grounds (Commercial)
Candy, Nut & Confectionery Stores
Car Washes
Carpentering Contractors
Cemeteries
Cemeteries, Columbariums, & Mausoleums
Centers for Observation or Rehabilitation
Chamber of Commerce
Chapels
Chemicals & Allied Products
Child Care Facilities
Children's & Infant's Stores
Chiropractors Offices
Churches
City, County, State, & Federal Offices
Civic, Social, Fraternal, & Philanthropic
Civil Defense Facilities
Cleaning Services (Commercial)
Clothing Stores (Family)
Clothing Rental Agencies
Clocks, Watch & Jewelry Repair
Clubs Private (nonprofit)
Clubs (Automotive)
Coin Operated Amusement Arcades
Collection, Adjustment & Credit Reporting Agencies
Colleges, Junior Colleges, & Universities, excluding Profit Making Business Schools
Columbariums, Cemeteries & Mausoleums Facilities
Commercial (Recreational) Resorts
Commercial Boat Docks, Marinas, & Yacht Clubs
Commercial Camp Grounds
Commercial Cleaning Services
Commercial Sports Arenas & Playing Fields
Commercial Testing Laboratories
Communications Services
Computer & Data Processing Services
Concrete Contractors
Confectionary, Candy & Nut Stores
Consignment Stores
Consulting Scientists
Contractors (Carpentering)
Contractors (Concrete)
Contractors (Electrical/Heating)
Contractors (Excavation)
Contractors (Plumbing)
Convalescent Homes
Convents or Monasteries
Cookware Stores
Correction & Detention Institutions
County, City, State & Federal Offices
Court Buildings
Credit Reporting, Adjustment, & Collection Agencies
Credit Unions
Curtain, Drapery & Upholstery Stores
Custom Tailors
Cutlery Stores
General Personal Services
Consumer Repair Services
Community Assembly
General Business/Communication Services
Entertainment/Amusement Services
General Business/Communication Services
Intermediate Impact Facilities
Intermediate Impact
Group Assembly
General Business/Communication Services
Group Assembly
General Business/Communication
General Business/Communication
Construction Sales & Service
General Retail Trade
General Retail Trade
Medical Services
Construction Sales & Services
Construction Sales & Services
Construction Sales & Services
Construction Sales & Services
Construction Sales & Services
Health Care Facilities
Religious Facilities
General Retail Trade
Extensive Impact Facilities
Administrative Services
Administrative Services
General Business/Communication
Financial, Consultative & Administrative
General Retail Trade
General Retail Trade
General Retail Trade
D
Dairy Products Stores
Dancing Schools/Exercise Studios
Data Process & Computer Services
Day Care Facilities (Children)
Decorating, Painting & Paper
Hanging Services
Dental Offices & Laboratories
Department Stores
Detective Agencies & Protective Services
Detention Institutions
Diagnostic Service for Automobiles
Direct Selling Organization
Distilled Alcoholic Beverages,
Beer & Wine
Drafting Services
Drag Strips
Drapery, Curtain, & Upholstery Stores
Drive-In Restaurants
Driving Schools
Drug Stores & Proprietary Stores
Drugs, Drug Proprietary, & Sundries
Dry Cleaning, Laundry Pick-up Stations

General Retail Trade
Entertainment/Amusement Services & General Personal Services
General Business/Communication
Personal/Group Care Facilities
Construction Sales & Services
Medical Services
General Retail Trade
General Business/Communication
Extensive Impact Facilities
Automotive Repair/Cleaning
General Retail Trade
Wholesale Sales
General Business/Communication
Group Assembly
General Retail Trade
Food Service Drive-In
General Personal Services
Convenience Commercial & General Retail
Wholesale Sales
Convenience Commercial

E
Educational & Scientific Research Services
Electric, Gas, Water & Sewer Distribution & Collection Lines
Electrical & Gas Substations
Electrical Goods & Appliances
Electrical, Heating & Plumbing Contractors
Electrical, Heating & Plumbing Supplies
Electrical Repair Shops
Electricity Generating Facilities & Transmission Lines
Employment, Personnel, & Temporary Help Services
Engineering, Architectural, & Planning Services
Equipment & Supplies (Farming)
Excavation Contractors
Medical Services
Essential Services
Essential Services
Wholesale Sales
Construction Sales & Service
Building Supplies/Farm Equipment
Consumer Repair Services
Extensive Impact Facilities
General Business/Communication
Medical & Professional Services
General Retail Trade
Construction Sales & Services
Exercise Studios/Dancing Schools
Entertainment/Amusement Services/ & General Personal Services
Exhibition Halls & Auditoriums
Entertainment/Amusement Services
Extended Stay Hotel/Motel
Transient Habitation
Exterminating Services
General Business/Communication

F
Family Clothing Stores
General Retail Trade
Farm Equipment & Supplies
Building Materials/Farm Equipment
Farm Products Raw Materials
Wholesale Sales
Farm Supplies
Wholesale Sales
Fast Food Restaurants with Drive-Thru Service
Food Service Drive-In
Feed Milling & Sales
Building Materials/Farm Equipment
Fire Department Facilities
Administrative Services
Federal, City, County & State Offices
Administrative Services
Festivals (Nonprofit, Temporary)
Community Assembly
Floor Covering Stores
General Retail Trade
Florists
General Retail Trade
Food Lockers
Transport & Warehousing
Fruit Stores & Vegetable Markets
General Retail Trade
Fuel Sales & Services
Automotive Repair/Cleaning
Fuel Transmission Lines & Facilities
Extensive Impact Facilities
Funeral Homes
Undertaking Services
Furniture & Home Furnishings
Wholesale Sales
Furniture Repair & Reupholstery
Consumer Repair Services
Furniture Stores
General Retail Trade
Furriers & Fur Shops
General Retail Trade

G
Garbage Incineration Plants including
Extensive Impact Facilities
Congeneration Facilities
Essential Services
Gas Distribution Lines
Essential Services
Gas Substations
Convenience Commercial
Gasoline Pumps - Self Service
Automotive Servicing
Gasoline Service Stations
Automotive Repair/Cleaning
Gasoline, Fuel, & Oil Sales & Services
Construction Sales & Service
General Building Contractors
Transport & Warehousing
General Warehousing
General Retail Trade
Gift Shops
General Retail Trade
Glaziers & China Shops
Construction Sales & Services
Glazing Contractors
Intermediate Impact Facilities
Golf Courses
<table>
<thead>
<tr>
<th>Industry</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Golf Driving Ranges/Batting Cages</td>
<td>Entertainment/Amusement Services</td>
</tr>
<tr>
<td>Groceries &amp; Related Products</td>
<td>Wholesale Sales</td>
</tr>
<tr>
<td>Grocery Stores &amp; General Retail</td>
<td>Convenience Commercial</td>
</tr>
<tr>
<td>Group Home for Physically or Mentally Handicapped Persons</td>
<td>Personal/Group Care Facilities</td>
</tr>
<tr>
<td>Group Living Arrangements</td>
<td>Institutional Care Facilities</td>
</tr>
<tr>
<td>Gunsmith Shops</td>
<td>Consumer Repair Services</td>
</tr>
<tr>
<td>Gymnasiums</td>
<td>Cultural/Recreational Services</td>
</tr>
<tr>
<td>Halfway Houses</td>
<td>Institutional Care Facilities</td>
</tr>
<tr>
<td>Handicapped Persons Associations (Physically/Mentally)</td>
<td>Personal/Group Care Facilities</td>
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<tr>
<td>Hardware Stores (Builders)</td>
<td>General Business/Communication</td>
</tr>
<tr>
<td>Hardware Store (No Outside Storage)</td>
<td>Convenience Commercial &amp; General Retail</td>
</tr>
<tr>
<td>Hardware, Plumbing, &amp; Heating Contractors</td>
<td>Wholesale Sales Equipment &amp; Supplies</td>
</tr>
<tr>
<td>Health Spas</td>
<td>General Personal Services</td>
</tr>
<tr>
<td>Heating, Plumbing &amp; Electrical Contractors</td>
<td>Construction Sales &amp; Services</td>
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<tr>
<td>Heating, Plumbing &amp; Electrical Supplies</td>
<td>Building Materials/Farm Equipment</td>
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<tr>
<td>Heliports</td>
<td>Extensive Impact Facilities</td>
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<tr>
<td>Highway &amp; Street Construction Contractor</td>
<td>Construction Sales &amp; Services</td>
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<tr>
<td>Hobby, Toy, &amp; Game Stores</td>
<td>General Retail Trade</td>
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<tr>
<td>Holding &amp; Investment Organizations</td>
<td>Financial &amp; Consultative &amp; Administrative</td>
</tr>
<tr>
<td>Home Furnishing &amp; Furniture Store</td>
<td>Wholesale Sales</td>
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<tr>
<td>Hospitals</td>
<td>Health Care Facilities</td>
</tr>
<tr>
<td>Hotel (Extended Stay)</td>
<td>Transient Habitation</td>
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<td>Household Appliance Stores</td>
<td>General Retail Trade</td>
</tr>
<tr>
<td>Household Goods Storage</td>
<td>Transport &amp; Warehousing</td>
</tr>
<tr>
<td>Infant &amp; Children Stores</td>
<td>General Retail Trade</td>
</tr>
<tr>
<td>Instrument Repair Shops</td>
<td>Consumer Repair Services</td>
</tr>
<tr>
<td>Institutions (Detention)</td>
<td>Extensive Impact Facilities</td>
</tr>
<tr>
<td>Insurance Carriers, Agents, Brokers, &amp; Service</td>
<td>Financial, Consultative &amp; Administrative</td>
</tr>
<tr>
<td>Interior Decorator &amp; Consulting Services</td>
<td>General Business/Communication</td>
</tr>
<tr>
<td>Investment &amp; Money Management Offices</td>
<td>Financial &amp; Consultative &amp; Administrative</td>
</tr>
<tr>
<td>Jewelry, Watch &amp; Clock Repair</td>
<td>Consumer Repair Services</td>
</tr>
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<td>Jewelry Stores</td>
<td>General Retail Trade</td>
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<td>Category</td>
<td>Industry/Service Description</td>
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<tr>
<td>Junk Yards (Automotive)</td>
<td>Salvage Operations</td>
</tr>
<tr>
<td>Junior Colleges, Colleges &amp; Universities,</td>
<td>Intermediate Impact Facilities</td>
</tr>
<tr>
<td>Excluding Profit Making Business Schools</td>
<td></td>
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<td>K</td>
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</tr>
<tr>
<td>Kennels</td>
<td>Animal Care/Veterinarian Services</td>
</tr>
<tr>
<td>Kindergarten, Primary, &amp; Secondary Schools</td>
<td>Community Education</td>
</tr>
<tr>
<td>Knife (Cutlery) Stores</td>
<td>General Retail Trade</td>
</tr>
<tr>
<td>L</td>
<td></td>
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<tr>
<td>Labor Unions</td>
<td>General Business/Communication</td>
</tr>
<tr>
<td>Laboratorie (Commercial Testing)</td>
<td>General Business/Communications</td>
</tr>
<tr>
<td>Laboratorie (Dental)</td>
<td>Medical Services</td>
</tr>
<tr>
<td>Lamp &amp; Shade Shops</td>
<td>General Retail Trade</td>
</tr>
<tr>
<td>Laundry, Cleaning &amp; Garment Services</td>
<td>Convenience Commercial &amp; General Personal</td>
</tr>
<tr>
<td>Law &amp; Attorneys Offices</td>
<td>Financial, Consultative &amp; Professional</td>
</tr>
<tr>
<td>Lawn &amp; Garden Supply Stores,</td>
<td>Building Supplies/Farm Equipment</td>
</tr>
<tr>
<td>Retail Nurseries</td>
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</tr>
<tr>
<td>Lawn Mower Repair Shops</td>
<td>Consumer Repair Services</td>
</tr>
<tr>
<td>Libraries</td>
<td>Cultural/Recreational Services</td>
</tr>
<tr>
<td>Linens &amp; Bedding Stores</td>
<td>General Retail Trade</td>
</tr>
<tr>
<td>Liquor Stores</td>
<td>Convenience Commercial &amp; General Retail</td>
</tr>
<tr>
<td>Locksmith Shops</td>
<td>Consumer Repair Services</td>
</tr>
<tr>
<td>Lodges</td>
<td>Community Assembly</td>
</tr>
<tr>
<td>Lubricating Services</td>
<td>Automotive Servicing</td>
</tr>
<tr>
<td>Luggage Shops</td>
<td>General Retail Trade</td>
</tr>
<tr>
<td>Lumber &amp; Other Building Materials Dealers</td>
<td>Building Materials/Farm Equipment</td>
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<tr>
<td>Lumber &amp; Other Construction Materials</td>
<td>Wholesale Sales</td>
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</tr>
<tr>
<td>Machinery, Equipment, &amp; Supplies</td>
<td>Wholesale Sales</td>
</tr>
<tr>
<td>Mail Order Houses</td>
<td>General Retail Trade</td>
</tr>
<tr>
<td>Mail Processing Centers (Major)</td>
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CHAPTER 3

SIGN REGULATIONS

SECTION
14-301. Purpose and scope.
14-302. Definitions.
14-304. Signs permitted in residential and agricultural districts.
14-305. Signs permitted in commercial and industrial districts by sign zone.
14-308. Administration and enforcement.
14-309. Legal status provision.

14-301. **Purpose and scope.** (1) Legislative purpose. The purpose of these regulations is to promote the well-being of the community by establishing standards that assure the provision of signs adequate to meet essential communication needs while safeguarding the rights of the people in the community to a safe, healthful and attractive environment. Within this overall framework, it is the intent of these regulations to:

   (a) Protect the right to the use of signs for the identification of activities and any related products, services and events, for effective use of signs as a means of communication and to provide non-commercial messages;
   (b) Protect the right of individuals to privacy and freedom from nuisances;
   (c) Protect the value of property and improvements thereon and the quality of life by enhancing the appearance of the streetscapes of the city;
   (d) Permit signs that are appropriate to their surroundings, aesthetically pleasing, appropriately scaled and integrated with the surrounding buildings and the landscape;
   (e) Assure that signs are constructed and maintained in a safe condition;
   (f) Encourage design that enhances the readability and effectiveness of signs while minimizing cluttered, distracting and/or illegible signs;
   (g) Prevent signs from interfering with traffic regulatory devices or otherwise obstructing motorist or pedestrian vision;

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1Appendix B, Illustrations, may be found in the appendix at the end of this municipal code.
(h) Reduce traffic hazards; and
(i) Provide an efficient and effective means of administration and enforcement.

(2) Scope. Except for signs permitted in all districts in § 14-303(4) herein, these regulations shall apply to all signs and their appurtenances that are legible to a person of ordinary eyesight (with vision adequate to pass a state driver's license exam) standing at ground level at a location on the public right-of-way or on other private property except those located within and visible only from within enclosed courtyards or similar enclosures. The signs within Rivergate Mall or any similarly constructed mall shall be covered by this chapter and shall require a permit. The sign standards of the mall will be enforced.

These regulations shall not in any manner attempt to censure the written or depicted copy on any permitted sign.

(3) Substitution clause. Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign structure. (2000 Code, § 14-301, as replaced by Ord. #09-724, Sept. 2011)

14-302. Definitions. For the purpose of this chapter the following definitions, terms, phrases, words, and their derivation shall have the meaning given herein.

(1) "Building face" or "wall." All window and wall areas of a building in one (1) plane or elevation.
(2) "Building marker." Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material that is architecturally compatible with the building.
(3) "City." When used herein shall mean the City of Goodlettsville, Tennessee.
(4) "Commercial complex." A building or group of buildings located upon a lot used or designed to be used for two (2) or more occupancies.
(5) "Commercial message." Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.
(6) "Commercial facility." Facilities used for leisure and social purposes, including community centers and meetings places, community halls, community learning and leisure centers.
(7) "Copy." The wording or graphics on a sign surface.
(8) "Display surface area." The entire area within a single continuous perimeter enclosing the extreme limits of wording, representation, emblem, or any figure or similar character, together with any background materials, color, or area defined by a border or frame, any of which forms an integral part of the
display or serves to differentiate such display from the structure to which it is affixed.

(9) "District." A zoning district as defined and established by the Goodlettsville Zoning Ordinance. The zoning ordinance is published as a separate chapter.

(10) "Enforcing officer." The chief enforcing officer or official of the City of Goodlettsville appointed to enforce the terms of this chapter.

(11) "Establishment." A lawful entity, incorporated or unincorporated, that owns, rents, or leases space to conduct a commercial or noncommercial activity.

(12) "Flag." Any fabric or bunting containing distinctive colors, patterns or symbols, used as a symbol of government, commercial or non-commercial activity as further defined below:

(a) Commercial flag means any flag that displays a commercial name, message, logo or symbol.

(b) Decorative flag means any flag that displays any holiday or seasonal insignia, design or message that does not include any commercial name, message, logo or symbol.

(c) Government/civic/non-commercial flag means any flag displaying a name, message, logo or symbol of any governmental, religious, civic or non-profit agency.

(13) "Height (of sign)." The vertical distance measured from the surrounding grade to the highest point of a sign.

(14) "Item of information." The name of a business, service, product, or individual.

(15) "Lot." A lot, parcel, or piece of land which meets the legal requirements for use as a lot under the adopted zoning ordinance.

(16) "Major street" or "thoroughfare." Any street shown as such on the official major thoroughfare plan.

(17) "Major street" or "thoroughfare plan." A plan for future streets and street rights-of-way adopted by the Goodlettsville Planning Commission.

(18) "Marquee." A permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection over a sidewalk from the weather.

(19) "Menu board." A sign designed for the display of menu items and prices for the purpose of placing orders for such items in conjunction with a restaurant utilizing drive-through or curbside service and not viewable from off the site.

(20) "Parapet." The portion of a building wall or false front that extends above the roofline.

(21) "Pennant." Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.
(22) "Right-of-way." A strip of land dedicated for public use and including the paved travel way of a street and the adjoining land on either side of the paved area as identified by maps, plats, surveys or deeds. When a right-of-way cannot be determined, a minimum right-of-way of twenty-five feet (25') shall be assumed to be measured in each direction from the center line of the paved travel way.

(23) "Sign." Any writing (including letter, word or numeral), pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner, streamer, or pennant); inflatable devices; or any other figure of similar character, which:
   (a) Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure;
   (b) Is used to announce, direct attention to, advertise or communicate information of any kind; and
   (c) Is visible from outside of building.

(24) "Sign, abandoned." Any signs in which the functions of direction, message, and/or identification of a bona fide business, lessor, owner, product or activity conducted or products available are obsolete.

(25) "Sign, accessory." Any sign that directs attention to a person, activity, or commodity on the same zone lot. An accessory sign may also contain a non-commercial message.

(26) "Sign, animated." A sign that uses movement or change of lighting to depict action or create a special effect or scene.

(27) "Sign, banner." A sign having the copy applied to cloth, paper, flexible material or fabric of any kind with only such material for a backing.

(28) "Sign, building mounted." Any sign attached to or supported by any building or other structure that has a purpose other than solely to support a sign, except a sign attached to any upright pole or support when the sign is wider than said pole or support, which shall be considered a freestanding or pole sign.

(29) "Sign, canopy." A sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A canopy sign shall, for calculation of display surface area, be considered a wall sign. A marquee sign is not a canopy sign.

(30) "Sign, changeable copy." A sign designed so the copy can be changed while the display surface remains unchanged and includes such signs as manually or electronically changed characters, letters or illustrations and fuel price displays.

(31) "Sign, changeable - automated changeable copy." A sign or portion thereof that is visible from a public right-of-way and that displays letters, numbers, characters, symbols, graphics or illustrations:
   (a) Which are not themselves any illumination device, and
(b) Which may be changed or re-arranged by computer or microprocessor generated electronic commands, which commands may be programmed to change at pre-determined intervals or may be activated by an operator from either a proximate or a remote location. Automated changeable copy signs include devices referred to as "flip matrix,"  "segmented," and other devices with substantially similar functionality and appearance.

(32) Sign, changeable - electronic graphic display." A sign or portion thereof that is visible from a public right-of-way and that displays electronic, static images, static graphics or static pictures, with or without textual information, which are created by matrix elements which may include cathode ray tubes (CRTs), light emitting diodes (LEDs), liquid crystals (LCDs), plasma, fiber optics, light bulbs or other illumination devices within the display area, or are created by any reflective, refractive, digital light processing (DLP), holographic, stereoscopic/three dimensional, or any other device, process, product, application of technology, or by the appearance of any of such, within the display area, either alone or in varying combinations with each other or other elements, where the message change sequence is accomplished immediately or by means of fade, repixelization, dissolve or other such modes devices, processes, products, applications or technologies. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays which may change automatically at predetermined intervals or be changed by an operator from either a proximate or a remote location. Electronic graphic display signs include images or messages with these characteristics which are projected by any means onto buildings, other objects or otherwise. A governmental traffic control sign shall not be deemed to be an electronic graphic display sign for purposes of this chapter.

(33) "Sign, changeable - manual changeable copy." A sign or portion thereof that is visible from a public right-of-way and:

(a) That has a fixed, permanent display surface on which letters, numbers, characters, symbols, graphics or illustrations which are not themselves any illumination device are manually placed, and which may be changed or re-arranged manually without altering the display surface or the support structure of the sign; or

(b) That has a fixed permanent display surface frame in or on which a display surface or sign face or message panel may be changed or re-arranged manually without altering the display surface frame or the support structure of the sign.

Manual changeable copy signs are signs generally used to display the same message for a relatively limited period of time, and include but are not limited to devices referred to as "reader boards," "menu boards," price signs with changeable plastic or metal objects, and off-site billboards.

(34) "Sign, changeable - multi-vision." A sign that is visible from a public right-of-way and that is composed in whole or in part of a series of
vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows the sequential display of one (1) of two (2) or more images on a single sign structure. May also be known as "tri-vision" signs.

(35) "Sign, changeable - video display." A sign or portion thereof, that is visible from a public right-of-way, with or without textual information, which is created by matrix elements which may include cathode ray tubes (CRTs), light emitting diodes (LEDs), liquid crystals (LCDs), plasma, fiber optics, light bulbs or other illumination devices within the display area, or are created by any reflective, refractive, digital light processing (DLP), holographic, stereoscopic/three dimensional, or any other device, process, product, application or technology, or by the appearance of any of such within the display area, either alone or in varying combinations with each other or other elements, that changes its message or image or background in a manner or method of display:

(a) Which includes the appearance of motion, movement or animation,
(b) Which depicts action or a special effect to imitate motion, movement or animation, or
(c) Which includes the presentation of light or images displayed in a progression of frames or other such so as to give the illusion of motion, movement or animation, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting or otherwise altering shapes.

Video display signs include images or messages with these characteristics which are projected by any means onto buildings, other objects or otherwise.

(36) "Sign, civic." A type of accessory sign that identifies or provides related information about community facility activity types as defined in the Goodlettsville Zoning Ordinance.

(37) "Sign, development." A type of incidental sign that conveys information about a future facility, the architect, the engineer, the contractor, the lending agency and/or the developer on a construction site.

(38) "Sign, directional." Any sign which provides information relative to safety identifying vehicular entrances and exits to parking lots or traffic circulation areas for activities. Directional signs may include logo, symbols or a business name and shall not exceed three (3) square feet in size or thirty inches (30") in height. Such signs shall be located on the private premises and only one (1) shall be installed per driveway.

(39) "Sign, directory." A sign which lists the names of individuals, businesses, or products available at a single site.

(40) "Sign, expressive." Any sign that expresses an opinion, feeling or point of view, such as political, ideological, religious, campaign, and good will
signs. Depending on its size, an expressive sign may be an incidental, temporary, or permanent sign.

(41) "Sign, externally illuminated." Any sign that is illuminated by lights or fixtures that is not internal to the sign.

(42) "Sign, flashing." A sign that uses an intermittent or flashing light source to attract attention.

(43) "Sign, ground." A sign permanently affixed to the ground by a foundation pedestal or other structure.

(44) "Sign, hand-tacked." A temporary sign, incidental, expressive or advertising a product or service, commonly attached, tacked, hung, or suspended from trees, utility poles, fences or other objects.

(45) "Sign, height." The vertical distance measured from the surrounding grade to the highest point of a sign.

(46) "Sign, incidental." An accessory sign intended primarily for the convenience or direction of the public, including accessory residential signs up to six (6) square feet that indicate name, address or home occupation; signs which give directions to churches, signs that indicate the types of credit available at a business; realty signs; signs with information that is warning in nature, such as "danger," "no trespassing" or "beware of dog"; signs indicating temporary events such as a garage sale or open house; political yard signs; and expressive signs up to six (6) square feet.

(47) "Sign, internally illuminated." Any sign that transmits light through its face or any part thereof.

(48) "Sign, marquee." Any sign attached to, in any manner, or made a part of a marquee.

(49) "Sign, nonconforming." Any existing sign which met all requirements for the sign at the time it was erected but which fails to meet the requirements of this chapter either by not being permitted within the district in which it is located or by not meeting the standards as specified in this chapter.

(50) "Sign, pole." A sign permanently affixed to the ground by means of one (1) or more poles, columns, uprights, or braces and not attached to a building.

(51) "Sign, portable." Any sign not permanently attached to the ground or a permanent structure or any sign designed to transported, including but limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles or trailers parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

(52) "Sign, projecting." Any sign that:

(a) Is attached to a building wall in such a manner that its leading edge projects outward from the wall more than six inches (6"); or
(b) Is suspended from any structure that constitutes a covering or shelter such as a canopy, portico, or marquee.

Usually, though not always, the face of a projecting sign will be perpendicular to or from a wide angle with the surface to which it is attached.

(53) "Sign, residential identification." A type of accessory sign that indicates the name and/or address of a residential development and shall include a sign or signs at the principal entrance to any residential subdivision or planned unit development.

(54) "Sign, residential." Any sign located in any district zoned for residential uses that contains no commercial message except for goods and/or services that are legally offered on the premises where the sign is located. A residential sign may also be an expressive or incidental sign.

(55) "Sign, roof." Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and extended vertically above any portion of the roof.

(56) "Sign, structure." A structure, including uprights, supports, frames, display surfaces, and other appurtenances, intended to support and display one (1) or more signs.

(57) "Sign, temporary." Any sign that is intended for temporary use for a limited period as permitted by this chapter.

(58) "Sign, wall." A type of building mounted sign that:

(a) Is attached to a wall (including parapet wall) or other structure that supports a roof, including any sign that is part of or attached to a canopy or awning, and any sign attached to any side face of a marquee, or that

(b) Does not project outward more than twelve inches (12") from the surface to which it is attached, and

(c) In which the sign face is parallel to the plane of the surface to which it is attached.

(59) "Sign, window." Any sign, pictures, symbols, or a combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

(60) "Travelway." That portion of a public right-of-way that is improved for use by self-propelled vehicles, including paved or gravel areas and any other area intended for vehicle movement or storage. (2000 Code, § 14-302, as replaced by Ord. #09-724, Sept. 2011)

14-303. General provisions. The following requirements apply to all signs in all districts.

(1) General standards. (a) No sign except for those specified in § 14-303(4) shall be erected until a permit has been obtained in accordance with § 14-308 of this chapter, said permit being required to
determine that the proposed sign(s) will be in compliance with this chapter.

(b) No sign shall resemble or approximate the size, shape, form, or color of any official traffic control sign, signal, or device.

(c) No sign shall be placed so as to obstruct or interfere with the visibility or effectiveness of any traffic control sign or with driver vision at any access point to a lot or parcel from any public or private street or driveway.

(d) On any corner lot no sign shall be erected or placed in a manner to impede or obstruct vision between a height of two and one-half (2 1/2') and ten feet (10') above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street line fifty feet (50') from the point of the intersection.

(e) No sign other than those erected by or on behalf of a governmental entity, including governmentally authorized signs and signs required for public safety at construction sites shall be erected or maintained within any public street right-of-way.

(f) No sign shall be painted on or attached to any trees, rocks, fence posts, utility poles, or similar structures or objects.

(g) No sign shall obstruct any doorway, window, or fire escape.

(h) No wall or projecting sign shall extend above the roofline or parapet of any building.

(i) The light from any illuminated sign shall be so directed, shaded, or shielded that the light intensity or brightness shall not adversely affect surrounding or facing premises nor affect in any way the safe vision of operators of moving vehicles. Light shall not be permitted to shine or reflect on or into any residential structure.

(j) All motor vehicles, trucks, trailers and other types of equipment that have company logos or business signs attached to or painted thereon and which are regularly parked on the premises shall be confined to the portion of the property behind the building except while being loaded or unloaded. In the event parking behind the building is not possible, said vehicles, trailers and equipment shall be parked in as remote a location as possible away from the public streets or the public view. The parking of said vehicles with signs to augment tenant identification signage or to attract the attention of the public for the purpose of selling, advertising, displaying, demonstrating or for any other purpose related to promotion of business or other activity on the premises is prohibited.

(k) All electrical service to any sign mounted in any way on the ground or attached to the ground shall be placed underground. Electrical service to all other signs shall be concealed from the public view. All
electrical service and connections shall meet the applicable electrical code.

(2) **Sign maintenance.** (a) Premises maintenance. All ground signs and any other type of sign and the premises surrounding same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.

(b) **Structure maintenance.** Notwithstanding the aforesaid, all signs, together with all their supports, braces, guys and anchors, shall be kept in good, safe repair and, unless plastic, shall be galvanized or noncorroding metal, and shall be maintained in good and safe condition including the periodic application of paint or other weatherproofing material to prevent rust or other decay. The chief building official and/or representative may order the removal of any sign that is not so maintained in accordance with the provisions of this section. Such removal or expense incurred to assure compliance of this chapter shall be at the expense of the permittee or such owner of such sign or occupant or property owner where the same is situated or any one (1) or all of them who shall be jointly and severally liable for such expense.

(c) **Display surface or other advertising surface maintenance.** The display surface or other advertising material of a sign shall not be allowed to deteriorate to a broken, torn, peeling, flaking or otherwise decayed condition and shall be repaired or removed within ninety (90) days of receipt of notice mailed to the owner by certified mail, return receipt requested, from the chief building official ordering such repair or removal. If the owner fails to remove or alter the display surface so as to comply with the standards herein set forth within the time specified in such notice, such display advertising material may be removed or altered to comply with the requirements of this chapter. An appeal may be made to overcome some exceptional condition which poses practical difficulty or particular hardship in such a way as to prevent an owner from repairing the sign.

(d) **Banners, flags, pennants, streamers.** Banners, flags, pennants and streamer signs shall not be allowed to deteriorate to a tattered, torn or faded condition and shall be attached properly at all times. The condition shall be repaired or removed within thirty (30) days of receipt of notice.

(3) **Calculation of display surface area.** (a) The supports or uprights and any covering thereon on which one (1) or more signs are mounted shall not be included in the display surface area.

(b) On signs in which the copy together with the background is designed as an integrated unit separate from the structure on which the sign is mounted, the display surface area shall be the total area within a perimeter that encloses the entire sign copy of background.
(c) On signs that do not have a distinct background separate from the structure on which the sign is mounted, the display surface area shall be the area within a continuous single perimeter composed of one (1) or more rectangles, circles, and/or triangles that enclose the extreme limits of the copy considered to be the sign.

(d) When two (2) sign faces of the same shape and dimensions are mounted back to back on the same sign structure and are either parallel or form an angle not exceeding thirty (30) degrees, only one (1) of the sign faces shall be used to compute the display surface area. If the angle of the sign faces exceeds thirty (30) degrees, then both faces shall be used to compute the display surface area.

(4) Height of signs. The following general rules shall apply in the determination of the height of signs.

(a) The height of any sign shall be measured to the topmost point of the sign or sign structure from the average grade level at the base of the supports or the base of any sign directly attached to the ground.

(b) The height of signs placed on berms, mounds, or similar landscape features or on hills or mounds left after a lot is graded shall be measured from the finished or established grade around such features.

(5) Signs permitted in all districts. The following signs are permitted in all districts and do not require a permit except as specifically noted.

(a) Official federal, state, or local government traffic, directional, or informational signs and notices issued by the court, person, or officer in the performance of an official public duty;

(b) Temporary signs warning of construction, excavation, or similar hazards so long as the hazard may exist;

(c) Signs in the nature of decorations which are seasonal, clearly incidental and customarily associated with any national, local, or religious holiday, celebration or special event of local significance;

(d) Commemorative or historical plaques and tablets;

(e) The official flag of a government, governmental agency, public institution, religious corporation, or other similar entity, or flags flown on a temporary basis for the purpose of honoring declared national or civil holidays. Flags may also be used as a part of a professionally designed and permanently maintained and landscaped entrance or design feature of a residential or commercial development provided that the number of flags shall not exceed three (3). Flags mounted on poles shall meet the height and size requirements of the district in which they are located.

(f) Incidental signs subject to the following restrictions:

(i) Political signs shall be removed no more than three (3) days after the election;
(ii) Yard or garage sale signs shall be removed within one day after the sale;
(iii) Expressive signs shall be removed within three (3) days after an election, campaign, or event but in no case shall be erected for longer than ninety (90) days.
(g) Street names and addresses stamped or painted on mailboxes or on nameplates attached to the principal building;
(h) Directional signs;
(i) Works of art that do not include any commercial messages, symbols, or references.
(6) Signs prohibited in all districts. The following signs or types of signs are prohibited in all districts and are hereby declared to be illegal.
(a) Any sign that is abandoned, deteriorated, unsafe, or not otherwise identified as defined in this chapter. An abandoned sign shall be removed within thirty (30) days of the notification of the owner of the property of the violation.
(b) Any sign which is painted on or attached to a vehicle or vehicular trailers unless such vehicle is in operable condition, carrying all current and valid licenses, and used primarily for the transportation of goods and/or persons in the everyday and ordinary course of business of the owner thereof. Any sign constructed in the bed of a pick-up truck advertising the identity of a business or products available on or off the premises shall be included herein as a prohibited sign.
(c) Signs which are made structurally sound by guy wires or unsightly bracing;
(d) Signs which contain any kind of strobe or pulsating lights;
(e) Animated signs;
(f) Banner signs except as permitted in § 14-306;
(g) Any sign with direct illumination provided by exposed bulbs or lamps;
(h) Flashing signs;
(i) Hand-tacked signs;
(j) Portable signs;
(k) Roof signs;
(l) Inflatable signs, tethered balloons containing a message or other inflatable devices;
(m) Any sign that exhibits statements, words or pictures of an obscene nature, as defined by the United States Supreme Court. (2000 Code, § 14-303, as replaced by Ord. #09-724, Sept. 2011)

14-304. Signs permitted in residential and agricultural districts. Within the residential and agricultural districts as delineated by the Goodlettsville Zoning Ordinance, permanent accessory signs are permitted subject to the provisions as set forth herein.
(1) Community facility signs. (a) A community facility may have one ground sign and one wall sign on the wall that faces a public street or that contains the principal entrance.

(b) A ground sign shall not exceed four feet (4') in height and twenty-five (25) square feet in size. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four feet (4') in height to a maximum of seven feet (7').

(c) A wall sign shall not exceed twenty-five (25) square feet in size.

(d) Signs which are internally illuminated shall not exceed ninety foot (90') lamberts in brightness. In no event shall the light from any sign exceed one-half (1/2) foot-candle at the property line.

(e) Signs shall be set back from the street right-of-way a minimum of fifteen feet (15').

(2) Development signs. (a) A development sign may be located at the major entrance to a new development. Said sign shall be removed within one (1) year of the approval of the development by the planning commission, provided that in the case of a multi-year development the time for removal may be extended by the enforcing officer one (1) additional year for each year the development is under continuous construction. Such sign may be either a pole or ground sign.

(b) A development sign shall not exceed thirty-two (32) square feet in size or fifteen feet (15') in height.

(c) A development sign shall not be lighted.

(d) Any development sign shall be set back from the street right-of-way a minimum of fifteen feet (15').

(3) Residential entrance identification signs. (a) Residential identification signs may be permitted at the entrance(s) to a subdivision or to a planned unit or multi-family development subject to the approval of the planning commission at the time final plans are reviewed.

(b) Two (2) signs may be permitted, one (1) on either side of the entrance if both are on private property located in a joint user access easement or private platted sign easement.

(c) Residential identification signs shall be integrally designed as a part of an attractive brick, stone or similar material architectural feature, permanently constructed and maintained wall, fence or similar feature, or shall be a ground sign. All such areas shall be attractively landscaped.

(d) The maximum display surface area of a residential identification sign shall not exceed twenty-five (25) square feet in size.

(e) The maximum height of such signs shall be seven feet (7').
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(f) All residential identification signs and the attendant landscaped area shall be owned and maintained either by the owner/developer or by a legally established property owners association.

(g) Any lighting on such signs shall be integrated into the entrance feature and shall be subdued and shall light only such sign. No light shall shine or reflect on or into any residential structure.

(4) Residential signs. (a) Any single- or two-family residential activity or any vacant parcel may have one (1) residential sign that may be located anywhere on the lot of the activity.

(b) A residential sign shall not exceed six (6) square feet in size.

(c) Residential signs shall not be illuminated in any way. (2000 Code, § 14-304, as amended by Ord. #08-713, June 2008, and replaced by Ord. #09-724, Sept. 2011)

14-305. Signs permitted in commercial and industrial districts.

Within the commercial districts, commercial and office planned unit development districts and industrial districts, as delineated by the Goodlettsville Zoning Ordinance and Map, there are hereby created herein three (3) sign zones which shall overlay said zoning districts. These zones shall be the city sign zone, the mall sign zone and the interchange sign zone. Additional regulations are established for commercial and office planned unit development districts. Accessory signs are permitted subject to the standards and provisions as set forth herein.

(1) City sign zone. The city sign zone is established as being all of the commercial or industrial districts that are located outside of the interstate or mall sign zones. Within the city sign zone, the following provisions shall apply.

(a) Projecting signs are permitted subject to the following standards:

(i) A use may be permitted to have one (1) projecting sign attached to the front of the building.

(ii) Such sign shall not exceed forty (40) square feet in display surface area.

(iii) Such sign shall not project into the public right-of-way more than six feet (6') provided that in no case shall such sign be closer than two feet (2') from the curb or edge of pavement of the travelway.

(iv) Such sign shall not exceed twenty feet (20') in height measured from the bottom of the sign provided that in no case shall such sign extend above the roof line of the building to which it is attached.

(v) Such sign shall clear the established grade a minimum of ten feet (10').

(vi) Such sign shall be no closer than twenty feet (20') to any other projecting sign.
(b) Wall signs are permitted subject to the following standards:

(i) The display surface area of such sign shall not exceed ten percent (10%) of the square footage of the wall to which it is attached up to a maximum of two hundred (200) square feet.

(ii) Such signs may be located on any wall facing properties in commercial or industrial zones. Wall signs shall not be located on any wall facing properties in residential or agricultural districts.

(iii) Such sign shall not extend above the roofline of the building to which it is attached or the parapet nor shall such sign project outward from the building more than six inches (6”). Any parapet constructed as a part of the building wall or added to an existing building shall match the architecture of the building, be of the same thickness and be on the same plane as the wall of which it is a part. Parapets or additions thereto shall not be braced back to the roof.

(iv) Such sign placed in the horizontal space between windows of a two-story building shall not exceed in height more than two-thirds (2/3) of the distance between the top of the window below and the sill of the window above.

(v) Such sign shall not cover or interrupt major architectural features of the building. Architectural features or details shall not be removed to accommodate a sign.

(vi) If a use utilizes both wall and projecting signs, the total display surface area shall not exceed eighty (80) square feet.

(vii) Signs attached to the inside of windows and intended to be visible from the exterior of the building shall not be counted as a wall sign; provided, however, that such window signs shall not cover more than twenty-five percent (25%) of any window.

(viii) Any canopy sign shall be included in the calculations for total permitted sign area for wall signs and deducted from the total. A canopy sign may be internally illuminated or have back lighting.

(c) Pole or ground signs are permitted subject to the following standards:

(i) A use shall be permitted to have one (1) ground or pole sign for each street frontage. In the event a street frontage is in excess of two hundred fifty feet (250’) in length, one (1) additional such sign shall be permitted with a minimum separation of one hundred feet (100’) between the signs.

(ii) Such sign shall have a maximum display surface area of fifty (50) square feet.

(iii) Between a distance of ten feet (10’) and twenty feet (20’) from the street right-of-way line, all signs shall be ground
signs. The maximum height of a ground sign shall be four feet (4'). Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four feet (4') in height to a maximum of seven feet (7'). Pole signs are permitted subject to a minimum setback from the street right-of-way line of twenty feet (20'). The maximum height of a pole sign shall be thirty feet (30').

(iv) The maximum area of a pole sign including no more than two (2) signs shall be seventy (70) square feet total and the maximum area of a ground sign including no more than two (2) signs shall be fifty (50) square feet total. Any changeable copy sign shall be limited to no more than fifty percent (50%) of the total sign square footage.

(v) Any changeable copy sign may be electronically or mechanically controlled. Such sign shall not flash on and off, scroll across the copy area or change colors sporadically. The display of the message must be static for a minimum of eight (8) seconds. When copy changes occur, they must change instantaneously with no phasing, scrolling, flashing or any other characteristic which imitates movement. Signs installed within two hundred feet (200') of a signalized or planned signalized intersection shall require the message to remain static for a minimum of two (2) minutes. The illumination of an electronic changeable copy sign shall not exceed 0.3 foot candles over ambient lighting conditions, day or night. Measurement shall be as prescribed in the document "Recommended Brightness Levels for On-Premises Electronic Message Centers" published by the International Sign Association. All electronic signs shall be equipped with a sensor device that automatically determines the ambient illumination and each electronic sign shall be programmed to dim in accordance with ambient illumination conditions. Maximum illumination from dusk to dawn shall not exceed five hundred (500) nits. A malfunctioning sign shall be programmed to shut down. Sign shall not be installed within one hundred (100') feet of a residential zoning district measured in a straight line.

(vi) Such sign shall be set back from the right-of-way a minimum of ten feet (10').

(d) The following provisions and standards shall apply to commercial complexes.

(i) A commercial complex may be permitted one (1) pole or ground sign for each street frontage identifying the name of the complex or business. In the event a street frontage is in excess of two hundred fifty feet (250') in length, one (1) additional such sign shall be permitted with a minimum separation of two hundred feet
between the signs. The maximum size of each such sign shall be a ratio of one-half to one (1/2 to 1) of square footage of sign area to the length of the street frontage or the front facade of the building, whichever is greater, with a maximum display surface area of one hundred (100) square feet. In the event the above ratio results in a sign less than fifty (50) square feet in size, then a minimum size sign of fifty (50) square feet shall be permitted.

A sign setback of ten feet (10') from the street right-of-way line shall be observed. Between a distance of ten feet (10') and twenty feet (20') from the street right-of-way line, all signs shall be ground signs. The maximum height of a ground sign shall be four feet (4'). Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four feet (4') in height to a maximum of seven feet (7'). Pole signs are permitted subject to a minimum setback from the street right-of-way line of twenty feet (20'). The maximum height of pole sign shall be thirty feet (30').

(ii) Additional signage may be permitted on the building(s) within the complex and shall be either wall signs, projecting signs or signage painted on glass windows or a combination thereof. Such signage shall be in scale with the size of the wall of the building upon which it is located and be architecturally compatible. The display surface area of such signage shall not exceed ten percent (10%) of the square footage of such wall and may be apportioned for multiple occupants with each occupant being entitled to an equal share of the display surface area. Signs attached to the inside of windows and intended to be viewed from the exterior of the building shall cover no more than twenty-five percent (25%) of such window.

Wall or projecting signs shall be subject to the requirements of § 14-305(1)(a) and (b) above.

(iii) In lieu of a pole or ground sign identifying the name of the complex, such commercial complex may utilize a directory sign identifying individual occupancies subject to the same size requirements as in paragraph (i) above with each occupant being entitled to one (1) directory panel.

(iv) A directory sign listing the names of individual businesses or occupancies may be permitted at the entrance to the parking lot or at the entrance of each building. The maximum display surface area shall not exceed ten (10) square feet and the maximum height shall be six feet (6').

(v) A commercial complex may also be permitted entrance identification signage. Two (2) signs may be permitted,
one (1) on either side of the entrance, and both shall be on private property in a joint user access easement or private platted sign easement. All such signs shall be integrally designed as a part of a permanently constructed and maintained brick, stone, or wood architectural feature or earth berm, all of which shall be permanently and attractively landscaped and privately maintained. No such sign shall exceed twenty-five (25) square feet in size nor seven feet (7') in height.

(e) Signs may be internally or externally illuminated subject to the following standards:

(i) Exposed bulbs are prohibited.
(ii) No sign shall change color or intensity.
(iii) The brightness and surface illumination shall not exceed:

   Internal illumination - 150 foot lamberts
   External illumination - 50 foot candles

(iv) In no event shall the light from any illuminated sign exceed one-half (1/2) foot candle at the property line of any lot that is zoned residential or agricultural.

(v) The light from any illuminated sign shall be shaded, shielded, or directed so that the light intensity or brightness shall not adversely affect the surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private streets or parking areas. Light shall not shine or reflect on or into any residential structure.

(f) This section shall apply only to those uses engaged in the retail petroleum and petroleum products business. In addition to the requirements in § 14-305(1), the following provisions shall apply:

(i) One (1) permanent price sign per street frontage. Such sign shall be affixed to or made a part of the permitted pole sign and shall not exceed twenty (20) square feet in size. Such sign shall be set back from the right-of-way a minimum of ten feet (10').

(ii) Two (2) non-illuminated self-service or full-service signs per pump island may be displayed. Such signs shall not exceed one hundred sixty (160) square inches per sign and shall be located at the ends of the pump island.

(iii) Federal and state stamps, octane ratings, pump use directions, prices, and no smoking signs as required by federal, state, and local authorities may be displayed. Such signs shall be located on the body of the pump.

(iv) Petroleum product pumps or dispensers may display signs on the pumps not to exceed two (2) square feet and designed to be viewed by customers operating the pumps.

(g) This section shall be applicable only to movie houses or theaters. The following additional provisions shall apply:
(i) In lieu of a wall sign or in combination therewith, a marquee sign may be permitted. Such marquee may project over a private sidewalk or driveway but not over a public right-of-way. Such marquee structure shall be permanently attached to the principal building.

(ii) Where the building contains more than one (1) theater, additional display surface area may be permitted up to a maximum of fifty (50) square feet of sign area for each theater. This sign area shall be in addition to an identification sign for the theater(s).

(2) Interchange sign zone. Within the area of the interchanges of I-65 and Rivergate Parkway, Long Hollow Pike, and U.S. 31W identified as "Interstate Sign Zone" as shown on the attached maps, the following provisions shall apply and be in addition to and supplement § 14-305(1). All other pertinent provisions of § 14-305(1) remain as applicable.

(a) Signs installed under this section, the maximum height for a pole sign shall be sixty feet (60') and the minimum height shall be forty feet (40') and the pole sign is to be located between the back of the primary building and the rear property line unless the property contains site limitations that prevent the sign installation and if the sign location would create limited sign visibility as determined during site plan review.

(b) The maximum display surface area for a pole sign shall be one hundred seventy-five (175) square feet. Such display surface area shall include all permitted signage such as changeable copy and price signs. Any changeable copy sign shall be limited to no more than fifty percent (50%) of the total sign square footage, except that any changeable copy sign within one hundred fifty feet (150') of the interstate right-of-way may be one hundred percent (100%) of the sign square footage.

(c) Wall signs shall be a maximum size of fifteen percent (15%) of the area of the wall upon which they are mounted.

(d) A maximum of one (1) pole sign shall be permitted on a property and any additional non-building sign permitted based on property frontage shall be a ground sign.

(3) Mall sign zone. Within the area along Rivergate Parkway and in the vicinity of Rivergate Mall identified as the "Mall Sign Zone" as shown on the attached map, the following provision shall apply and be in addition to and supplement § 14-305(1) above. All other pertinent provisions of § 14-305(1) remain as applicable. The maximum display surface area for a pole sign shall be one hundred (100) square feet. All other pertinent provisions of § 14-305(1) remain as applicable.

(4) Other signs. Vacant parcels of land may have erected thereon one (1) sign of any type that is not otherwise prohibited by § 14-303(6). The maximum size sign shall be twenty (20) square feet, and the maximum height
shall be ten feet (10'). All other pertinent provisions of § 14-305(1) remain as applicable.

(5) Commercial planned unit development districts. (a) Within the GOPUD and ROPUD districts, the following standards for accessory signs shall apply. Accessory business and civic signs are permitted as follows:

(i) A lot or site may be permitted one (1) pole or ground sign for each street frontage identifying the building, establishment or office complex. In the event a street frontage is in excess of two hundred fifty feet (250') in length, one (1) additional such sign may be permitted. The maximum size of each such sign shall be fifty (50) square feet. The maximum height of any pole sign shall be twenty feet (20'). The maximum height of a ground sign shall be four feet (4'). Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four feet (4') in height to a maximum of seven feet (7').

A sign setback of ten feet (10') from the street right-of-way line shall be observed. Between a distance of ten feet (10') and twenty feet (20') from the street right-of-way line, all signs shall be ground signs. Pole signs shall observe a minimum setback from the street right-of-way line of twenty feet (20').

(ii) An office complex may, in lieu of the above, be permitted entrance identification signage. Two (2) signs may be permitted, one (1) on either side of the entrance, and both shall be on private property. All such signs shall be integrally designed as a part of a permanently constructed and maintained brick, stone, or wood architectural feature or earth berm, all of which shall be permanently and attractively landscaped. No sign shall exceed twenty-five (25) square feet in size nor seven feet (7') in height.

(iii) Where more than one (1) building is located on a lot or within an office complex, each building may be permitted an identification sign. Such signage may be located flat against the wall of the building and shall not exceed ten (10) square feet in size, or may be a ground sign and shall not exceed eight (8) square feet in size or three feet (3') in height.

Each business within an office building may be permitted an identification sign which may be attached to the wall of the building or be painted onto glass entrances and shall not exceed five (5) square feet.

Any wall or projecting signs shall be subject to the requirements of § 14-305(1)(a) and (b) above.

A directory sign identifying individual businesses may be permitted at the entrance to the parking lot of an office building or
at another suitable location. The letters within such sign shall not exceed three inches (3") in height. The maximum height shall be four feet (4').

All signs shall be designed to be compatible with the architecture of the building(s) and with the character of the development as determined by review of the planning commission.

(iv) The illumination standards contained in § 14-305(1)(e) shall apply.

(b) Within the commercial CPUD and CPUDL districts, the sign standards in § 14-305(1) shall apply; provided however, that the planning commission may impose, as a part of the approval of the master plan, additional design requirements and/or more restrictive standards to assure compatibility with the style of the building and the character of the area. (2000 Code, § 14-305, as replaced by Ord. #09-724, Sept. 2011, and amended by Ord. #16-863, May 2016 and Ord. #16-879, Oct. 2016)

14-306. Temporary sign provisions. Temporary signs shall be permitted for any lawful activity on a lot or parcel subject to the provisions set forth herein.

(1) General requirements. (a) A permit shall be required for all temporary signs.

(b) Banners may be used as temporary signs provided that such banners shall be securely affixed to the principal building.

(c) One (1) temporary sign may be permitted for each two hundred fifty feet (250') of street frontage on a public street.

(d) All such signs shall be securely installed or fastened and positioned in place so as not to constitute a hazard of any kind.

(e) No temporary sign shall be displayed on a roof.

(f) No temporary sign shall be permitted to project into or over any public street right-of-way, except a banner announcing a fair, festival, parade, or similar activity that will be open to the public.

(g) Temporary signs are permitted at construction sites for the purpose of identifying names of contractors, consultants, etc., and shall be limited to four (4) items of information.

(h) Temporary development signs are permitted to announce the name, developer, and type of development for a new development which has approval of either a site or preliminary master plan.

(2) Duration of temporary signs. Display of temporary signs shall be limited as follows:

(a) Construction signs permitted in § 14-306(1)(g) above shall be removed upon completion of the project.

(b) Signs for special events open to the general public shall be limited to forty-five (45) days.
(c) Signs for special sales or business promotions shall be limited to thirty (30) days.

(d) Display of all temporary signs on a lot or parcel except for those in § 14-306(2)(a) above shall be limited to a maximum of ninety (90) days per calendar year.

(e) Temporary development signs shall be limited to period of time that the project is under development.

(3) Display surface area, height, and illumination. (a) Maximum display surface area shall be thirty-five (35) square feet except for banner signs that have been specifically authorized by the board of commissioners, which shall not be limited.

(b) Maximum height shall be twelve feet (12') except that banner signs displayed over a public street shall have a minimum clearance of fifteen feet (15').

(c) Temporary signs shall not be illuminated except in commercial or industrial districts.

(d) The maximum display surface area for a temporary development sign shall be fifty (50) square feet.

(4) Location of temporary signs. (a) No temporary sign shall be located closer than ten feet (10') from any public right-of-way or the front building line whichever is less.

(b) The minimum distance between any two (2) such signs on the same lot shall be one hundred fifty feet (150').

(c) No temporary sign shall be closer than fifty feet (50') from any permanent sign. (2000 Code, § 14-306, as replaced by Ord. #09-724, Sept. 2011)

14-307. Nonconforming sign provisions. Any sign lawfully existing at the time of the enactment of this chapter but which is not permitted either by type of sign, location, or district, or which fails to meet the standards on regulations shall be classified as a nonconforming as per definitions. The continued use of nonconforming signs shall be governed by the regulations included herein. Any billboard type advertising sign that is regulated under the Federal Highway Beautification Act and oriented to a federal highway shall be governed by the federal regulations provided however that local regulations shall apply to the extent they are not in conflict with federal law. A non-conforming sign within one hundred fifty feet (150') of the interstate right-of-way may include the entire sign square footage to be a changeable copy sign with electronic images. Any request to convert and existing changeable copy to a changeable copy signage including electronic images facing within five hundred feet (500') of a residential zoning district (excluding agricultural zoning districts), the sign face shall not be illuminated between the hours of 12:00 A.M and 6:00 A.M.
(1) Continuation of use. A nonconforming sign may continue to be used for the duration of the use or activity that is located on the property.

(2) Alterations to nonconforming signs. A nonconforming sign may be altered subject to the following conditions.

(a) The proposed alteration is not greater than fifty percent (50%) of the total sign structure or alteration costs are not greater than fifty percent (50%) of its current replacement cost. In the event the proposed alteration is greater than fifty percent (50%) of the above conditions, the sign shall be brought into compliance with current regulations.

(b) The total copy of any sign may be changed in accordance with normal business practices.

(c) The proposed alteration conforms to the provisions of this chapter.

(d) No new nonconformity is created.

(3) Damage or destruction of nonconforming signs. When any such sign is damaged or destroyed from any cause to the extent of fifty percent (50%) of the sign structure or to the extent of fifty percent (50%) of its depreciated value at the time of its damage or destruction, the sign shall be removed or otherwise made to conform or comply with all appropriate provisions of this chapter.

(4) Change of use. Whenever the use of a property or building or part thereof changes, including but not limited to: redevelopment of the site or alteration or remodeling of the structure; all nonconforming signs shall be removed and the site shall be brought into compliance. (2000 Code, § 14-307, as replaced by Ord. #09-724, Sept. 2011, and amended by Ord. #16-879, Oct. 2016)

14-308. Administration and enforcement. (1) Enforcing officer. The administration and enforcement of this chapter is vested with the city manager or his/her designee. Said official shall have the power to issue permits and make inspections of all signs and premises where signs are situated or to be situated thereon and make such other inspections as are necessary to carry out this chapter. Full authority to enforce any and all provisions of this chapter is hereby granted to said official.

(2) Permits, signage plan and fees. (a) Prior to the installation, erection, or modification of any permanent or temporary sign permitted by this chapter, with the exception of those permitted without a permit, the business owner or sign contractor shall obtain a sign permit in accordance with the terms of this chapter.

(b) An application for a sign permit shall be made upon forms provided by the enforcing officer. The application shall be accompanied by a signage plan for the lot which shall include all signs, existing and proposed. The review of the plan application for a sign permit shall be for
the purpose of determining if all proposed signs meet the size, location, height and similar requirements of this chapter. The enforcing officer shall approve or disapprove the signage plan within thirty (30) days after its submittal, and if disapproved, shall state the reasons for the disapproval in writing. After approval of the plan, the permit shall be issued in a timely manner.

(c) For any lot on which the owner proposes to erect any sign requiring a permit, a signage plan shall be submitted containing the following:

(i) An accurate plot plan of the lot;
(ii) Location of all buildings on the lot;
(iii) Computations of the total sign area, the area of individual signs, height and dimensions of individual signs, and locations of signs on the lot and/or buildings;
(iv) Standards for consistency among all signs on the lot and/or buildings with regard to color scheme, graphic style, lighting, material, location on buildings, and proportions;

(d) The signage plan may contain such other restrictions as the owner of the property may determine which are in conformity with the provisions of this chapter and shall be signed by all owners of the property.

(e) A signage plan may be amended by filing a new plan with the enforcing officer that conforms to all requirements of this chapter.

(f) After approval of a signage plan by the enforcing officer, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this chapter. In case of any conflict between the provisions of this chapter and the provisions of any sign plan, the chapter shall control.

(g) The application for the sign permit shall contain the following:

(i) Name, address, and phone number of the property owner;
(ii) Name of persons or firms erecting the sign and all structures;
(iii) Written consent of the owner of the building or property, if different from the applicant, where such sign is to be erected or attached.

(h) The permit fee shall be as established by resolution of the board of commissioners. Said fee may cover all signs included on the plan or may apply to any sign being changed.

(i) A sign permit shall become null and void if construction has not begun within three (3) months of the date of issuance of the permit.
(3) **Exceptions.** Any sign permitted to be erected without a permit as stipulated in § 14-303(5) shall be exempt from the payment fees.

(4) **Appeals.** Any person aggrieved by any action of the enforcing officer in denying or issuing a sign permit as herein described may, within thirty (30) days, appeal for a variance or other relief in writing to the board of sign appeals through the enforcing officer. Action on any permit, the issuance of which has been appealed, shall be suspended pending final decision of the said board on the appeal. The board may set such appeal for public hearing giving such notice to the public or to persons concerned with such appeal as the board deems advisable and in keeping with state law.

(5) **Creation of the board of sign appeals.** There is hereby created a board of sign appeals. Said board shall consist of five (5) members appointed by the mayor for a term of four (4) years. Members shall first be appointed for terms of one (1), two (2), and three (3) years with two (2) members receiving a two (2) year term and two (2) members a three (3) year term. The board shall elect a chairman from its members.

The city shall provide a secretary to keep all records of the board.

(6) **Powers and duties of the board.** The board of sign appeals shall have the following powers and duties:

(a) To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision, determination, or refusal made by the enforcing officer.

(b) To hear and decide requests for variances from the provisions of this chapter.

(7) **Standards for appeal decisions.** Before granting any relief from the application of the provisions of this, the board shall make specific findings of fact justifying the case under appeal.

(a) For a finding of error, the board shall state the section of the ordinance that is being appealed and how the enforcing officer erred in the application of the ordinance requirements.

(b) For an action granting a variance, the board shall state the provisions being varied and shall grant the minimum variance to satisfy the relief of hardship, and shall state the specific hardship which justifies the variance.

The board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

(i) The particular physical surroundings, shape, or topographic conditions of the specific property involved that would result in an exceptional hardship upon the owner as distinguished from an inconvenience.

(ii) The conditions upon which the petition for a variance is based would not be applicable to other similarly situated properties.
(iii) The hardship has not been created by any person having an interest in the property.

(iv) Financial returns only shall not be considered as a basis for granting the variance.

(v) The variance will not be detrimental to the public welfare, injurious to other property, or to the intent and spirit of this chapter.

(vi) The variance does not confer a special privilege to the applicant that is denied to others.

(c) Under no circumstances shall the board grant a variance to allow a sign which is not permitted by this chapter.

(d) The board may impose such conditions and restrictions upon the premises benefitted by the variance as may be necessary to reduce or minimize any injurious effect upon adjoining uses or property, and to better carry out the general intent of this chapter.

(8) Violations and penalties. Any person, firm, or corporation violating any provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined as provided by law. Each day that a violation continues shall be considered a separate offense and an additional violation.

The owner, tenant, or occupant of any building, structure, premises, or any part thereof, and any contractor, builder, architect, engineer, agent, or other person who commits, aids or participates in, or maintains such violation may be found guilty of a separate offense and suffer the penalties as provided herein.

Whenever a violation involves a temporary sign, such sign shall be removed within ten (10) days of the date of the notice of violation. (2000 Code, § 14-308, as replaced by Ord. #09-724, Sept. 2011)

14-309. Legal status provision. (1) Exercise of police power. This entire chapter shall be deemed and construed to be an exercise of the police power of the City of Goodlettsville, Tennessee, adopted under the authority of Tennessee Code Annotated, §§ 6-19-101 and 6-20-205, for the preservation and protection of the public's health, safety, morals, and general welfare, and pursuant to all other powers and authorities for the aforesaid purposes, and all of its provisions shall be liberally construed with a view toward effectuation of such purposes.

(2) Severability. If any section, clause, provision, or portion of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this chapter which is not of itself invalid or unconstitutional.

(3) Conflict with other ordinance. In case of conflict between this chapter or any part hereof, and the whole or part of any existing or future ordinance of the city, the most restrictive provision shall in all cases apply.

(4) Repeal of other sign provisions. The adoption of this chapter shall repeal all provisions, regulations, and references for signs contained in
Ordinance No. 91-450 known as the Goodlettsville Sign Ordinance adopted as a part of title 14 of the Goodlettsville Municipal Code.

(5) **Interpretation.** Words herein in the singular number shall include the plural, the present tense shall include the future, and the masculine gender shall include the feminine and neuter.

(6) **Effective date.** This chapter shall take effect and be in force from and after its passage, the public welfare demanding it. (2000 Code, § 14-309, as replaced by Ord. #09-724, Sept. 2011)
TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING

CHAPTER

1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ENFORCEMENT.
8. FINANCIAL RESPONSIBILITY.

CHAPTER 1

MISCELLANEOUS

SECTION

15-101. Compliance with chapter.
15-102. Driving on streets closed for repairs, etc.
15-103. Following too closely.
15-104. Driving on right side of roadway; exceptions and laned streets.
15-105. Yellow lines.
15-106. Miscellaneous traffic control signs, etc.
15-107. General requirements for traffic control signs, etc.
15-108. Unauthorized traffic control signs, etc.
15-109. Presumption with respect to traffic control signs, etc.
15-110. Driving through funerals or other processions.
15-111. Clinging to vehicles in motion.

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.
15-112. Riding on outside of vehicles.
15-116. Bicycle riders, etc.
15-117. No passing zones.
15-119. Regulation of traffic in shopping centers.
15-120. Authority of police and fire department officials.
15-121. Restricted access to controlled access roadways.
15-122. Interference with official traffic control devices or railroad signs or signals.
15-123. Restrictions in school zones.
15-125. State offenses declared City of Goodlettsville misdemeanors.
15-126. Permits for parades and processions.
15-127. State registration plates required on vehicles; manner of mounting; maintenance.
15-128. State registration plates unlawful use.
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15-130. Driver's or chauffeur's license unlawful use.
15-133. Warrant not to be issued for traffic violation when person cited signs waiver of warrant on citation.
15-134. Scope and effect of chapter.
15-137. Height and length of vehicles and loads.
15-139. Loads on vehicles.
15-140. Gross weight of vehicles and loads.
15-141. When the city commission may restrict use of highways.
15-142. Liability for damage to highway or structure.
15-143. Permits for excess size and weight.
15-144. Restrictions upon use of streets by certain vehicles.
15-145. Restriction on use of off-highway motor vehicles on highways.
15-146. Operation of motor vehicle without adequate energy absorption system prohibited.
15-147. Alteration of altitude from ground level of passenger car and four wheel drive vehicle prohibited.
15-149. Flashing red lights prohibited; exceptions.
15-150. Lights on vehicles other than motor vehicles.
15-151. Operation of vehicle with lamps or spotlights facing backwards prohibited.
15-152. Horns and warning devices.
15-153. Heavy truck traffic prohibited on certain streets.

15-101. **Compliance with chapter.** It shall be unlawful for any person to do any act forbidden, or fail to perform any act required, in this chapter. (2000 Code, § 15-101)

15-102. **Driving on streets closed for repairs, etc.** Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (2000 Code, § 15-102)

15-103. **Following too closely.** The driver of any motor vehicle shall not follow another vehicle more closely than is reasonable and prudent under the conditions then existing. (2000 Code, § 15-104)

15-104. **Driving on right side of roadway; exceptions and laned streets.** (1) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway except as follows:
   (a) When overtaking and passing other vehicles proceeding in the same direction under the rules governing such movement;
   (b) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
   (c) Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon; or
   (d) Upon a roadway restricted to one-way traffic.
   (2) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place under the conditions then existing shall be driven in the right hand lane then available for traffic, or 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 at an intersection or into a private road or driveway. (2000 Code, § 15-105)

15-105. **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.

Whenever any highway has been divided into two (2) or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right hand roadway unless directed or permitted to use another roadway by official traffic control devices or police officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, except through an opening in such physical barrier or dividing section or space or at a cross over or intersection as established, unless specifically prohibited by traffic and parking commission. (2000 Code, § 15-106)

15-106. Miscellaneous traffic control signs, etc. It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic control sign, signal, marking, or device placed or erected by the state or the city unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle willfully to violate or fail to comply with the reasonable directions of any police officer. (2000 Code, § 15-107)

15-107. General requirements for traffic control signs, etc. Pursuant to Tennessee Code Annotated, § 54-5-108, all traffic control signs, signals, markings, and devices shall conform to the latest revision of the Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways, and shall be uniform as to type and location throughout the city. (2000 Code, § 15-108, modified)

15-108. Unauthorized traffic control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic control sign, signal, marking, or device or any railroad sign or signal. (2000 Code, § 15-109)

1Municipal code references
Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-505 - 15-509.

2For the latest revision of the Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways, see the Official Compilation of the Rules and Regulations of the State of Tennessee, § 1680-3-1, et seq.
15-109. **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. All presently installed traffic control signs, signals, markings and devices are hereby expressly authorized, ratified, approved and made official. (2000 Code, § 15-110)

15-110. **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 they are in motion and when such vehicles are conspicuously designated. (2000 Code, § 15-111)

15-111. **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. (2000 Code, § 15-112)

15-112. **Riding on outside of vehicles.** It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load carrying space of trucks. (2000 Code, § 15-113)

15-113. **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, and shall not back into a street intersection, or around a street corner, and in no event shall the distance of the backing movement exceed fifty feet (50') and shall in every case yield the right-of-way to moving traffic and pedestrians. (2000 Code, § 15-114)

15-114. **Mufflers, prevention of noise.** (1) It shall be unlawful to operate any motor vehicle at any time unless equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cut out bypass or similar device upon a vehicle on a highway, within the City of Goodlettsville.

(2) It shall be unlawful to operate the engine and power mechanism of every motor vehicle unless equipped and adjusted as to prevent the escape of excessive fumes or smoke.

(3) It shall be unlawful for any person to cause unnecessary motor vehicle noise by sounding his horn other than in an emergency situation,
"racing" the engine of the motor vehicle or otherwise causing excessive engine noise, or by causing the screeching or squealing of the tires of any motor vehicle other than in an emergency situation. (2000 Code, § 15-115)

15-115. **Passing.** (1) 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.

(2) 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.

(3) 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.

(4) No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

(5) When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

(6) 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. (2000 Code, § 15-116)

15-116. **Bicycle riders, etc.** (1) Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor driven cycles.

(2) No person operating or riding a bicycle, motorcycle, or motor driven cycle shall ride other than upon or astride the permanent and regular seat attached thereto, nor shall the operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon.

(3) No bicycle, motorcycle, or motor driven cycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(4) No person operating a bicycle, motorcycle, or motor driven cycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebar.
(5) No person under the age of sixteen (16) years shall operate any motorcycle, motorbike, or motor driven cycle while any other person is a passenger upon said motor vehicle.

(6) All motorcycles and motor driven cycles operated on public ways within the corporate limits shall be equipped with crash bars approved by the state's commissioner of safety.

(7) Each driver of a motorcycle or motor driven cycle and any passenger thereon shall be required to wear on his head a crash helmet of a type approved by the state's commissioner of safety.

(8) Every motorcycle or motor driven cycle operated upon any public way within the corporate limits shall be equipped with a windshield of a type approved by the state's commissioner of safety, or, in the alternative, the operator and any passenger on any such motorcycle or motor driven cycle shall be required to wear safety goggles of a type approved by the state's commissioner of safety for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

(9) It shall be unlawful for any person to use, ride upon, or otherwise operate a skate board upon any public way, alley, roadway, or other place generally open and accessible for public use, including but not limited to shopping malls and apartment complex parking lots. (2000 Code, § 15-117)

15-117. **No passing zones.** The board of commissioners and police chief are hereby authorized to determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones. When such signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof. (2000 Code, § 15-118)


15-119. **Regulation of traffic in shopping centers.** (1) It shall be unlawful for any person to cause unnecessary traffic congestion by driving a motor vehicle through public access parking lots of any shopping centers, retail

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1State law references
stores, shopping malls, or other public places of retail sales, within the corporate limits of the City of Goodlettsville, without an express purpose to purchase, engage in the act of seeking goods for purchase, or otherwise make use of the facilities of the retail centers, shopping centers, or malls for which such malls and centers were created, when a sign has been posted prohibiting such activity.

(2) For purposes of this chapter only, driving "aimlessly" shall be defined as passing through the perimeter roadways, or any other travel ways within any shopping center, shopping mall, or other retail store more than twice in any twenty (20) minute period.

(3) It shall be the duty of the owner of the property on which the signs are posted to request in writing that the City of Goodlettsville enforce this chapter as to their property. The owner of said property may also post speed limit signs and other traffic control devices regulating the use of the premises, which regulation may be enforced by the City of Goodlettsville, upon written notice to the Police Department of the City of Goodlettsville of installation of said signs. Responsibility and cost for erection of all such signs shall be borne by the property owner, as shall all cost of maintenance of said signs and/or traffic control devices, and all such signs and/or traffic control devices shall be subject to the approval of the City of Goodlettsville and shall conform to the standard uniform traffic sign regulations customarily used by the city, said approval to be obtained prior to erection.

(4) It shall also be unlawful for any person, without legitimate business or purpose, to loiter, wander, or idle in, upon or about the premises regulated herein which are customarily open to the public use. For purposes of this chapter, loitering, wandering, or idling in or upon the premises shall be defined as being about the premises normally open to the public without use of the facilities in whatever manner said facilities are used for and open to the public for a period of not less than twenty (20) minutes.

(5) Any person convicted of a violation of this section shall be guilty of a misdemeanor and punished in accordance with chapter 7 of this title. (2000 Code, § 15-120)

15-120. **Authority of police and fire department officials.** (1) It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all traffic laws and regulations of the City of Goodlettsville and all state laws applicable to traffic in the City of Goodlettsville area.

(2) Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand or signal, in conformance with traffic laws and regulations; provided, that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws or regulations.
(3) Officers of the fire department, when at the scene of a fire, may
direct or assist the police in directing traffic there at or in the immediate
vicinity. (2000 Code, § 15-121)

15-121. Restricted access to controlled access roadways. (1) No
person shall drive a vehicle onto or from any controlled access roadway except
at such entrances and exits as are established by public authority.
(2) No person shall drive a vehicle across the median, traffic island, or
other dividing structure not suitable for vehicular traffic or any roadway within
the City of Goodlettsville. (2000 Code, § 15-122)

15-122. Interference with official traffic control devices or
railroad signs or signals. No person shall, without lawful authority, attempt
to or in fact alter, deface, injure, knock down, or remove any official traffic
control device or any railroad sign or signal or any inscription, shield, or insignia
thereon, or any other part thereof. (2000 Code, § 15-123)

15-123. Restrictions in school zones. No driver of a vehicle shall,
upon approaching any school zone while children are going to or from school,
drive through such zone in excess of fifteen (15) miles per hour. When a school
patrol is on duty at any crosswalk approach to a school for the purpose of
protecting school pedestrians, and shall give a clearly recognizable signal to
approaching traffic, all such approaching traffic shall come to a full stop before
entering the crosswalk and shall proceed only when all school pedestrians in the
street have safely reached the sidewalk. (2000 Code, § 15-124)

15-124. Definitions of words and phrases. The following words and
phrases when used in this chapter shall, for the purpose of this chapter, have
the meanings respectively ascribed to them in this chapter, except when the
context otherwise requires.
(1) "Alley." A street or highway intended to provide access to the rear
or side of lots or buildings in urban districts and not intended for the purpose
of through vehicular traffic.
(2) "Arterial street." Any U.S. or state numbered route, controlled
access highway, or other major radial or circumferential street or highway
designated by the City of Goodlettsville within their respective jurisdictions as
part of a major arterial system of streets or highways.
(3) "Authorized emergency vehicle." Such fire department vehicles,
police vehicles and ambulances as are publicly owned, and such other publicly
or privately-owned vehicles as are designated by the chief of police.
(4) "Autocycle." Autocycle means an enclosed motorcycle that is
equipped with safety belts, rollbar, windshield, wipers, steering wheel, and
equipment otherwise required on a motorcycle, and which has not more than
three (3) wheels in contact with the roadway at any one (1) time.
(5) "Bicycle." Every device propelled by human power upon which any person may ride, having two (2) or more tandem wheels either of which is more than twenty inches (20") in diameter.

(6) "Bus." Every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(7) "Business district." The territory contiguous to and including a highway when within any six hundred feet (600') along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least three hundred feet (300') frontage on one side or three hundred feet (300') collectively on both sides of the highway.

(8) "Cancellation of driver's license." The annulment or termination by formal action of the Tennessee Department of Safety of a person's driver's license because of some error or defect in the license or because the licensee is no longer entitled to such license, but the cancellation of a license is without prejudice and application for a new license may be made at any time after such cancellation.

(9) "Controlled access highway." Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

(10) "Crosswalk."
   (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs, from the edges of the traversible roadway;
   (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(11) "Curb." The lateral boundary of that portion of the street designated for the use of vehicles, whether marked with a curb stone or not.

(12) "Dealer." Every person in the business of buying, selling or exchanging vehicles.

(13) "Divided highway." A highway divided into two (2) or more roadways by leaving an intervening space or by a physical barrier or by a clearly indicated dividing section so constructed as to impede vehicular traffic.

(14) "Driveway towaway operation." Any operation in which any motor vehicle, trailer or semitrailer, singly or in combination, new or used, constitutes the commodity being transported, when one (1) set or more of wheels or any such vehicle are on the roadway during the course of transportation, whether or not any such vehicle furnishes the motive power.
(15) "Driver." Every person who drives or is in actual physical control of a vehicle.
(16) "Driver's license." Any license to operate a motor vehicle issued under the laws of the State of Tennessee.
(17) "Essential parts." All integral and body parts of vehicle of a type required to be registered hereunder, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.
(18) "Established place of business." The place actually occupied either continuously or at regular periods by a dealer or manufacturer where his books and records are kept and a large share of his business is transacted.
(19) "Explosives." Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.
(20) "Farm tractor." Every motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines and other implements of husbandry.
(21) "Flammable liquid." Any liquid which has a flash point of one hundred (100) degrees Fahrenheit, or less as determined by a tagliabue or equivalent closed cup test device.
(22) "Freight curb loading zone." A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight.
(23) "Gross weight." The weight of a vehicle without load plus the weight of any load thereon.
(24) "Highway." The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
(25) "House trailer."
(a) A trailer or semi trailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways; or
(b) A trailer or a semi trailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in paragraph (a), but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except for the transportation of property for hire or the transportation of property for distribution by a private carrier.
(26) "Identifying number." The numbers, and letters, if any, on a vehicle designed by the State of Tennessee for the purpose of identifying the vehicle.

(27) "Implement of husbandry." Every vehicle designed or adapted and used exclusively for agricultural operations and only incidentally operated or moved upon the highways.

(28) "Intersection."
   (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at; or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
   (b) Where a highway includes two (2) roadways thirty feet (30') or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersection highway also includes two (2) roadways thirty feet (30') or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.
   (c) The junction of an alley with a street or highway shall not constitute an intersection.

(29) "Laned roadway." A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

(30) "License or license to operate a motor vehicle." Any driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of this state including:
   (a) Any temporary license or instruction permit;
   (b) The privilege of any person to drive a motor vehicle whether or not such person holds a valid license;
   (c) Any nonresident's operating privilege as defined herein.

(31) "Lien holder." A person holding a security interest in a vehicle.

(32) "Mail." To deposit in the United States mail properly addressed and with postage prepaid.

(33) "Manufacturer." Every person engaged in the business of constructing or assembling vehicles of a type required to be registered hereunder at an established place of business in this state.

(34) "Metal tire." Every tire, the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

(35) "Motor vehicle." Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(36) "Motor home." Every motor vehicle designed, used or maintained primarily as a mobile dwelling, office or commercial space.
(37) "Motorcycle." Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

(38) "Motor driven cycle." Every motorcycle including every motor scooter, with a motor which produces not to exceed five (5) brake horsepower, and every bicycle with motor attached.

(39) "Nonresident." Every person who is not a resident of this state.

(40) "Nonresident's operating privilege." The privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this state.

(41) "Off-highway motor vehicle." For the purpose of title, an off-highway motor vehicle is a vehicle which is not driven or moved on the public highway and is limited to:

(a) Any motorcycle commonly referred to as a "dirt bike";
(b) Any snowmobile or other vehicle designed to travel exclusively over snow or ice;
(c) Any motor vehicle commonly referred to as a "sand buggy," "dune buggy," or "all terrain vehicle"; or
(d) Similar types of motor vehicles designed primarily for off-highway use.

(42) "Official traffic control devices." All signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

(43) "Owner." A person, other than a lien holder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

(44) "Park or parking." Means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

(45) "Parking lot." Any lot or area which is used for the parking of vehicles for which a fee may or may not be charged and which is private or open to the use of the general public.

(46) "Parking meter." Any device by which the time which a vehicle may be parked at any point on the streets of the city is measured and a charge made therefor.

(47) "Parking meter space." Any space adjacent to a parking meter and which is duly designated for the parking of a single vehicle.

(48) "Passenger car." Every motor vehicle, except motorcycles and motor driven cycles, designed for carrying ten (10) passengers or less and used for the transportation of persons.

(49) "Pedestrian." Any person afoot.
(50) "Person." Every natural person, firm, copartnership, association or corporation.

(51) "Pneumatic tire." Every tire in which compressed air is designed to support the load.

(52) "Pole trailer." Every vehicle without power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(53) "Official time standard." Whenever certain hours are named herein they shall mean standard time or daylight saving time as may be in current use in the City of Goodlettsville, Tennessee.

(54) "Passenger curb loading zone." A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

(55) "Police officer." Every officer of the Goodlettsville Police Department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(56) "Private road or driveway." Every way or place in private ownership and use for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(57) "Railroad sign or signal." Any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(58) "Railroad train." A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

(59) "Reconstructed vehicle." Every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition or substitution of essential parts, new or used.

(60) "Registration." The registration certificate of certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles.

(61) "Residence district." The territory continuous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred feet (300') or more is in the main improved with residences or residences and buildings in use for business.

(62) "Revocation of driver's license." The termination by formal action of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the State of Tennessee after the expiration of the applicable period of time prescribed by the state.

(63) "Right-of-way." The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching
under such circumstances of direction, speed and proximity as to give rise to
danger of collision unless one grants precedence to the other.

(64) "Roadway." That portion of a highway improved, designed or
ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the
event a highway includes two (2) or more separate roadways the term "roadway"
as used herein shall refer to any such roadway separately but not to all such
roadways collectively.

(65) "Safety zone." The area or space officially set apart within a
roadway for the exclusive use of pedestrians and which is protected or is so
marked or indicated by adequate signs as to be plainly visible at all times while
set apart as a safety zone.

(66) "School bus." Every motor vehicle that complies with the color and
identification requirements set forth in the most recent edition of Minimum
Standards for School Buses and is used to transport children to or from school
or in connection with school activities, but not including buses operated by
common carriers in urban transportation of school children.

(67) "Semi trailer." Every vehicle with or without motive power, other
than a pole trailer, designed for carrying persons or property and for being
drawn by a motor vehicle and so constructed that some part of its weight and
that of its load rests upon or is carried by another vehicle.

(68) "Sidewalk." That portion of a street between the curb lines, or the
lateral lines of a roadway, and the adjacent property lines, intended for use by
pedestrians.

(69) "Solid rubber tire." Every tire of rubber or other resilient material
which does not depend upon compressed air for the support of the load.

(70) "Special mobile equipment." Every vehicle not designed or used
primarily for the transportation of persons or property and only incidentally
operated or moved over highway, including but not limited to ditch digging
apparatus, well boring apparatus and road construction and maintenance
machinery such as asphalt spreaders, bituminous mixers, bucket loaders,
tractors other than truck tractors, ditchers, leveling graders, finishing machines,
motor graders, road rollers, scarifiers, earth moving carry alls and scrapers,
power shovels and drag lines, and self propelled cranes and earth moving
equipment. The term does not include house trailers, dump trucks, truck
mounted transit mixers, cranes or shovels, or other vehicles designed for the
transportation of persons or property to which machinery has been attached.

(71) "Specially constructed vehicle." Every vehicle of a type required to
be registered hereunder not originally constructed under a distinctive name,
make, model or type by a generally recognized manufacturer of vehicles and not
materially altered from its original construction.

(72) "Stand or standing." Means the halting of a vehicle, whether
occupied or not, otherwise than temporarily of the purpose of and while actually
engaged in receiving and/or discharging passengers.

(73) "State." State of Tennessee.
(74) "Stop." When required means complete cessation from movement.
(75) "Stop or stopping." When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.
(76) "Street." The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for the purposes of vehicular travel.
(77) "Suspension of driver's license." The temporary withdrawal by formal action of a person's license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be for a period specifically designated.
(78) "Through highway." Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such through highway in obedience to a stop sign, yield sign, or other official traffic control device when such signs or devices are erected as provided by resolution of traffic and parking commission.
(79) "Trackless trolley coach." Every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.
(80) "Tractor." Any self propelled vehicle designed or used at a traveling power plant or for drawing other vehicles, but having no provision for carrying loads independently.
(81) "Traffic." Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any street for purposes of travel.
(82) "Traffic control signal." Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.
(83) "Trailer." Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.
(84) "Truck." Every motor vehicle designed, used or maintained primarily for the transportation of property.
(85) "Truck camper." Any structure designed, used or maintained primarily to be loaded on or fixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space.
(86) "Truck tractor." Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
(87) "Urban district." The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling
houses situated at intervals of less than one hundred feet (100') for a distance of a quarter of a mile or more.

(88) "Vehicle." Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks. (2000 Code, § 15-125)

15-125. State offenses declared City of Goodlettsville misdemeanors. The state offenses cited under Tennessee Code Annotated, and which are not specifically made a violation of this code or any other ordinance of the City of Goodlettsville government, are hereby declared to be City of Goodlettsville misdemeanors, the definition of such offenses to be the same as those contained in the state statutes; provided, that this section shall not apply to any offenses which are made exclusively a violation of state law. (2000 Code, § 15-126)

15-126. Permits for parades and processions. No procession or parade, except the military forces of the United States, the military forces of this state, the forces of the police and fire departments and funeral processions, shall occupy, march or proceed along any street except in accordance with a permit issued by the chief of police and such other regulations which may apply. Application for a permit for any such parade or procession shall be made to the chief of police at least forty-eight (48) hours before the parade or procession is to be held. (2000 Code, § 15-127)

15-127. State registration plates required on vehicles; manner of mounting; maintenance. Except as otherwise provided in the Tennessee Code Annotated, no person shall operate any vehicle within the City of Goodlettsville area unless such vehicle shall have affixed thereto current registration plates issued for the operation of the vehicle. Registration plates shall be attached as provided in Tennessee Code Annotated to all vehicles operated upon the roads of the City of Goodlettsville.

Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued, so as to prevent the plate from swinging and in a place and position to be clearly visible, and shall be maintained from foreign materials and in a condition to be clearly legible. Every registration plate shall be clearly visible and free from any covering, decoration, frame, coloring device or any other fixture as apparatus which in any way alters the color or visibility or design of said registration plate. (2000 Code, § 15-128)

15-128. State registration plates unlawful use. It shall be unlawful for any person to use or affix to any vehicle a registration plate other than the one issued for that vehicle. (2000 Code, § 15-129)
15-129. **Driver's or chauffeur's license required.** No person, except those exempted by Tennessee Code Annotated, shall drive any motor vehicle upon any street, alley or thoroughfare within the jurisdiction of the City of Goodlettsville unless such person has a valid license as an operator or chauffeur as provided for in such state law. No person shall operate a motor vehicle as a chauffeur unless he holds a valid chauffeur's license. (2000 Code, § 15-130)

15-130. **Driver's or chauffeur's license unlawful use.** It shall be unlawful for any person to:

1. Display or cause or permit to be displayed or have in his possession any fictitious or fraudulently altered operator's or chauffeur's license.
2. Display or carry a cancelled, suspended, revoked or altered operator's or chauffeur's license.
3. Lend his operator's or chauffeur's license to any other person or knowingly permit the use thereof by another.
4. Display or represent as one's own any operator's or chauffeur's license not issued to him.
5. Permit any unlawful use of an operator's or chauffeur's license issued to him.

15-131. **Impoundment of vehicles.** (1) The term "impoundment," as used in this chapter, is defined as removing a vehicle from a street, alley, highway or thoroughfare to the nearest garage or other place of safety or a garage designated or maintained by the police department or otherwise maintained by the City of Goodlettsville government.

(2) Members of the City of Goodlettsville Police Department shall have authority to impound any vehicle under the circumstances hereinafter enumerated:

(a) When a vehicle is parked, stopped or standing upon any alley, street, highway or thoroughfare within the area of the City of Goodlettsville government in violation of any regulation or ordinance of the City of Goodlettsville government, except overtime parking violations now or hereafter in effect.

(b) When a vehicle is so parked, stopped or standing upon any alley, street, highway or thoroughfare of the City of Goodlettsville government so as to obstruct the orderly flow of traffic thereon.

(c) When a vehicle is left parked on any alley, street, highway or thoroughfare within the City of Goodlettsville government area for a period of forty-eight (48) hours without current registration.

(d) When a vehicle upon any alley, street, highway or thoroughfare in the City of Goodlettsville government area is so disabled
as to constitute an obstruction to traffic and the person in charge of the vehicle does not provide for its custody and removal.

(e) When a vehicle is left parked and unattended in one (1) place on any alley, street, highway or thoroughfare within the City of Goodlettsville government area for a period of forty-eight (48) consecutive hours.

(f) When the driver or operator of such vehicle has been arrested for driving under the influence of intoxicating liquor in violation of the Tennessee Code Annotated, or under other circumstances reasonably related to an arrest.

(3) Whenever it becomes necessary to make an arrest of the operator or driver of any vehicle, the officer making the arrest shall allow the person arrested to remove his vehicle to the nearest legal parking location or to turn over the custody of his vehicle to another person present and not placed under arrest, and capable of providing for the custody and removal of the vehicle.

(a) If no such person is present, then the vehicle may be towed according to police procedures or otherwise impounded at the sole cost and expense of the driver and/or owner of the vehicle.

(4) Whenever an officer of the Goodlettsville Police Department removes a vehicle from any alley, street, highway or thoroughfare, as authorized in this section, the officer shall obtain from the wrecker or tow in service employee a receipt in triplicate, one copy of which shall be retained by the wrecker or tow in service employee, describing the vehicle, the reasons for its removal, the place where the vehicle is to be stored, and all items of a personal nature found in the vehicle and not attached to or a part of the vehicle. Such officer shall give or cause to be given to the owner of such vehicle the duplicate copy of such receipt described in the preceding sentences as notice to such owner of the fact of removal. The original of such receipt described above shall be retained by the City of Goodlettsville Police Department as a permanent record.

(5) The owner or authorized driver or operator of the impounded vehicle may make application to take possession of the same and remove such vehicle from the place to which it has been removed or stored by paying the costs of removing the vehicle from such street or alley and all charges which may have accrued for the storage of the vehicle. (2000 Code, § 15-132)

15-132. Citing violations. It is hereby declared to be the intention of the City of Goodlettsville council that in the issuance of any traffic citation or any complaint or warrant for the violation of any section of this chapter or other City of Goodlettsville government ordinance, it shall be sufficient to cite the number of the section violated, together with a brief statement of cause of action sufficient to place the defendant on notice of the charge he is called upon to defend against.

No traffic complaint or warrant shall be declared void by reason of the fact that the incorrect ordinance or section number was cited, so long as the
complaint or warrant states a cause of action sufficient to place the defendant on notice of the charge he is called upon to defend against. (2000 Code, § 15-133)

15-133. **Warrant not to be issued for traffic violation when person cited signs waiver of warrant on citation.** When any person is charged with a traffic violation in the City of Goodlettsville area and a traffic citation is issued to such person on such violation, it shall be the duty of the municipal court in which such case is set for trial to try the same without the issuance or service of a warrant upon such defendant, provided the defendant has signed a waiver on such citation agreeing to come to court and waiving the issuance and service of a warrant upon him. (2000 Code, § 15-134)

15-134. **Scope and effect of chapter.** (1) It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in Tennessee State Statute Annotated.

(2) The provisions of this chapter governing size, weight and load shall not apply to fire apparatus, road machinery, or to implements of husbandry, including farm tractors, temporarily moved upon a highway, or to a vehicle operated under the terms of a special permit issued as herein provided. (2000 Code, § 15-135)

15-135. **Width of vehicles.** The total outside width of any vehicle or the load thereon shall not exceed eight feet (8’), except as otherwise provided in this section. (2000 Code, § 15-136)

15-136. **Projecting loads on passenger vehicles.** No passenger type vehicle shall be operated on any highway with any load carried thereon extending beyond the left side of such vehicle nor extending more than six inches (6”) beyond the right side thereof. (2000 Code, § 15-137)

15-137. **Height and length of vehicles and loads.** (1) No vehicle including any load thereon shall exceed a height of thirteen feet six inches (13’ 6”).

(2) No vehicle including any load thereon and bumpers shall exceed a length of forty feet (40’) extreme overall dimensions. This limit shall not apply to air conditioning or refrigeration equipment mounted on the front of a trailer or semi trailer.

(3) No combination of vehicles coupled together shall consist of more than two (2) units and no such combination of vehicles including any load thereon shall have an overall length, inclusive of front and rear bumpers, in excess of fifty-five feet (55’) except as otherwise provided herein. (2000 Code, § 15-138)
15-138. **Special load limits.** (1) Subject to the foregoing provisions of this chapter limiting the length of vehicles and loads, the load upon any vehicle operated alone or the load upon the front vehicle of a combination of vehicles shall not extend more than three feet (3') beyond the foremost part of the vehicle, and the load upon any vehicle operated alone or the load upon the rear vehicle of a combination of vehicles shall not extend more than six feet (6') beyond the rear of the bed or body of such vehicle.

(2) The limitations as to length of vehicles and loads heretofore stated in Tennessee Code Annotated, § 27-1-263 and subsection (1) shall not apply to any load upon a pole trailer when transporting poles or pipes or structural material which cannot be dismembered, provided that no pole or pipe or other material exceeding eighty feet (80') in length shall be so transported unless a permit has first been obtained as authorized in Tennessee Code Annotated, § 27-1-269. (2000 Code, § 15-139)

15-139. **Loads on vehicles.** (1) No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, or leaking or otherwise escaping therefrom, provided that this section shall not prohibit the necessary spreading of any substance in highway maintenance or construction operations.

(2) No person shall operate on any highway any vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached or in any manner a hazard to other users of the highway. (2000 Code, § 15-140)

15-140. **Gross weight of vehicles and loads.** Subject to the limit upon the weight imposed upon the highway through any one axle as set forth in the Tennessee State Statute Annotated, the total gross weight with load imposed upon the highway by any one group of two (2) or more consecutive axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distance between the first and last axle of the group of axles measured longitudinally to the nearest foot as set forth in Tennessee State Statute Annotated. (2000 Code, § 15-141)

15-141. **When the city commission may restrict use of highways.**

(1) The city commission may by resolution prohibit the operation of vehicles upon any such highway or impose restrictions as to the gross weight of vehicles to be operated upon any such highway.

(2) The city commission shall cause to be erected and maintained signs designating the provisions of the resolution at each end of that portion of the highway affected thereby, and resolution shall not be effective unless and until such signs are erected and maintained.

(3) The city commission may also by resolution, prohibit the operation of trucks or other commercial vehicles, or may impose limitations as to the
weight or size thereof, on certain highways designated by appropriate signs placed on such highways. (2000 Code, § 15-142)

15-142. Liability for damage to highway or structure. (1) Any person driving any vehicle, object or contrivance upon city street, any highway or highway structure shall be liable for all damage which said city street, highway or highway structure may sustain as a result of any illegal operation, driving or moving of such vehicle, object or contrivance, or as a result of operating, driving or moving any vehicle, object or contrivance weighing in excess of the maximum weight in this regulation but authorized by a special permit issued as provided in this chapter.

(2) Whenever such driver is not the owner of such vehicle, object or contrivance, but is so operating, driving or moving the same with the express or implied permission of said owner, then said owner and driver shall be jointly and severally liable for any such damage.

(3) Such damage may be recovered in a civil action brought by the City of Goodlettsville. (2000 Code, § 15-143)

15-143. Permits for excess size and weight. (1) All persons seeking to operate or move a vehicle or combination of vehicles of a size and weight of vehicle or load exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this regulation upon any highway under the jurisdiction of the City of Goodlettsville shall apply for a permit to operate said vehicle, said application to be made to the Chief of Police of the City of Goodlettsville prior to the introduction of the vehicle and/or its load onto the streets of the City of Goodlettsville. Failure to so apply will be a misdemeanor under this chapter.

(2) The application for any such permit shall specifically describe in writing the vehicle or vehicles and load to be operated or moved and the particular highway for which the permit to operate is requested.

(3) The chief of police shall issue or withhold such permit at his discretion; or, to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to protect the safety of highway users, or to protect the efficient movement of traffic from unreasonable interference, or to protect the highways from undue damage to the road foundations, surfaces or structures.

(4) Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of the city commission and no person shall violate any of the terms and conditions of such special permit. (2000 Code, § 15-144)
15-144. Restrictions upon use of streets by certain vehicles.

(1) The city commission is hereby authorized to determine and designate those heavily traveled streets upon which shall be prohibited the use of the roadway by motor driven cycles, bicycles, horse drawn vehicles or other non motorized traffic and shall erect appropriate signs giving notice thereof.

(2) It is expressly prohibited for skate boards to be used or ridden upon public streets and highways within the City of Goodlettsville, or upon private ways open to public traffic, i.e., apartment complexes, malls, and parking lots. Failure to obey this prohibition shall be a traffic violation under the city ordinances as set out herein.

(3) When signs are so erected giving notice thereof, no person shall disobey the restrictions stated on such signs. (2000 Code, § 15-145)

15-145. Restriction on use of off-highway motor vehicles on highways.  (1) Off-highway motor vehicles as defined in § 15-124 may be operated or driven upon a highway but only as follows:

   (a) On a two (2) lane highway, only to cross such highway at an angle at of approximately ninety degrees (90°) to the direction of the roadway and at a place where a quick and safe crossing may be made.

   (b) With respect to the crossing of a highway having more than (2) lanes, or a highway having limited access, such off-highway motor vehicles, may cross such highways but only at a place designated by the department of transportation or the City of Goodlettsville authorities with respect to highways under their respective jurisdictions as a place where such motor vehicles or specified types of such motor vehicles, may cross the highways, and such vehicles shall cross such highways only at such designated places and only in a quick and safe manner.

   (c) The Department of Transportation and the City of Goodlettsville with respect to highways under their respective jurisdictions may designate, by the erection of appropriate signs of a type approved by the Department of Transportation, places where such motor vehicles, or specified types of such motor vehicles, may cross any highway having more than two (2) lanes or having limited access.

(2) Off-highway motor driven cycles defined in § 15-124 may be moved, by nonmechanical means only, adjacent to a roadway, in such a manner so as to not interfere with traffic upon the highway, only for the purpose of gaining access to, or returning from, areas designed for the operation of off-highway vehicles, when no other route is available. The Department of Transportation or City of Goodlettsville may designate access routes leading to off-highway parks as suitable for the operation of off highway vehicles, if such access routes are available to the general public only for pedestrian and off-highway motor vehicle travel. (2000 Code, § 15-146)
15-146. **Operation of motor vehicle without adequate energy absorption system prohibited.** No person shall operate a motor vehicle on any road, street, highway or in any place open to the public within the city unless the vehicle is equipped with a bumper or other energy absorption system with an analogous function. (2000 Code, § 15-147)

15-147. **Alteration of altitude from ground level of passenger car and four wheel drive vehicle prohibited.** (1) No person shall operate a passenger vehicle, except a four wheel drive recreational vehicle, of a type required to be registered under the laws of this state upon a public highway or street within the city modified by reason of alteration of its altitude from the ground if its bumpers, measured to any point on a loadbearing member on the horizontal bumper bar, are not within the range of fourteen inches (14") to twenty-two inches (22") above the ground, except that no vehicle shall be modified to cause the vehicle body or chassis to come in contact with the ground or expose the fuel tank to damage from collision or cause the wheels to come in contact with the body under normal operation and that no part of the original suspension system be disconnected to defeat the safe operation of the suspension system; provided that nothing contained in this section shall prevent the installation of heavy duty equipment to include shock absorbers and overload springs; and provided further, that nothing contained in this section shall prevent a person from operating a motor vehicle on a public highway within the city with normal wear of the suspension system if normal wear does not affect the control of the vehicle.

(2) No person shall operate a four wheel drive recreational vehicle of a type required to be registered under the laws of this state upon a public highway or street within the city modified by reason of alteration of its altitude from the ground if its bumpers, measured to any point on a load bearing member on the horizontal bumper bar, are not within the range of fourteen inches (14") to thirty-one inches (31") above the ground, except that no vehicle shall be modified to cause the vehicle body or chassis to come in contact with the ground or expose the fuel tank to damage from collision or cause the wheels to come in contact with the body under normal operation and that no part of the original suspension system be disconnected to defeat the safe operation of the suspension system; provided that nothing contained in this section shall prevent the installation of heavy duty equipment to include shock absorbers and overload springs; and provided further, that nothing contained in this section shall prevent a person from operating a motor vehicle on a public highway within the city with normal wear of the suspension system if normal wear does not affect the control of the vehicle. In the case of a four wheel drive vehicle where the thirty-one inches (31") limitation is exceeded, the vehicle will comply with this section if the vehicle is equipped with a drop bumper. Such drop bumper must be bolted and welded to the frame of the vehicle and be made of a strength equal to a stock bumper.
This section shall not apply to freight motor vehicles and/or other vehicles which have designs which would intrinsically preclude conformity with this provision. (2000 Code, § 15-148)

15-148. Lights required on motor vehicles. (1) Every motor vehicle other than a motorcycle, road roller, road machinery or farm tractor shall be equipped with at least two (2) and not more than four (4) headlights, with at least one (1) on each side of the front of the motor vehicle; provided, that auxiliary road lighting lamps may be used, but not more than two (2) of such lamps shall be lighted at any one (1) time in addition to the two (2) required headlights.

(2) Every motorcycle or motor driven cycle shall be equipped with at least one (1) headlight, capable of high beam and low beam settings, and ignition wired to burn during operation of the vehicle.

(3) No spotlight or auxiliary lamps shall be so aimed upon approaching another vehicle that any part of the high intensity portion of the beam therefrom is directed beyond the left side of the motor vehicle upon which the spotlight or auxiliary lamp is mounted, nor more than one hundred feet (100') ahead of such motor vehicle.

(4) Every motor vehicle shall be equipped with two (2) red tail lamps and two (2) red stoplights on the rear of such vehicle, and one (1) tail lamp and one (1) stoplight shall be on each side of the vehicle, except for motorcycles and motor driven cycles, which shall have at least one (1) red tail lamp and one (1) red stoplight.

(5) The stoplight shall be designed to be actuated by the use of brakes or the brake pedal, and shall be capable of being seen and distinguished from a distance of one hundred feet (100') to the rear of a motor vehicle in normal daylight; however, said light shall not be a glaring or dazzling light. Said light may be incorporated with the tail lamp.

(6) Each lamp and stoplight required by this section, as well as the headlights required by this section, shall be in good condition and operational.

(7) Each lamp specified in this section as required shall be used at any time from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise and at any other time when, due to insufficient light or other unfavorable atmospheric conditions, persons and vehicles on the highways are not clearly discernible at a distance of one thousand feet (1,000') ahead of the vehicle. The lights shall be in use whenever it is raining or the use of windshield wipers is required. (2000 Code, § 15-149)

15-149. Flashing red lights prohibited; exceptions. (1) No vehicle operated in this city shall be equipped with any flashing red light which displays to the front of such vehicle, except school buses, authorized law enforcement vehicles only when used in combination with a flashing blue light, and emergency vehicles used in fire fighting, including ambulances, fire fighting
vehicles, rescue vehicles, privately-owned vehicles of regular or volunteer fireman as certified, or other emergency vehicles used in fire fighting owned, operated or subsidized by the governing body of any county or municipality.  

(2) Excepted from this section are emergency rescue vehicles owned, titled and operated by a state chartered rescue squad, members of the Tennessee Association of Rescue Squads, privately-owned vehicles of regular or volunteer fireman as certified, any authorized civil defense emergency vehicle, and any ambulance or vehicle equipped to provide emergency medical services properly licenses as required by the laws of this state, where such vehicles display markings at least three inches (3") in size designating such vehicles as emergency vehicles. Excepted vehicles may display a red light visible, a red oscillating light, and blinking red lights, front and rear.

(3) Any vehicle not excepted by this section which displays such red lights shall be in violation of this section. (2000 Code, § 15-150)

15-150. Lights on vehicles other than motor vehicles. (1) Every vehicle other than a motor vehicle operated within the city upon a roadway designed for public use and travel shall be equipped with a light attached to and on the upper left side of such vehicle, capable of displaying a light visible five hundred feet (500') to the front and five hundred feet (500') to the rear of such vehicle under ordinary atmospheric conditions and such light shall be displayed during the period from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise and at all other times when there is not sufficient light to render clearly discernible any person on the road or highway at a distance of two hundred feet (200') ahead of such vehicle.

(2) For non motorized carts, wagons or conveyances, a red tail lamp shall be displayed on the lower left corner of the rear of such wagon, and a triangle shaped slow moving vehicle identification emblem meeting the standards of the American Society of Agricultural Engineers shall also be placed on the lower left corner of such wagon or conveyance.

(3) Any vehicle failing to display the lights as set out in this section shall be in violation of this section. (2000 Code, § 15-151)

15-151. Operation of vehicle with lamps or spotlights facing backwards prohibited. (1) No person shall operate any vehicle equipped with auxiliary lamps or spotlights on any highway, street or road of the city where such lights face backwards and are in operation.

(2) This section does not apply to emergency vehicles or public utility vehicles; nor does it apply to parked vehicles, but the use of such lights shall not interfere with any vehicle being operated on a street, highway or road. (2000 Code, § 15-152)

15-152. Horns and warning devices. (1) Every motor vehicle when operated upon a highway in this city shall be equipped with a horn in good
working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet (200'), but shall not emit an unreasonably loud or harsh sound or whistle. The driver of a motor vehicle shall use such horn when reasonably necessary for the safe operation of the vehicle, but not otherwise.

(2) No vehicle except an authorized emergency vehicle shall have or use any siren, whistle or bell, except in conjunction with a theft deterrent or alarm system designed for use when the vehicle is not being operated.

(3) Emergency vehicles shall be equipped with a siren, whistle or bell capable of emitting a sound audible under normal conditions from a distance of not less than five hundred feet (500') and of a type approved under the laws of this state, but such device shall only be used when the vehicle is operated in any emergency response or in pursuit situation or at such times as the emergency vehicle operator must warn pedestrian or other drivers of approach. (2000 Code, § 15-153)

15-153. **Heavy truck traffic prohibited on certain streets.**

(1) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon street, road, highway or public thoroughfares, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(2) A "heavy truck" is defined to be any vehicle with a total number of axles greater than four (4).

(3) All heavy trucks will be prohibited from streets so designated by resolution of the Board of Commissioners of the City of Goodlettsville, Tennessee.

(4) The following categories are exempt from the prohibition of this section:

(a) The operation of heavy trucks upon any street where necessary to the conduct of business at a destination point within the city provided streets designated as truck routes are used until reaching the intersection nearest the destination point and

(b) The operation of heavy trucks owned or operated by the city, any contractor or materialman, while under contract to the city while engaged In repair, maintenance, or construction of streets, street improvements, or street utilities within the city.

(5) Signs shall be posted on the entrances to each of the streets designated above indicating either by words or by appropriate symbols that heavy trucks are prohibited from traveling upon said streets.

Any violation of this section shall be punishable by fine not to exceed fifty dollars ($50.00). (2000 Code, § 15-154)

15-154. **Driving on private property.** (1) It shall be unlawful for the driver or operator of any motor vehicle to drive upon or through any private
property of service stations, shopping center, churches, schools, or businesses in the City of Goodlettsville for the purpose of avoiding obedience to any traffic signal, regulation, or traffic control.

(2) It shall be unlawful for such driver or operator of any motor vehicle to use the private property of service stations, shopping centers, churches, schools, or businesses for the purpose of gaining access to a public right-of-way or road from another public right-of-way or road when such access could have been gained by use of a public right-of-way or road. (2000 Code, § 15-155, as amended by Ord. #06-672, March 2006)

15-155. **Loud music.** (1) It shall be unlawful for any person operating or occupying a motor vehicle on any street, highway, alley, parking lot, or driveway, either public or private property, to operate or permit the operation of any sound amplification system, including, but not limited to, any radio, tape player, compact disc player, loud speaker, or any other electrical devise used for the amplification of sound from within the motor vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle. For the purpose of this section, "plainly audible" means any sound which clearly can be heard, by unimpaired auditory senses based on a direct line of sight of fifty (50) or more feet, however, words or phrases need not be discernible and said sound shall include bass reverberation.

(2) Prohibitions contained in this section shall not be applicable to emergency or public safety vehicles, vehicles owned and operated by government or any utility company, for sound emitted unavoidably during the job-related operation, or any motor vehicle used in an authorized public activity for which a permit has been granted by the City of Goodlettsville.

(3) Any violation of this section is publishable by a civil penalty of up to fifty dollars ($50.00). (2000 Code, § 15-156)
CHAPTER 2

EMERGENCY VEHICLES

SECTION
15-201. Obedience to police and fire department officials.
15-203. Following emergency vehicles.
15-204. Running over fire hoses, etc.

15-201. **Obedience to police and fire department officials.** No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer or fireman invested by law with authority to direct, control or regulate traffic. (2000 Code, § 15-201)

15-202. **Operation of authorized emergency vehicles.** (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

(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 or other such designated emergency warning device as approved by the chief of police and when the vehicle is equipped with at least one lighted lamp displaying a red or blue light visible under normal atmospheric conditions from a distance of five hundred feet (500') to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a warning light visible from in front of the vehicle. The colors of all such lights shall be red for any fire department equipment and blue for any police department equipment so operated as an emergency vehicle.

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1Municipal code reference

Operation of other vehicle upon the approach of emergency vehicles: § 15-501.
(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (2000 Code, § 15-202)

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 feet (500') or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (2000 Code, § 15-203)

15-204. **Running over fire hoses, etc.** It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (2000 Code, § 15-204)
CHAPTER 3

SPEED LIMITS

SECTION
15-301. In general.
15-302. At intersections.
15-304. In congested areas.

15-301. In general. (1) No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions in compliance with this chapter.

(2) It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (2000 Code, § 15-301)

15-302. At intersections. It shall be unlawful for any person to 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. (2000 Code, § 15-302)

15-303. In school zones. (1) No driver of a vehicle, upon approaching any school zone while children are going to or from school, shall drive through said zone in excess of fifteen (15) miles per hour.

(2) When a school patrol is on duty at any cross walk approach to a school for the purpose of protecting school pedestrians, and shall give a clearly recognizable signal to approaching traffic, all such approaching traffic shall come to a full stop before entering the cross walk and shall proceed only when all school pedestrians in the street have safely reached the cross walk.

(3) Such special school speed zones shall be established by the city commission, upon the posting of appropriate signs and/or warning flasher or flashers, and shall be in effect only during the times when school children are actually going to or from school, or within ninety (90) minutes prior to such time
and ninety (90) minutes after such time, such times being established by the school board or other appropriate regulating authority for education in the city.

(4) Any person who shall violate any provisions of this section during the times as set out herein, shall be prima facie guilty of reckless driving. (2000 Code, § 15-303, modified)

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 city. (2000 Code, § 15-304)
CHAPTER 4

TURNING MOVEMENTS

SECTION

15-402. Required position and method of turning at intersections.
15-404. Turning to go in opposite direction.

15-401. Generally. (1) No person shall turn a vehicle at an intersection unless the vehicle is in a proper position upon the roadway as required in § 15-402, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless or until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner provided in § 15-404 in the event any other traffic may be effected by such movement.

(2) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal. (2000 Code, § 15-401)

15-402. Required position and method of turning at intersections.

The driver of a vehicle intending to turn at an intersection shall do so as follows:

(1) 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.

(2) 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 such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) Left turns on other than two-way roadways. At any intersection where traffic is restricted to one (1) 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.
(4) The city commission may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs. (2000 Code, § 15-402)

15-403. **Signals for turns.** (1) Every driver who intends to start, stop or turn, or partly turn from a direct line, shall first see that such movement can be made in safety and whenever the operation of any other vehicle may be affected by such movement shall give a signal required in this section, plainly visible to the driver of such other vehicle of his intention to make such movement.

(2) The signal herein required shall be given by means of the hand and arm, or by some mechanical or electrical device approved by the department of safety, in the manner herein specified. Whenever the signal is given by means of the hand and arm, the driver shall indicate his intention to start, stop, or turn, or partly turn, by extending the hand and arm from and beyond the left side of the vehicle, in the following manner:

(a) For left turn, or to pull to the left, the arm shall be extended in a horizontal position straight from and level with the shoulder;

(b) For right turn, or pull to the right, the arm shall be extended upward; and

(c) For slowing down or to stop, the arm shall be extended downward.

(3) Such signals shall be given continuously for a distance of at least fifty feet (50') before stopping, turning, partly turning, or materially altering the course of the vehicle.

(4) Drivers having once given a hand, electrical or mechanical device signal, must continue the course thus indicated, unless they alter the original signal and take care that driver of vehicles and pedestrians have seen and are aware of the change.

(5) Drivers receiving a signal from another driver shall keep their vehicles under complete control and shall be able to avoid an accident resulting from a misunderstanding of such signal.

(6) Drivers of vehicles, standing or stopped at the curb or edge before moving such vehicles, shall give signals of their intention to move into traffic, as hereinbefore provided, before the vehicle shall proceed from the curb.

(7) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, a signal lamp or lamps or mechanical signal device approved by the department when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four inches (24"), or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds
fourteen feet (14'). The latter measurement shall apply to any single vehicle, also to any combination of vehicles. (2000 Code, § 15-403)

15-404. **Turning to go in opposite direction.** (1) The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with other traffic.

(2) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet (500'). (2000 Code, § 15-404, as replaced by Ord. #14-812, March 2014)
CHAPTER 5

STOPPING AND YIELDING

SECTION
15-501. When emerging from alleys, etc.
15-502. To prevent obstructing an intersection.
15-503. At railroad crossings.
15-504. At "stop" signs.
15-505. At "yield" signs.
15-506. At traffic control signals generally.
15-507. At flashing traffic control signals.
15-508. Official traffic control devices, presumption of legality, obedience to such devices.

15-501. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (2000 Code, § 15-502)

15-502. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic control signal indication to proceed. (2000 Code, § 15-503)

15-503. At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen feet (15') from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:
   (1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.
   (2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.
   (3) A railroad train is approaching within approximately one thousand five hundred feet (1,500') of the highway crossing and is emitting an audible signal indicating its approach.
   (4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (2000 Code, § 15-504)
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. (2000 Code, § 15-505)

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. (2000 Code, § 15-506)

15-506. **At traffic control signals generally.** Traffic control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

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

2. **Steady yellow alone, or "Caution":**
   (a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.
   (b) Pedestrians facing such signal shall not enter the roadway unless able to do so safely and without interfering with any vehicular traffic.

3. **Steady red alone, or "Stop":**
   (a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that 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 must 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 unless able to do so safely and without interfering with any vehicular traffic.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall not enter the roadway unless able to do so safely and without interfering with any vehicular traffic.

(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. (2000 Code, § 15-507)

15-507. At flashing traffic control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the city, it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (2000 Code, § 15-508)

15-508. Official traffic control devices, presumption of legality, obedience to such devices. (1) Whenever official traffic control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(2) Any official traffic control device placed pursuant to the provisions of this regulation and purporting to conform to the lawful requirements
pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.

(3) The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto, placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter. (2000 Code, § 15-509)
CHAPTER 6

PARKING

SECTION
15-602. Where prohibited.
15-603. Loading and unloading zones.
15-604. Presumption with respect to illegal parking.
15-605. Presumptions fire lanes handicapped parking.

15-601. Method of parking generally. (1) No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street.

(2) No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of traffic, and with the curb side wheels of the vehicle within twelve inches (12”) of the edge of the roadway.

(3) Upon those streets which have been officially marked or signed for angle parking, vehicles shall be parked at the angle of the curb indicated by such marks or signs, and no vehicle shall occupy more than one (1) parking stall or position when plainly marked.

(4) Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any other public street or alley for more than forty-eight (48) consecutive hours without the prior approval of the city manager, chief of police or their designee.

(5) 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.

(6) When any street or area has been officially marked or signed for angle parking, no person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four feet (24’). (2000 Code, § 15-601, as amended by Ord. #13-803, Aug. 2013, as amended by Ord. #15-854, Jan. 2016)

15-602. Where 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 thirty feet (30’) thereof.
(4) Within fifteen feet (15’) of a fire hydrant.
(5) Within a pedestrian crosswalk.
(6) Within fifty feet (50') of a railroad crossing.
(7) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of 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.
(12) So as to block in or prevent from being moved any vehicle upon any public street within the city or upon private property open to the public use.


15-603. Loading and unloading zones. (1) No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the city as a loading and unloading zone.

(2) The city commission shall not designate or sign any curb loading zone upon special request of any person unless such person makes application therefore in writing to the commission. The commission, upon granting a permit and erecting such signs, shall select from the applicant and deposit in the general fund a service fee in an amount to be set by the commission for each automobile space or portion thereof.

(3) The establishment of a loading zone as a result of special request and upon the payment of such fees by the applicant shall in no manner entitle such applicant to any rights in such loading zones superior to the use of the general public.

(4) All permits issued from such loading zone shall expire one (1) year from the date of erection of the signs. The commission shall not maintain any such sign after one (1) year from the date of erection unless the owner, agent or lessee shall pay to the commission a fee in an amount set by the city commission for each automobile space in advance annually for the maintenance of such signs. The city may remove such signs when the payment of said yearly maintenance fee shall be thirty (30) days in arrears. The city may also remove any such sign whenever public convenience or necessity warrants the same after fifteen (15) days notice of such intended removal was given to such owner, agent or lessee.

(5) The fees required herein shall not apply to any organization chartered by the state as a charitable institution.

(6) A permit for a loading zone may be revoked at anytime by the city in case of misuse or in the case the city finds that such a zone is no longer necessary.
15-604. **Presumption with respect to illegal parking.** (1) 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.

(2) Whenever any police officer finds a vehicle in violation of any of the parking regulations as set out herein, such officer is hereby authorized to move such vehicle or require the driver or other person in charge of the vehicle, if present, to move the same, to a position off the roadway. (2000 Code, § 15-604)

15-605. **Presumptions firelanes handicapped parking.** (1) It shall be further illegal for any operator of any vehicle to park a motor vehicle or other conveyance in any area designated by the city as a fire lane at any time. It shall further be illegal for any operator to leave a vehicle standing at any area designated as a fire lane as set out herein.

(2) For purposes of this subsection, a fire lane shall be designated as any area close to or adjacent to an existing building, where the city has designated the roadway be painted with the appropriate white and red reflective paint. This shall apply to all newly constructed buildings or done during regular maintenance of the roadways and parking lot.

(3) It shall be further illegal for anyone to occupy or park in or stand in a space or lane designated for handicapped parking unless said vehicle or operator displays a handicapped driver permit on a prominent place upon the vehicle so parked.

(4) Any violation of this section shall be punishable by a fine of not less than one hundred dollars ($100.00). (2000 Code, § 15-605, as amended by Ord. #12-775, April 2012)

15-606. **Parking of certain vehicles prohibited.** (1) No person shall park any motor vehicle(s) licensed and/or primarily used for commercial purposes and having a gross vehicle weight in excess of eight thousand (8,000) pounds and/or in excess of twenty-two feet (22') in length on any street within a residential zoning district or upon any residential lot; nor shall any person allow any such motor vehicle to be parked in violation of this section on their property or on property under their control.

(2) No person shall park any trailer or other non-motorized vehicle on any street within a residential zoning district except in designated parking areas or as provided for in subsection (4) herein.

(3) No person shall park any trailer or other non-motorized vehicle in excess of twenty feet (20') in length upon any lot within a residential zoning district; nor shall any person allow any such trailer to be parked in violation of this section on their property or property under their control.
(4) Excluded from this provision are emergency service vehicles, public utility vehicles, privately-owned recreational vehicles or travel trailers used only for camping and vehicles parked in the ordinary course of their business while actively performing a commercial service on the property, such as moving vans/trucks, landscaping trailers, refuse collection vehicles and construction vehicles. Any vehicle parked on residential streets or lots between the hours of 10:00 P.M. and 5:00 A.M. is presumed not to be "actively performing a commercial service on the property."

(5) The length of any trailer covered by the regulations herein shall be measured from the ball connection to the rear most part of the trailer. (2000 Code, § 15-606)
CHAPTER 7

ENFORCEMENT

SECTION
15-701. Issuance of traffic citations.
15-702. Failure to obey citation.
15-703. Illegal parking.
15-704. Impoundment of vehicles.
15-706. Deposit of license in lieu of bond.
15-707. Provisions to apply throughout the corporate limits of the City of Goodlettsville.
15-708. Violation and penalty.

15-701. Issuance of traffic citations.¹ (1) When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator’s license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. If said traffic violator refuses to sign the citation, he shall forthwith be taken into custody.

(2) It shall be unlawful for any alleged violator to give false or misleading information as to his name or address, and the giving of any such false or misleading information shall constitute a separate offense under this section from the traffic violation issued, and shall be punishable by a fine of not less than five hundred dollars ($500.00). (2000 Code, § 15-701)

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. (2000 Code, § 15-702)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take

¹State law reference
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 next regular court date and at a place specified in the citation. (2000 Code, § 15-703)

15-704. Impoundment of vehicles. (1) The term "impoundment," as used in this chapter, is defined as removing a vehicle from a street, alley, highway or thoroughfare to the nearest garage or other place of a safety or a garage designated or maintained by the police department or otherwise maintained by the City of Goodlettsville.

(2) Members of the Goodlettsville Police Department shall have authority to impound any vehicle under the circumstances hereinafter enumerated:

(a) When a vehicle is parked, stopped or standing upon any alley, street, highway or thoroughfare within the area of the City of Goodlettsville in violation of any regulation or ordinance of the City of Goodlettsville except overtime parking violations now or hereafter in effect.

(b) When a vehicle is so parked, stopped or standing upon any alley, street, highway or thoroughfare of the City of Goodlettsville so as to obstruct the orderly flow of traffic thereon.

(c) When a vehicle is left parked on any alley, street, highway or thoroughfare within the City of Goodlettsville area for a period of forty-eight (48) hours without current registration.

(d) When a vehicle upon any alley, street, highway or thoroughfare in the City of Goodlettsville area is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle does not provide for its custody and removal.

(e) When a vehicle is left parked and unattended in one place on any alley, street, highway or thoroughfare within the City of Goodlettsville area for a period of seven (7) consecutive days.

(f) When the driver or operator of such vehicle has been arrested for driving under the influence of intoxicating liquor in violation of the Tennessee Code Annotated.

(3) Whenever it becomes necessary to make an arrest of the operator or driver of any vehicle, the officer making the arrest may allow the person arrested to remove his vehicle to the nearest legal parking location or to turn over the custody of his vehicle to another person present and not placed under arrest, and capable of providing for the custody and removal of the vehicle.

(4) Whenever an officer of the Goodlettsville Police Department removes a vehicle from any alley, street, highway or thoroughfare, as authorized in this section, the officer shall obtain from the wrecker or tow in service employee a receipt in triplicate, one (1) copy of which shall be retained by the wrecker or tow in service employee describing the vehicle, the reasons for its removal, and the date, time, and place of its removal.
removal, the place where the vehicle is to be stored, and all items of a personal nature found in the vehicle and not attached to or a part of the vehicle. Such officer shall give or cause to be given to the owner of such vehicle the duplicate copy of such receipt described in the preceding sentences as notice to such owner of the fact of removal. Said notice may be served by mail at the owner's last known address. The original of such receipt described above shall be retained by the Goodlettsville Police Department as a permanent record.

(5) The owner or authorized driver or operator of the impounded vehicle upon presentation of adequate proof of ownership may make application to take possession of the same and remove such vehicle from the place to which it has been removed or stored by paying the costs of removing the vehicle from such street or alley and all charges which may have accrued for the storage of the vehicle and upon appropriate release(s) from the Goodlettsville Police Department.

(6) The city may set fees for such impoundment, and may retain said vehicle until such fees, as posted, have been paid by the owner of any impounded vehicle along with any other costs which have been incurred as a result of said impoundment. (2000 Code, § 15-704)


15-706. Deposit of license in lieu of bond. (1) Pursuant to Tennessee Code Annotated, § 55-50-801, 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, or under the driver licensing laws of any other state or the District of Columbia, is issued a citation or arrested and charged with a violation of any municipal ordinance regulating traffic, except those ordinances 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 the chauffeur's or operator's license issued under Tennessee Code Annotated, title 55, chapter 50, 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 Goodlettsville, Tennessee, in answer to any such charge before the court except those herein expressly excluded.

(2) Whenever any person hereof 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.

(3) The clerk or judge of a court accepting the license shall thereafter forward to the Department of Safety the license of a driver deposited in lieu of bail if the driver fails to appear in answer to the charge filed against him and which license shall not be released by the Department of Safety until the charge for which such license was so deposited has been disposed of by the court in which pending.  (2000 Code, § 15-706)

15-707. **Provisions to apply throughout the corporate limits of the City of Goodlettsville.** The provisions of title 15 relating to the operation of vehicles, applies to every street, alley, sidewalk, driveway, parking area, park area and every other way within the corporate limits of the City of Goodlettsville, Tennessee, including without in any way restricting the generality of the foregoing, all of said areas which are or may be privately-owned and to which the public is invited or the use of which is or may be afforded to the public by acquiescence and without invitation.  (2000 Code, § 15-707)

15-708. **Violation and penalty.** (1) Any violation of this title shall be a civil offense punishable by a civil penalty in the following amounts for each separate offense:

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<th>Violation</th>
<th>Penalty</th>
</tr>
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<tr>
<td>Reckless driving</td>
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<td>Drivers license law</td>
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<tr>
<td>Passing school bus</td>
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<td>Speeding (no mileage)</td>
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<td>Speeding (10-19 mph above limit)</td>
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<tr>
<td>Speeding (20+ mph above limit)</td>
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<td>Red light/stop sign</td>
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<td>Careless driving</td>
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<td>Other violations</td>
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<tr>
<td>Seat belt</td>
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<tr>
<td>Child restraint</td>
<td>$25</td>
</tr>
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</table>
(2) Any person violating a traffic offense of the City of Goodlettsville may also be assessed court costs as may be determined by the city judge and clerk. Failure to pay any penalties and/or costs may result in late fees of fifty dollars ($50.00) plus an additional late fee of fifty dollars ($50.00) per year. Any person ordered to attend driving school or defensive driving school will be responsible for paying the cost of such school in addition to court costs. (2000 Code, § 15-708)
CHAPTER 8

FINANCIAL RESPONSIBILITY

SECTION
15-801. Compliance with law.
15-802. Evidence of financial responsibility.
15-804. Civil offense.

15-801. Compliance with law. Every vehicle operated within the City of Goodlettsville must be in compliance with the financial responsibility law. (2000 Code, § 15-801)

18-802. Evidence of financial responsibility. At the time the driver of a motor vehicle is charged with any moving violation under Tennessee Code Annotated, title 55, chapters 8 and 10, part 1-5, chapter 50; any provision in this title of this municipal code; or at the time of a traffic crash for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of a crash for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request such evidence from all drivers involved in the crash, without regard to apparent or actual fault. (2000 Code, § 15-802)

15-803. Financial responsibility defined. For the purpose of this section, "financial responsibility" means:

(1) 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 the 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;

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

(3) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the interstate commerce commission, or was owned by the United States, the State of Tennessee, or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent. (2000 Code, § 15-803)
15-804. **Civil offense.** It is a civil offense to fail to provide evidence of financial responsibility pursuant to this ordinance. Any violation of this chapter is punishable by a civil penalty of up to fifty dollars ($50.00). The civil penalty prescribed by this chapter shall be in addition to any other penalty prescribed by the laws of this state or by the Goodlettsville Municipal Code of Ordinances. (2000 Code, § 15-804)

15-805. **Evidence of compliance after violation.** On or before the court date, the person charged with a violation of this chapter may submit evidence of compliance with this ordinance in effect at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (2000 Code, § 15-805)
TITLE 16

STREETS AND SIDEWALKS, ETC.¹

CHAPTER
1. MISCELLANEOUS.
2. EXCAVATIONS, CUTS AND WORK WITHIN RIGHT-OF-WAY.

CHAPTER 1

MISCELLANEOUS

SECTION
16-101. Obstructing streets, alleys, or sidewalks prohibited.
16-102. Trees projecting over streets, etc., regulated.
16-103. Trees, etc., obstructing view at intersections prohibited.
16-104. Projecting signs and awnings, etc., restricted.
16-105. Banners and signs across streets and alleys restricted.
16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
16-108. Abutting occupants to keep sidewalks clean, etc.
16-109. Parades, etc., regulated.
16-110. Animals and vehicles on sidewalks.
16-111. Fires in streets, etc.
16-112. Street specifications, etc.
16-113. Improved properties to display street numbers.
16-114. Solicitation from street or sidewalk.

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. (2000 Code, § 16-101)

16-102. **Trees projecting over streets, etc., regulated.** It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street or alley at a height of less than fourteen feet (14') or over any sidewalk at a height of less than eight feet (8'). (2000 Code, § 16-102)

¹Municipal code reference
   Related motor vehicle and traffic regulations: title 15.
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. (2000 Code, § 16-103)

16-104. **Projecting signs and awnings, etc., restricted.** Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the zoning ordinance. (2000 Code, § 16-104)

16-105. **Banners and signs across streets and alleys restricted.** It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the board of commissioners after a finding that no hazard will be created by such banner or sign. (2000 Code, § 16-105)

16-106. **Gates or doors opening over streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (2000 Code, § 16-106)

16-107. **Obstruction of drainage ditches.** It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right-of-way. (2000 Code, § 16-107)

16-108. **Abutting occupants to keep sidewalks clean, etc.** The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (2000 Code, § 16-108)

16-109. **Parades, etc., regulated.** It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be

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1Municipal code reference
Zoning ordinance: title 14, chapter 2.
unlawful for any person obtaining such a permit to fail to carry out his agreement to immediately clean up the resulting litter. (2000 Code, § 16-109)

16-110. **Animals and vehicles on sidewalks.** It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (2000 Code, § 16-111)

16-111. **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. (2000 Code, § 16-112)

16-112. **Street specifications, etc.** The requisites, specifications, and requirements for newly built streets and highways in the city shall not be less than, but at least equal to, those specifications and requirements adopted and practiced by the Davidson County Highway Department. (2000 Code, § 16-113)

16-113. **Improved properties to display street numbers.** (1) All improved properties or occupancies which utilize a curbside mailbox shall display their street number prominently on said mailbox in such a manner as to:

   (a) Be legible from the street on which the property is located;
   (b) Be of sufficient size so as to be seen easily from the street the address is on;
   (c) Be visible from both directions; and
   (d) Be set on a background of a contrasting color.

   All one- and two-family dwellings shall display numbers a minimum of two inches (2") in height, while all other properties/occupancies shall be a minimum of four inches (4") in height.

   (2) All improved properties or occupancies which do not utilize a curbside mailbox shall display their street number prominently on their building, property, sign, or similar location. All criteria concerning legibility, size and visibility contained in (1) above shall apply.

   (3) Improved properties with multiple occupancies such as office buildings, shopping centers, and apartment complexes shall display the development's street number or range of numbers prominently on their building, property, sign or similar location. These street numbers shall comply with the criteria for legibility, size, and visibility as contained in (1) above.
Street numbers displayed for purposes of this section shall not be limited by the Goodlettsville Sign Ordinance,¹ provided the non compliance is only that necessary to comply with this section.

Enforcement of the provisions of this section shall be the responsibility of the codes department.

All property owners or occupants notified in writing that they are in violation of this section shall have thirty (30) days to comply. Failure to comply shall result in being cited into city court and subject to a fine not to exceed five hundred dollars ($500.00).

If any section, clause, provision, or portion of this section is held to be invalid or unconstitutional by any court of competent jurisdiction, such action shall not affect any other section, clause, provision, or portion of this section which is not of itself invalid or unconstitutional. (2000 Code, § 16-114)

16-114. Solicitation from street or sidewalk. (1) (a) No person shall be allowed to stand in or on a street, highway, roadway or sidewalk for the purpose of soliciting a ride.

(b) No person shall stand on a highway, roadway, public street, or sidewalk for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.

(c) No person shall stand on or in proximity to a street, roadway, highway or sidewalk for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street, roadway or highway.

(2) As used herein, the terms "street," "roadway," "highway," and "sidewalk" shall mean "street," "roadway," "highway," and "sidewalk" as defined in Tennessee Code Annotated, § 55-8-101. (2000 Code, § 16-115)

¹Municipal code reference
Sign regulations: title 14, chapter 2.
CHAPTER 2

EXCAVATIONS, CUTS AND WITHIN RIGHT-OF-WAY

SECTION

16-201. Work performed in public ways; permit required before performing work or making excavations; time of performing work.


16-203. Fees.

16-204. Driveway cuts.

16-205. Barricades required.

16-206. Safety precautions.

16-207. Testing for flammable gases and/or liquids in utility manholes.

16-208. Safety standards.

16-209. Excavation and/or removal of materials.

16-210. Unguarded excavations or openings adjacent to sidewalks or rights-of-way.

16-211. Refilling excavated areas.

16-212. Replacement of curbs, gutters, sidewalks, pavements, etc.

16-213. Flow of traffic.

16-214. Bond and insurance required.


16-201. **Work performed in public ways; permit required before performing work or making excavations; time of performing work.**

(1) No person, firm, association, corporation, public or private utility, or others shall perform any work, dig, or cause to be dug any ditch, drain, trench, or other excavation, nor cause any embankment or other obstruction to be constructed in, on, above, or under any street, road, alley, sidewalk, or other public way within the jurisdiction of the City of Goodlettsville without having first applied for and obtained from the public works director or his designee permission so to do.

Any person, firm, corporation, public or private utility, association, or others maintaining pipes, lines, or other underground facilities in or under the surface of any street, road, alley, sidewalk, or other public way may proceed with an opening without a permit 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 department of public works is open for business and such permit shall be retroactive to the date when the work was begun.

(2) Every permittee holding a valid permit to perform excavation or to otherwise cause any obstruction in, on, or under any street, road, alley, sidewalk, or other public way within the jurisdiction of the City of Goodlettsville
shall perform the work permitted only within the hours stipulated on said permit. Work not completed during any stipulated period of hours shall be bridged, backfilled, or otherwise rendered usable for pedestrian and/or vehicular traffic until the next period of hours during which work is permitted. Each violation of the permitted hours of work shall constitute a separate violation.

Except in an emergency affecting the public health and welfare, the director of public works shall not issue a permit for open cut of Conference Drive or other streets as may be designated by resolution of the city commission. Permits for tunneling, boring or other methods that do not involve open excavation of such designated roadways, may be issued by the director of public works. (2000 Code, § 16-201, as amended by Ord. #04-643, April 2004, and replaced by Ord. #17-900, July 2017)

16-202. Applications. Application for such permits shall be made to the public works director, or such person designated by him to receive such applications, and shall state thereon the location of the intended work, excavation, or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, public or private utility, association, or others doing the actual excavating with emergency (after hours) contact information, and the name of the person, firm, corporation, public or private utility, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the public works director or his designee in a timely fashion (2000 Code, § 16-202, as replaced by Ord. #17-900, July 2017)

16-203. Fees. For the privilege of excavating or doing work within, on, or across streets, roads, alleys, sidewalks, or other public ways within the jurisdiction of the City of Goodlettsville, a fee of one hundred dollars ($100.00) will be charged for each application or permit requested in this chapter. Permits shall be only for the specified project identified within the permit application. This fee may be modified from time to time by resolution of the city commission. (Ord. #04-643, April 2004, as replaced by Ord. #17-900, July 2017)

16-204. Driveway cuts. No one shall cut, build, or maintain a driveway which joins a public right-of-way without first obtaining a permit from the public works director or his designee. Such permit will not be issued when the contemplated driveway is to be so located or constructed as to create a drainage problem or an unreasonable hazard to pedestrian and/or vehicular traffic. Driveway aprons shall not extend out into the street. The director shall be allowed to waive issuance of a permit for driveway cuts if it is determined not to be necessary. (2000 Code, § 16-204, as replaced by Ord. #17-900, July 2017)
16-205. **Barricades required.** Any person, firm, corporation, public or private utility, association, or others doing the excavating, who shall dig or cause to be dug any ditch, drain, or other excavation or cause any embankment or other obstruction to be constructed in, on, under, across, or adjoining any street, alley, road, sidewalk, or other public way or shall perform work in and around any utility manhole in or adjoining any public way within the jurisdiction of the City of Goodlettsville, shall have the same guarded at all times with a substantial barricade, sufficient and suitable to warn persons traveling on or using such street, road, alley, sidewalk, or other public way of the presence of such excavation or utility manhole and against danger therefrom. (2000 Code, § 16-205, as replaced by Ord. #17-900, July 2017)

16-206. **Safety precautions**. (1) Every person, firm, corporation, public or private utility, association, or others, who shall perform work, dig, or cause to be dug any ditch, drain, trench, or other excavation or cause any embankment or other obstruction to be constructed in, on, under, across, or adjoining any street, road, alley, sidewalk, or other public way or shall perform work in and around any utility manhole in or adjoining any public way, within the jurisdiction of the City of Goodlettsville, shall, in addition to barricades heretofore specified, post or otherwise place warning lights at the ends and sides of each excavation, utility manhole, or other obstruction during the entire night, and if such excavation or other obstruction shall extend more than fifty feet (50') along such street, road, alley, sidewalk, or other public way, then additional warning lights shall be placed each twenty-five feet (25') or fraction thereof. Where excavations or other obstructions shall extend across any street, road, alley, sidewalk, or other public way, warning lights shall be placed at six foot (6') intervals along such excavation or other obstruction. All lights shall be secured in such manner as not to be displaced by winds or storms.

(2) If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. It shall be the responsibility of the permittee to adhere to the most recent adopted edition of the Manual of Uniform Traffic-Control Devices.

(3) The permittee shall carry on the work authorized by the permit in such manner as to cause minimum of interference with traffic. He shall provide adequate warning signs and devices to warn and guide traffic, and shall place the signs and warning devices in a position of maximum effectiveness. Where the public works director or his designee determines that difficult or potentially hazardous conditions exist, competent flagmen shall be provided by the permittee to effect a safe and orderly movement of traffic. Where insufficient traffic lanes exist because of street openings, adequate bridging shall be supplied by the permittee. When traffic congestion occurs in spite of all precautions, the permittee shall be responsible for providing police assistance. On main thoroughfares and in congested districts, sufficient traffic lanes shall be kept open at all times to permit substantial normal traffic flow, except when
emergency conditions require otherwise. Unless this can be accomplished, work shall be done only during the periods as the public works director may designate. In the case of emergency occurring in any important thoroughfares, the permittee shall notify the police and fire department immediately. (2000 Code, § 16-206, as replaced by Ord. #17-900, July 2017)

16-207. **Testing for flammable gases and/or liquids in utility manholes.** No person engaged in working in and around any utility manhole shall enter said utility manhole until testing by instrument or other acceptable method has been performed to determine whether or not said manhole is free from toxic or flammable gases and/or liquids. When tests indicate the presence of toxic and/or flammable gases and/or liquids, the manhole shall be properly ventilated prior to entering of manhole by any person. Tests are to be repeated at such intervals as are necessary to make certain that toxic or flammable gases and/or liquids do not recur in hazardous quantities. (2000 Code, § 16-207, as replaced by Ord. #17-900, July 2017)

16-208. **Safety standards.** All work shall be performed in and about any utility manhole in or adjoining any highway, street, alley, sidewalk, or any public way in accordance with OSHA standards and the most recent approved edition of MUTCD - Manual on Uniform Traffic Control Devices. The city manager, chief of police or director of public works or their designees shall have the authority to require work to cease if in their judgment adequate flaggers, signage and other safety measures are not being utilized. (2000 Code, § 16-208, as replaced by Ord. #17-900, July 2017)

16-209. **Excavation and/or removal of materials.** Any person who shall perform work, dig, quarry, or cause to be dug or quarried any dirt, earth, sand, stone, or paving and/or shall remove said materials from, in, on, or under any street, road, alley, sidewalk, or other public way within the jurisdiction of the City of Goodlettsville, without the specific direction and/or permission of the public works director or his designee, shall be subject to such a violation, with each location of such diggings, quarrying, and/or removal to constitute a separate offense. (2000 Code, § 16-209, as replaced by Ord. #17-900, July 2017)

16-210. **Unguarded excavations or openings adjacent to sidewalks or rights-of-way.** It is hereby declared to be a nuisance for any person, firm, corporation, public or private utility, association, or others, to perform any work, make any excavation, or to establish any opening adjacent to any sidewalk or public right-of-way within the jurisdiction of the City of Goodlettsville without the erection of barricades or other proper precautions to prevent danger to persons or vehicles passing along said sidewalk or public right-of-way. (2000 Code, § 16-210, as replaced by Ord. #17-900, July 2017)
16-211. **Refilling excavated areas.** Every person, firm, corporation, public or private utility, association or others, who shall dig or cause to be dug any ditch, drain, trench, or other excavation in, on, under, or across any street, road, alley, sidewalk, or other public way within the jurisdiction of the City of Goodlettsville, shall refill carefully all such ditches, drains, trenches, or other excavations by replacing with compacted crushed stone in paved areas, under sidewalks and roadway shoulders pending replacement of pavements and/or other improvements, and shall fill said ditch, drain, trench, or other excavation with selected earth materials in unpaved or otherwise unimproved areas. (2000 Code, § 16-211, as replaced by Ord. #17-900, July 2017)

16-212. **Replacement of curbs, gutters, sidewalks, pavements, etc.**
Every person, firm, corporation, public or private utility, association or others, excavating in, on, under, or across any street, road, alley, sidewalk, or other public way within the jurisdiction of the City of Goodlettsville shall replace all curbs, gutters, sidewalks, pavements, or other special structures disturbed, displaced, or removed, at the expense of said persons making the excavations and in accordance with the standard requirements and specifications of the public works director. (2000 Code, § 16-212, as replaced by Ord. #17-900, July 2017)

16-213. **Flow of traffic.** At no time shall any permitted work under this chapter create a negative impact on traffic flow on streets and highways within the city. The city manager, chief of police or director of public works or their designees shall have the authority to require work to cease if in their judgment work being performed is negatively effecting traffic flow on streets and highways within the city. (2000 Code, § 16-213, as replaced by Ord. #17-900, July 2017)

16-214. **Bond and insurance required.** No permit shall be issued by the public works director or his designee to any person, firm, corporation, public or private utility, association, or others, for the privilege of excavating in, on, or across any street, road, alley, sidewalk, or other public way within the jurisdiction of the City of Goodlettsville, until a bond is posted in the amount of ten thousand dollars ($10,000.00) to insure faithful performance of all work and payment of fees and shall have further furnished certificates of liability insurance in total amount of one million dollars ($1,000,000.00) per occurrence. Such liability insurance policies shall contain a rider annexed to such policies containing the following provision:

"This policy shall not be cancelled, terminated, nullified, or changed by the company unless thirty (30) days prior written notice is sent to the insured by registered mail addressed to the public works director of the City of Goodlettsville, Tennessee."
This chapter shall not apply to any excavation in connection with a public improvement or public work where the work is performed by the city. (2000 Code, § 16-214, as replaced by Ord. #17-900, July 2017)

**16-215. Penalty for violation.** The violation of any provision of this chapter shall be subject to a penalty of up to five hundred dollars ($500.00) for each violation. (as added by Ord. #17-900, July 2017)
TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER 1

REFUSE

SECTION
17-101. Refuse defined; definitions.
17-102. Premises to be kept clean.
17-103. Number and size of containers
17-104. Lids required; condition of containers.
17-105. Weight of containers; prohibited materials.
17-106. Residential collection procedures.
17-107. Dogs; gates.
17-108. Personal effects.
17-109. Special pickup, chipper service, and bulk rubbish.
17-110. Household litter in city containers prohibited.
17-111. Disturbing containers.
17-112. Collection.
17-114. Disposal.
17-115. Hours for emptying or removing containers.
17-117. Sanitation fees.

17-101. **Refuse defined; definitions.** The term refuse as hereinafter referred to in this chapter shall mean and include garbage, rubbish, trash, yard waste, and street cleanings as those terms are generally defined but shall not include body wastes, industrial or medical by-products, hazardous waste, construction waste and dead animals.

(1) **"Authorized residential container."** A ninety (90) gallon roll out cart used in semiautomatic or automated collection. Containers must be approved by the City of Goodlettsville and of a type suitable for collection by city equipment.

¹Municipal code reference

Property maintenance regulations: title 13.
(2) "Bulk rubbish." The term bulk rubbish shall mean items which by their seize and shape cannot be readily placed in City of Goodlettsville approved containers, including but not limited to boxes, furniture, bedding and appliances.

(3) "Commercial housing facility." The term commercial housing facility shall mean a structure or grouping of structures, apartment complex, or mobile home park which contains more than four (4) dwelling units. Individually deeded units are excluded from this definition.

(4) "Commercial waste." The term commercial waste shall mean waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment, office or professional building, shopping center, commercial housing facility, church, hospital, club or other similar organization.

(5) "Construction waste." The term construction waste shall mean materials from construction, demolition, repairs, remodeling, including but not limited to bricks, block, stone, concrete, dirt, asphalt, debris, lumber, roofing, plaster, drywall and all types of scrap building materials.

(6) "Hazardous waste." The term hazardous waste shall mean any chemical compound, mixture, substance or article which may constitute a hazard to health or may cause damage to property by reason of being explosive, flammable, poisonous, corrosive, unstable, irritating, radioactive, infectious, or otherwise harmful including hazardous waste as defined in Tennessee Code Annotated, § 68-211-802(a)(7) and household hazardous waste as defined in Tennessee Code Annotated, § 68-211-802(a)(7).

(7) "Industrial waste." The term industrial waste shall mean all such wastes specific to industrial, manufacturing or processing plants.

(8) "Infectious waste." The term infectious waste shall mean waste which contains pathogens with sufficient virulence and quantity so that exposure to the waste could result in an infectious diseases. Infectious waste including, but not limited to, those classified by the following:

(a) Isolation wastes - Wastes contaminated by patients who are isolated due to communicable disease as provided in the U.S. Centers for Disease Control Guidelines for Isolation Precautions in Hospitals.

(b) Cultures and stocks of infectious agents and associated biological - Cultures and stocks of infectious agents, including specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, waste from the production of biological, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures.

(c) Human blood and blood products - Waste human blood and blood products such as serum, plasma, and other blood components.

(d) Pathological wastes - Pathological wastes such as tissues, organs, body parts, and body fluids.
(e) Discarded sharps - All discarded sharps such as hypodermic needles, syringes, pipettes, broken glass, scalpel blades, etc. used in patient care, medical research, or industrial laboratories.

(f) Contaminated animal carcasses, body parts, and bedding - Contaminated carcasses, body parts (including fluids), and bedding of animals that were intentionally exposed to pathogens in research, in the production of biological, or in the testing of pharmaceuticals.

(9) "Residential housing facility." The term residential housing facility shall mean a single structure containing four (4) dwelling units or less and not operated as part of a commercial facility.

(10) "Residential waste." The term residential waste means garbage resulting from the operation and maintenance of dwelling units, excluding commercial housing facilities.

(11) "Yard waste." The term yard waste shall mean grass clippings, leaves, tree and shrubbery trimmings, and other related yard waste materials.

(2000 Code, § 17-101)

17-102. Premises to be kept clean. All persons within the city are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (2000 Code, § 17-102)

17-103. Number and size of containers. It shall be mandatory that all residential waste collected by the city be first placed in wheeled refuse containers. Upon the effective date of this chapter the owners of newly purchased residential housing facilities, as a condition of starting garbage collection service provided by the City of Goodlettsville, shall pay the sum of seventy-five dollars ($75.00) to set up the service. Homeowners who purchase and move to another existing residence in the city are exempt from a setup fee for trash pickup service.

Each owner, occupant, or other responsible person using or occupying a residential dwelling unit within the city limits shall be limited to a maximum of two ninety (90) gallon wheeled refuse containers. Any resident needing a second container shall pay an additional fee of seventy-five dollars ($75.00). Fees may be modified by resolution of the city commission.

The containers shall remain the property of the city at the property address where delivered, and are assigned to residences for the health, safety, convenience, and general welfare of the occupants. Containers which are damaged, destroyed, or stolen through neglect, improper use or abuse by the occupant-users shall be replaced by the city at the expense of the occupants or the owner of the residence. Containers which are owned by the city and damaged in the course of normal and reasonable usage shall be repaired or replaced by the city at no charge to the occupant-users or residence owner. The
containers shall not be damaged, destroyed, defaced, or removed from the premises by any person. Markings and identification devices on the containers except as placed or specifically permitted by the city are expressly prohibited and shall be regarded as damage to the containers.

Where the wheeled container program has not been implemented by the department of public works, residents of those areas will be allowed a limit of four (4) can-type galvanized or plastic containers per dwelling, no smaller than twenty (20) gallons nor larger than thirty (30) gallons. Fifty-five (55) gallon drum barrels are specifically prohibited. Cans weighing over seventy-five (75) pounds will not be picked up. (2000 Code, § 17-103, as amended by Ord. #03-638, Oct. 2003)

17-104. Lids required; condition of containers. Lids or covers shall be kept in place in order to make cans watertight. All cans shall be free of ragged or sharp edges and shall be kept as clean and sanitary as possible. (2000 Code, § 17-104)

17-105. Weight of containers; prohibited materials. Wheeled containers when filled shall weigh no more than two hundred fifty (250) pounds. Bricks, lumber, rocks, dirt, building materials including paint, remodeling waste, tree limbs, leaves, grass cuttings, garden trimmings, ashes, animal feces, dead animals, or any other material deemed unsafe are prohibited from being placed in containers. (2000 Code, § 17-105)

17-106. Residential collection procedures. Collection, conveyance, and disposal of residential waste by the City of Goodlettsville shall be done regularly in accordance with an announced schedule.

Residential collection shall be made from curbside. Containers shall be placed adjacent to and back of the pavement edge if there is no curb. Containers shall be placed in such a location as to be readily accessible for removal by the City of Goodlettsville and in such a manner as not to interfere with overhead power lines or tree branches, parked cars, vehicular traffic, or in any other way that would constitute a public hazard or nuisance. Containers shall not be placed, without the express permission of the city, on a public sidewalk, in the street, or in a drainage ditch.

All residents shall place their containers at curbside or street side no later than 6:30 A.M. on the date of collection. As soon as practicable, but no later than 7:00 P.M., after such containers have been emptied, they shall be removed by the owner or occupant to within, or to the rear of, the premises and away from the street until the next scheduled time for collection.

Application for exemption to the requirements above may be made by any resident who is unable to push the container to the curb due to age, illness, or disability and who does not have an able-bodied person in the residence, or due to extreme driveway grade.
In the event a residential occupant of premises has a private driveway of three hundred feet (300') in length or more, with reasonable and adequate space for city refuse vehicles to maneuver in and out for refuse collection, said residential occupant of the premises shall be entitled to have exemption from the requirement of curbside container placement.

Certain areas may also be entitled to have exemption from the requirements of curbside container placement due to physical features that would prevent the safe and efficient collection of residential waste. A statement holding the city harmless for damage to the property by collection vehicles will be executed by the property owner.

Residential waste must be drained of all liquids and secured in plastic bags to prior to placing in containers. The containers shall be maintained in a clean and sanitary manner and shall be thoroughly cleaned by washing as often as necessary to prevent the breeding of flies and the occurrences of offensive odors.

Items prohibited from collection shall include but not be limited to hazardous waste, infectious waste, and construction waste. (2000 Code, § 17-106)

17-107. **Dogs; gates.** Containers shall be placed where collectors may empty them without coming into contact with dogs. Because of the possibility of dog bite and injury, if a dog threatens a sanitation worker and makes pickup impossible, the garbage will not be collected. Where containers are inside a fenced area, a gate at least forty inches (40") wide shall be open to provide safe and convenient passage of collectors and equipment. (2000 Code, § 17-107)

17-108. **Personal effects.** Personal effects shall not be placed near the garage containers. Garbage and refuse shall not be stored in close proximity to other personal effects which are not desired to be collected, but shall be reasonably separated in order that the collectors can clearly distinguish between what is to be collected and what is not. (2000 Code, § 17-108)

17-109. **Special pickup, chipper service, and bulk rubbish.** All brush (tree limbs, shrubbery and hedge trimmings) must be placed at curbside or street side adjacent to the front property line with the cut ends facing the street. Limb size should not exceed six inches (6") in diameter or ten feet (10') in length. The trunks or limbs of trees measuring six inches (6") or more in diameter shall be cut into lengths of not more than two feet (2') and a weight of no more than seventy-five (75) pounds. All brush shall be neatly stacked in an unscattered manner and shall not be placed on top of water/gas meters or valves, piled against utility poles, or any item which could be damaged by collection equipment.
All leaves and grass clippings collected by the city shall be secured in plastic bags and placed at the street or adjacent to a driveway that is accessible by city collection equipment.

Collection of residential bulk rubbish (as defined in this chapter) shall be performed after payment of a fee-for-service by the requesting residential property owner or occupant. Bulk rubbish must be placed at the street or adjacent to a driveway that is accessible by city collection equipment. Refrigerators and freezers shall have doors removed or secured, and shall have all contents removed. All cardboard boxes, cartons, and crates shall be completely collapsed prior to being deposited for collection.

The City of Goodlettsville shall not be responsible for the collection and disposal of construction waste, bulk rubbish, yard waste or any other forms of solid waste generated or produced by contractors, tree trimmers, or persons doing work for profit or personal gain. The removal and disposal of such materials shall be the responsibility of the contractor, developer, or property owner. (2000 Code, § 17-109, as amended by Ord. #08-718, July 2008)

17-110. **Household litter in city containers prohibited.** Placement of household litter in city litter barrels placed in recreational locations in the city is prohibited. (2000 Code, § 17-110)

17-111. **Disturbing containers.** No unauthorized personnel shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another or to the city. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (2000 Code, § 17-111)

17-112. **Collection.** All refuse containers within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the city manager shall designate. Such officer shall develop and provide to the public, such rules as deemed necessary to implement this chapter except that such rules may not conflict with the provisions of this chapter. Collections shall be made regularly in accordance with an announced schedule in the absence of unforeseen circumstances. (2000 Code, § 17-112)

17-113. **Collection vehicles.** The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (2000 Code, § 17-113)

17-114. **Disposal.** The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for
refuse disposal by the city commission is expressly prohibited. (2000 Code, § 17-114)

17-115. **Hours for emptying or removing containers.** No person shall empty or remove any containers used for the accumulating or handling of garbage or rubbish between the hours of 11:00 P.M. and 7:00 A.M. when said containers are located within three hundred feet (300') of any building or structure used for residential purposes. Provided, however, the prohibition of such activity shall not be applicable when specifically permitted by the director of the department of public works. (2000 Code, § 17-115)

17-116. **Commercial and industrial collection procedures.** The City of Goodlettsville does not provide for commercial and industrial waste collection. The collection and disposal of said waste shall be the responsibility of the owner, lessee, occupants, or producer. (2000 Code, § 17-116)

17-117. **Sanitation fees.** (1) Sanitation fees may be established to fully fund operational and capital costs of providing the service of collection, conveyance and disposal of residential waste and bulk rubbish, as defined in title 17, chapter 1, §§ 17-101(5) and (11).

(2) The sanitation fees established shall be assessed on all properties upon which a residential housing facility, as defined in title 17, chapter 1, § 17-101(8). (Ord. #08-715, June 2008)
18-101. **Definition of sewer line.** A sewer line is that part of the horizontal pipe which begins outside the wall of a building and connects the building drain with the main public sewer. (2000 Code, § 18-101)
18-102. **Specific requirements.** (1) Rain water leaders. Roof leaders, surface drains, or ground water drains shall not be connected to the sanitary sewer.

(2) **Independent system.** Each house sewer and drainage system shall be independent of that of any other building except that where one (1) building stands in the rear of another building located on an interior lot, the house sewer from the front building may be extended to the rear building and the whole considered as one (1) house sewer.

(3) **Use of public sewer required.** Where a public sewer is accessible to a building, the liquid wastes from any plumbing system in said building shall discharge into the public sewer unless:

(a) The building was not connected to the public sewer system prior to October 1, 2016, (in the event the septic system for said building ceases to function in accordance to applicable Davidson County or Sumner County Board of Health regulations or fails to meet *Tennessee Code Annotated*, § 68-221-401 et seq. mandatory connection to public sewer system is required) and/or

(b) The building is greater than two hundred fifty (250) linear feet from a public sewer main. The distance is to be measured in a straight line from the closest corner of the building to the public sewer main, and/or

(c) If buildings are separated from the sewer by a buildable lot, cannot drain to the sewer by gravity, or have a major portion of the building plumbing which cannot drain to the sewer by gravity or any other extreme and expensive connection issue then the city manager or their designee may waive the requirement of public sewer connection until which time the public sewer is more readily available to such building. If the public sewer connection requirement is waived then the city manager or their designee shall report such to the board of commissioners. (2000 Code, § 18-102, as amended by Ord. #16-876, Sept. 2016)

18-103. **Inspector.** The sewer inspector shall be appointed by the city manager. He shall supervise all sewer connections and excavations for the purpose of installing or repairing the same. (2000 Code, § 18-103)

18-104. **Specifications.** (1) **Material.** All house sewers shall be constructed of either clay sewer pipe, concrete sewer pipe, or cast iron soil pipe, meeting ASTM specifications and *International Plumbing Code* specifications which will assure water tight joints.

(2) All joints shall be installed according to manufacturer's recommendations.

(3) At transition from sewer connection from clay, concrete, and cast iron, a sleeve type adapter shall be used.
(4) Connection of four inch (4") house sewer to six inch (6") sewer tap shall be made with four by six (4 x 6) factory made increaser meeting ASTM specifications.

(5) A cleanout shall be located not more than ten feet (10') from the foundation of the building constructed of cast iron "Y" or "T" fittings with threaded cleanout.

(6) From this point to city sewer, clay, concrete, or cast iron sewer pipe must be used with water tight connection.

(7) Every sewer line shall have one "Y" or "T" fitting brought to grade within every eighty feet (80') of line.

(8) No house sewer shall be less than four inches (4") in diameter. No individual building or large commercial building or multi family dwelling sewer shall be less than six inches (6") in diameter.

(9) Grades for house sewers. Unless otherwise authorized, all house sewers shall have a grade of not less than one-eight inch (1/8") per foot. A grade of one-fourth inch (1/4") per foot shall be used wherever practical.

(10) For safety purposes it is recommended that all abandoned septic tanks be filled with dirt.

(11) Trenching and backfilling. All excavations shall be open trench work unless otherwise authorized by the sewer inspector. The foundation in the trench shall be formed to present any subsequent settlement of the pipes. If the foundation is good, firm earth, the earth shall be pared or molded to give a full support to the lower quadrant of each pipe. Bell holes shall be dug. Where the floor of the trench is of hard or rocky material, the trench shall be excavated to four inches (4") below grade and brought back to the proper grade with fine gravel, coarse sand, or similar material so as to provide a firm foundation and uniform support for the house sewer line. Backfilling shall be placed in layers and solidly tamped or packed up to two feet (2') above the pipe. Backfilling shall not be done until final inspection is made by the sewer inspector.

(12) Use of old house sewers. Old house sewers or portions thereof may be approved for use by the sewer inspector. The sewer inspector may require that the old sewer be excavated for the purpose of facilitating inspection. No old cesspool or septic tank shall be connected to any portion of a house sewer that is also connected to the public sewer. (2000 Code, § 18-104)

18-105. Inspection. Each part of the sewer line shall be inspected and approved by the sewer inspector before being concealed or backfilled. (2000 Code, § 18-105)
18-106. **Schedule of rates.** The bimonthly rate for sewer service shall be that adopted by appropriate ordinance or resolution of the board of commissioners.\(^1\) (2000 Code, § 18-106)

18-107. **No free service.** No sewer service shall be furnished or rendered free of charge to any person, firm, or corporation or to the city. (2000 Code, § 18-107)

18-108. **Billing.** All water meters shall be read bimonthly to the nearest one hundred (100) cubic feet and bills rendered bimonthly based on such reading. All bills shall be due and payable from and after the date such bills are rendered, at the office of Madison Suburban Utility District in Madison, Tennessee, or other offices designated by said district, during the regular hours of business, and such funds shall be remitted to the city of Madison Suburban Utility District in accordance with the city's contract with it of April 11, 1967.

The City of Goodlettsville is hereby authorized to enter into a contract between the Metropolitan government, the City of Goodlettsville, and the White House Utility District for the billing and collection of sewer fees in the Sumner County portion of the City of Goodlettsville, Tennessee.\(^2\) (2000 Code, § 18-108)

18-109. **Faulty meter; averaging bills.** In the event any water meter shall be found to be inoperative at the end of any given billing period or to be faulty or inaccurate for any reason, the meter will be replaced or repaired as soon as possible, and the bill for sewer service during the period shall be the average of the last three (3) bimonthly bills. (2000 Code, § 18-109)

18-110. **Disconnection for delinquency.** That if any bill for sewer service shall be and remain past due and unpaid for as long as sixty (60) days, water service to such delinquent customer shall be disconnected and shall not be reconnected until all past due bills shall have been paid in full. It shall be the duty of the city manager to notify the operator of the system of such delinquency, who shall proceed immediately to the premises of the customer so in arrears and disconnect said service. (2000 Code, § 18-110)

18-111. **Sewer deposit.** Each customer shall, before connecting with the sewer system, obtain a permit therefor from the city and shall deposit such amounts as are required by Madison Suburban Utility District for the prompt

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\(^1\)Administrative ordinances and resolutions are of record in the recorder's office.

\(^2\)This contract is attached to Ord. #91-444, which is of record in the recorder's office.
payment of all accounts of the subscriber with the sewer system, which deposit shall be returned to the subscriber upon termination of the services if all charges due the system shall have been paid, but in the event that the subscriber shall become in arrears in such charges, then such deposit shall be used in whole or in part, in liquidation of same, and the deposit by the subscriber shall be his consent to such use in such event. All such deposits shall be retained in a separate account to be accounted for at the termination of service, except in the case of a subscriber becoming in arrears in charges, at which time the deposit may be withdrawn from the special account and applied to the payment of the delinquent charge. (2000 Code, § 18-111)

18-112. *Tampering with meter.* It shall be unlawful for any person or persons to tamper with or change any water meter, or to make any connection to the sewer system without permission from the city, or to reconnect said service when it shall have been disconnected for nonpayment of a bill for service, until such bill shall have been paid in full, including reconnection fee. (2000 Code, § 18-112)

18-113. *Extension procedures and tap fees.* There is established for the City of Goodlettsville, Tennessee, the following procedure for the extension of, and the charge for tap fees to, line extensions to the Goodlettsville sanitary sewer system:

1. Any developer contemplating extension of sanitary sewer within the City of Goodlettsville should consult with director of public works regarding the city’s master plan for sanitary sewers and the sizes and location of the lines to serve the area to be developed. In no case will the gravity line be less than eight inches (8”).

2. The developer shall furnish two (2) sets of detailed plans of the sewer extension(s) to the city along with a review fee of one percent (1%) of the estimated construction costs or two hundred dollars ($200.00), whichever is greater. After the plans have been approved by the city engineers, they will be submitted for review and approval as noted in subsection (3).

3. The developer must furnish written evidence of review approval from the Metropolitan Nashville and Davidson County Department of Water and Sewerage Services, the Tennessee State Health Department, and any other agency not otherwise named, but having jurisdiction in matters of the Goodlettsville sanitary sewer system.

4. After the plans have been reviewed and bear the approval stamp of the city engineers and the Tennessee State Heath Department and prior to starting work, the developer and his contractor shall apply for a construction permit and furnish easements as may be required. The contractor must be a licensed general contractor as required by Public Acts 1945, ch. 135, and any amendments thereto by the General Assembly of the State of Tennessee and approved for utility work by the City of Goodlettsville.
(5) Prior to commencing work, and during the sanitary sewer construction, the contractor must give the City of Goodlettsville a one (1) day notice for furnishing an inspector and pay the city at the rate of fifty dollars ($50.00) per day for this inspection. No sewer line or appurtenance work will be done without an inspector being present (this does not include drilling, blasting, or excavation).

(6) After completion of construction, the contractor along with the city and/or any of the above agencies having jurisdiction will conduct an inspection of all lines and appurtenances. A written list of necessary corrections or approval for initial acceptance will then be furnished the developer.

(7) The developer will then furnish the city with two (2) sets of "as built" construction plans reflecting all changes in grade and location of lines and the station, lengths, and depths of all service lines together with references to lot or property lines as the case may be.

(8) All costs of design, materials, and installation will be borne by the developer and these certified costs must be furnished to the city upon completion of the sewer work.

(9) The developer will be responsible for the workmanship and materials and any deficiencies occurring in these lines for one (1) year after initial acceptance, at which time a final inspection will be conducted of these lines and appurtenances. The developer will be furnished with a written list of corrections or a letter of final acceptance.

(10) After initial acceptance, the developer will deed these lines to the city, free and unencumbered for their ownership and normal maintenance. Normal maintenance will not include remedial work necessary due to poor initial workmanship or materials or subsequent construction by the developer for a period of one (1) year after initial acceptance.

(11) After first inspection and before any permits for service connections are issued, the developer must pay all connection fees according to rates established by the City of Goodlettsville. For development along approved lines of the city outside the corporate limits, the developer must pay a connection fee of twice said rates. The connection rate shall be amended by resolution of the Board of Commissioners of the City of Goodlettsville.

(12) The city will give credit against the developer's connection fees in the amount of all offsite line extensions or oversize internal lines (i.e., larger than would be necessary to serve the proposed development being built, but necessary for drainage basin development) up to the actual certified cost of the offsite or oversize line(s). In cases where the offsite or oversize sewer line costs are greater than the connection fees, the developer may recover any connection fees derived from direct connections to this line or any extensions along the offsite line up to the actual cost of the offsite or oversize line for a period of five (5) years from the date of final acceptance after which he will not receive any additional return for the offsite or oversize line. In cases where a second offsite or oversize line is extended from the first offsite or oversize line or an extension
of the first offsite or oversize line develops into a second offsite or oversize line, the connection fees due from the second extension will be applied to the first extension until fully reimbursed for a period of time to five (5) years from the date of final acceptance of the first line. The connection fees of the third extension will then be applied to the second extension and etc.

(13) Customers desiring or required to connect to sanitary sewers of the City of Goodlettsville, who have an existing individual sanitary waste disposal system, shall not be required to pay the tapping fees established herein when making the initial connection to the public sanitary sewers. This exemption is provided for the initial connection to the sanitary sewers in recognition that such customer has expended monies for such individual system on behalf of the general welfare of the City of Goodlettsville. This exemption from the tapping fees shall apply only to residences or buildings existing at the time sanitary sewers are made available to said residences or buildings, provided said residences or buildings have individual waste disposal systems. This exemption shall not apply to additional residences or buildings erected on property served by the public sanitary sewer system, nor to new residences or buildings which replace demolished residences or buildings, except as set out in subsection (14) below.

(14) The exemption from tapping fees set out in subsection (13) above shall apply to new residences or buildings which replace demolished residences or buildings only if:

(a) Said replacement residence or building is constructed within twelve (12) months after the demolishment of said residence or building; and
(b) Said demolished residence or building has utilized and paid for public sanitary sewer services for a continuous period of twelve (12) months immediately prior to its demolishment; and
(c) The demolished residence is reconstructed for the same use as existed prior to the demolishment; and
(d) The connection tap is no larger than the connection tap which served the demolished residence or building.

(15) Anything contained in this chapter to the contrary notwithstanding, if either the size of a connection tap is increased or a use classification changed within twelve (12) months after a permit for service connection has been issued for which a service tap fee was chargeable, then the City of Goodlettsville shall reserve the right to recalculate the connection fee based on the increased size of the connection tap and/or the changed use, and said recalculated fee if greater than the initial fee shall be paid by the owner of the affected property with credit given for the amount of the initial connection fee.

(16) When it becomes necessary to construct a system of sewer mains in a subdivision, or on private property, for the purpose of serving multiple structures or a single structure, the sewer main or mains shall be installed by
the developer or owner in accordance with the regulations of the City of Goodlettsville and shall become a part of the public sanitary sewer system.

(17) In addition to the fees assessed above, before any permits for service connections are issued, the developer must pay a plant capacity fee of five hundred dollars ($500.00) per Equivalent Residential Connection (ERC) for the development or along approved lines. (2000 Code, § 18-113)

18-114. **Application of previous section.** Section 18-113 and any amendments thereto shall apply to all proposed sanitary sewer line extensions which do not have plans approved by the city engineers on the effective date of that section or any amendment thereto. (2000 Code, § 18-114)
CHAPTER 2
SEWER USE REGULATIONS

SECTION
18-201. Definitions.
18-202. Purpose of chapter.
18-203. Discharges to publicly owned treatment works.
18-204. Discharge permits.
18-205. Administration and enforcement.
18-206. - 18-208. [Deleted.]

18-201. Definitions. (1) In general. (1) For purposes of this chapter the following phrases and words shall have the meanings assigned below, except in instances where the content clearing indicates a different meaning:
   (2) Terms not otherwise defined in this chapter, if questioned, shall be as adopted in the latest edition of the "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.
   (2) Abbreviations. The following abbreviations shall have the following meanings:
      (1) "BOD"," means Biochemical Oxygen Demand.
      (2) "BMP" means Best Management Practices.
      (3) "BMR" means Baseline Monitoring Report.
      (4) "CFR" means Code of Federal Regulations.
      (5) "CIU" means Categorical Industrial User.
      (6) "COD" means Chemical Oxygen Demand.
      (7) "EPA" means U.S. Environmental Protection Agency.
      (8) "FOG" means Fats, Oils and Grease.
      (9) "FSE" means Food Service Establishment.
      (10) "GMP" means Good Management Practices.
      (11) "gpd" means gallons per day.
      (12) "IU" means Industrial User.
      (13) "l" means liter.
      (14) "MBAS" means Methylene-Blue-Active Substances.
      (15) "mg" means milligram.
      (16) "mg/l" means milligrams per liter.
      (17) "NPDES" means National Pollutant Discharge Elimination System.
      (18) "NSCIU" means Non-Significant Categorical Industrial User.
      (19) "POTW" means Publicly Owned Treatment Works.
(20) "RCRA" means Resource Conservation and Recovery Act.
(21) "SIC" means Standard Industrial Classification.
(22) "SIU" means Significant Industrial User.
(23) "SNC" means Significant Noncompliance.
(24) "SWDA" means Solid Waste Disposal Act, 42 U.S.C. 6901 et seq.
(25) "TSS" means Total Suspended Solids.
(3) Act or the Act. "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.
(4) Antifreeze. "Antifreeze" means antifreeze and antifreeze mixtures which contain glycolic compounds that are typically toxic and may have excessively high BOD5 and metals.
(5) Approval authority. "Approval authority" means the Tennessee Division of Water Pollution Control city manager or designee or his/her representative(s).
(6) Authority. "Authority" or "hearing authority" means wastewater hearing authority.
(7) Authorized representative of industrial user. An authorized representative of an industrial user may be:
   (1) 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;
   (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
   (3) If the industrial user is a federal, state, or local governmental facility: a city manager or designee or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee;
   (4) 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 Goodlettsville Public Works Department.
(8) **Best Management Practices or BMPs** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 15.60.080\(^1\) 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.

(9) **Building sewer.** "Building sewer" means a sewer conveying wastewater from the premises of a user to a community sewer.

(10) **Categorical pretreatment standards.** "Categorical pretreatment standards" means any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 707(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of users that appear in 40 CFR chapter I, subchapter N, parts 405-471.

(11) **Categorical industrial user.** "Categorical industrial user" means an industrial user subject to a categorical pretreatment standard or categorical standard.

(12) **Community sewer.** "Community sewer" means any sewer containing wastewater from more than one (1) premise.

(13) **Compatible pollutant.** "Compatible pollutant" means biochemical oxygen demand, chemical oxygen demand, suspended solids, ammonia, 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.

(14) **Control authority.** The term "control authority" shall refer to the city manager or designee of the Goodlettsville Department of Public Works Department of Water and Sewerage Services, or their authorized representative.

(15) **Daily maximum.** "Daily maximum" means the arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day.

(16) **Direct discharge.** "Direct discharge" means the discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(17) **City manager or designee.** "City manager or designee director" means the city manager or designee Goodlettsville Director of the City of Goodlettsville Department or the person designated by the city manager or designee director to supervise the operation at the POTW, ans who is charged with certain duties and responsibilities by this title.

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\(^1\)The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.
(18) **Domestic sewage.** "Domestic sewage" means wastewater or sewage having the same general characteristics as that originating in places used exclusively as a single-family residence. Strength of the compatible pollutants in domestic sewage shall not exceed the following:

1. BOD\(_5\)  - 300 mg/l;
2. COD  - 500 mg/l;
3. Suspended solids  - 325 mg/l;
4. Ammonia nitrogen - 30 mg/l;
5. pH 6.0 - 9.0 S.U.;
6. Oil and grease - 50 mg/l.

(19) **Environmental Protection Agency.** "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.

(20) **Existing source.** "Existing source" means any source of discharge that is not a "new source."

(21) **Food service establishment.** "Food service establishment" means an establishment engaged in production/clean-up or non-residential food and/or drink. Any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption.

(22) **Grab sample.** "Grab sample" means a sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

(23) **Holding tank waste.** "Holding tank waste" means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

(24) **Incompatible pollutant.** "Incompatible pollutant" means all pollutants other than compatible pollutants as defined in section 15.04.100.\(^1\)

(25) **Indirect discharge.** "Indirect discharge" means the discharge or the introduction of nondomestic 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 of the waters of the state.

(26) **Industrial user.** "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

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\(^1\)The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.
include all dischargers of wastes having characteristics other than those of "domestic sewage" as defined in section 15.04.140.¹

(27) Interference. "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 Goodlettsville'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.

(28) Instantaneous limit. "Instantaneous limit" means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any grab or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(29) Local limit. "Local limit" refers to specific discharge limits developed and enforced by Goodlettsville upon industrial and commercial facilities to implement the general and specific discharge prohibitions listed in Tennessee Rule 1200-4-14-.05(1)(a) and (2).

(30) "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.

(31) Maximum concentration. "Maximum concentration" means the maximum amount of a specified pollutant in a volume of water or wastewater.

(32) Medical waste. "Medical waste" means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(33) Goodlettsville. "Goodlettsville" means the City of Goodlettsville Tennessee.

(34) Monthly average. "Monthly average" means the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

(35) Multi-dwelling unit. A commercial or residential building with multiple offices or apartments.

¹The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.
(36) **Municipal user.** A municipality, city, utility district, town or county which provides wastewater services through a contract with the Goodlettsville Department of Public Works Department of Water and Sewerage Services.

(37) **National Pollution Discharge Elimination System permit.** "National Pollution Discharge Elimination System or NPDES permit" means a permit issued to a POTW pursuant to section 402 of the Act (33 U.S.C. 1342).

(38) **National pretreatment standards.** "National pretreatment standards" 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.

(39) **New source.** "New source" means:

1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307 (c) of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
   1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
   2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
   3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

3. Construction of a new source as defined by under this paragraph has commenced if the owner or operator has:
   1. Begun, or caused to begin, as part of a continuous onsite construction program:
      1. Any placement, assembly, or installation of facilities or equipment; or
      2. Significant site preparation work including clearing, excavation, or removal of existing buildings,
structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
(2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(40) **Non-contact cooling water**. "Non-contact cooling water" means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(41) **Pass through**. "Pass through" means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of Goodlettsville's NPDES permit, including an increase in the magnitude or duration of a violation.

(42) **Person**. "Person" means any and all persons, including individuals, partnerships, co-partnerships, firms, companies, public or private corporations, associations, public or private institutions, state and federal agencies, municipals or political subdivisions, or officers thereof, departments, agencies, or instrumentalities, joint stock companies, trust estates, governmental entity or any other legal entity, or their legal representatives, agents or assigns, organized or existing under the laws of this or any state or country.

(43) **pH**. "pH" means a measure of the acidity or alkalinity of a solution, expressed in standard units.

(44) **Pharmaceuticals**. "Pharmaceuticals" means a substance used in the treatment of disease: drug, medicament, medication, medicine. Pharmaceuticals are drugs or medicine that is prepared or dispensed in pharmacies and used in medical treatment.

(45) **Pollutant**. "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat wrecked or discarded equipment, rock, sand, cellar dirt, oils, greases, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (i.e. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or order).

(46) **Pollution**. "Pollution" means the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(47) **Premises**. "Premises" means a parcel of real estate or portion thereof, including any improvements thereon, which is determined by the city
manager or designee to be a single user for purposes of receiving, using and paying for services.

(48) Pretreatment. "Pretreatment" means 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).

(49) Pretreatment requirements. "Pretreatment requirements" means any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than the pretreatment standard.

(50) Pretreatment standards or standards. "Pretreatment standards" shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

(51) Publicly owned treatment works. "Publicly owned treatment works" or "POTW" means a treatment works as defined by section 212 of the Act (33 U.S.C. 1292) which is owned by Metro. This definition includes any sewers, devices, or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant. The term also means the Metropolitan Government of Nashville and Davidson County, 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.

(52) Reclaimed water. "Reclaimed water" means water which, as a result of treatment of waste, is suitable for direct beneficial uses or a controlled use that would not occur otherwise.

(53) Septic tank waste. "Septic tank waste" means any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks. Septic tank waste does not include commercial food service establishment fats, oils and grease waste.

(54) Significant industrial user. Except as provided in paragraphs (c) and (d) of this section, a "significant industrial user" is:

1. An industrial user subject to categorical pretreatment standards; or
2. An industrial user that:
   1. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); or
   2. Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
(3) Is designated as such by Goodlettsville on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Goodlettsville may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred (100) gpd of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

1. The industrial user, prior to Goodlettsville's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
2. The industrial user annually submits the certification statement required in section 15.60.258(B) [see Tennessee Rule 1200-4-14-.12(17)], together with any additional information necessary to support the certification statement; and
3. The industrial user never discharges any untreated concentrated wastewater.

(4) Upon a finding that a user meeting the criteria in subsection (b) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, Goodlettsville may at any time, but at least once every twelve (12) months, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in Tennessee Rule 1200-4-14-.08(6)(f), determine that such user should not be considered a significant industrial user.

(55) Significant noncompliance. The city manager or designee shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by Goodlettsville, 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 (c), (d) or (h) of this section) and shall mean:

1. 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.

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1The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.
standard or requirement, including instantaneous limits as defined in Goodlettsville Code of Laws;

(2) 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 Metro Code of Laws title § 15.60.0701 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment standard or requirements as defined by Metro Code of Laws title § 15.60.0702 (daily maximum, longer term average, instantaneous limit, or narrative standard) that the city manager or designee 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;

(4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the city manager or designee’s exercise of its emergency authority to halt or prevent such a discharge;

(5) 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;

(6) 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 schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s), which may include a violation of best management practices, which the city manager or designee determines will adversely affect the operation or implementation of the local pretreatment program.

56 Slug load or slug discharge. "Slug load or slug discharge" means any discharge at a flow rate or concentration, which could cause a violation of

|\footnote{The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.} |

\footnote{The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.}
the prohibited discharge standards of this chapter. A slug discharge is any discharge of non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits, or permit conditions.

(57) **Standard industrial classification.** "Standard industrial classification" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(58) **Stormwater.** "Stormwater" means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

(59) **Toxic pollutant.** "Toxic pollutant" means 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.

(60) **Treatment works.** "Treatment works" means 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 alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well 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 stormwater and sanitary sewer systems.

(61) **Twenty-four (24) hour, flow proportional composite sample.** "Twenty-four (24) hour, flow proportional composite sample" means 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.

(62) **Unpolluted water.** "Unpolluted water" means 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.

(63) **User.** "User" means any person, firm, corporation or governmental entity that discharges, causes or permits the discharge of wastewater into a community sewer.

(64) **Waste.** "Waste" means and 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.
(65) **Wastewater.** "Wastewater" means liquid and water-carried wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

(66) **Wastewater constituents and characteristics.** "Wastewater constituents and characteristics" means 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.

(67) **Waters of the State of Tennessee.** "Waters of the State of Tennessee" means any water, surface or underground, within the boundaries of the state. (2000 Code, § 18-201, as replaced by Ord. #13-801, Aug. 2013)

**18-202. Purpose of chapter.** (1) The purpose of this chapter is to set uniform requirements for users of the City of Goodlettsville's (the city) wastewater collection system and treatment works to enable the city 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 city's wastewater collection system and treatment works.

(2) 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; to protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public; to enable the city to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the publicly owned treatment works is subject, and to improve opportunities to recycle and reclaim wastewaters and sludge resulting from wastewater treatment. This chapter provides measures for the enforcement of its provisions and abatement of violations thereof. This chapter establishes a wastewater hearing authority and establishes its duties and establishes the duties of the director of the department of water and sewerage services to ensure that the provisions of this chapter are administered fairly and equitably to all users. The city reserves the right to establish, by ordinance or in individual wastewater discharge permits, or in general permits, more stringent standards
or requirements on discharges to the POTW consistent with the purpose of this chapter. (2000 Code, § 18-202, as replaced by Ord. #13-801, Aug. 2013)

18-203. Discharge to publicly owned treatment works. (1) Purpose of article - specifications subject to review. This chapter 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 section 15.60.070, the Operational Division Policy No. 2008-01 for local limits and wastewater treatment plant protection criteria, and other prohibitions and limitations of this chapter are subject to the change to enable the city to provide efficient wastewater treatment to protect the public health and the environment, and to enable the city to meet requirements contained in its NPDES permit. The wastewater hearing authority shall review such 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, 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 director as necessary.

(2) Construction of pretreatment plants - plans - permits. Plans, specifications and operating procedures for such wastewater pretreatment facilities shall be prepared by a registered engineer and shall be submitted to the director for review in accordance with accepted engineering practices. The director shall review such plans within forty-five days and shall recommend to the user any appropriate changes. Prior to beginning construction of the pretreatment facility, the user shall submit a set of construction plans and specifications to be maintained by the director. Prior to beginning construction, the user shall also secure such building, plumbing or other permits that may be required by this code. The user shall construct the pretreatment facility within the time provided in the user's wastewater discharge permit. Following completion of construction, the user shall provide the director with as-built drawings to be maintained by the director.

(3) Construction and maintenance of pretreatment facilities. Users of the POTW shall design, construct, operate and maintain wastewater pretreatment facilities whenever necessary to reduce or modify the user's wastewater constituency to achieve compliance with the limitations in wastewater strength or prohibition set forth in sections 15.60.060, 15.60.070 and

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3The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.
15.60.080 \(^1\) to meet applicable national pretreatment standards, or to meet any other wastewater conditions or limitations contained in the user's wastewater discharge permit.

(4) **Additional pretreatment measures.** (1) Whenever deemed necessary, the city may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.

(2) Metro may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit, or a general permit, may be issued solely for flow equalization.

(5) **Compliance with national pretreatment standards required.** 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 the general pretreatment regulations (40 CFR part 403), the pretreatment standards found at 40 CFR chapter 1, subchapter N, parts 405-471, in this chapter, or in their permit. Compliance with national pretreatment standards for existing sources 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.

(6) **State pretreatment standard.** Industrial users must comply with state pretreatment requirements (Tennessee Rule 1200-4-14).

(7) **Wastewater evaluation criteria.** (1) The wastewater of every industrial user shall be evaluated upon the following criteria:

(1) Wastewater containing any element or compound which is not adequately removed by the treatment works which is known to be an environmental hazard;

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\(^1\)The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.
(2) Wastewater causing a discoloration or any other condition in the quality of the city’s treatment works’ effluent such that receiving water quality requirements established by law cannot be met;

(3) Wastewater causing conditions at or near the city's treatment works which violate any statute, rule or regulation of any public agency of this state or the United States;

(4) 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;

(5) Wastewater causing interference with the effluent or any other product of the treatment process, residues, sludge or scum causing them to be unsuitable for reclamation and reuse or causing interference with the reclamation process;

(6) Wastewater having constituents and concentrations in excess of those listed in section 15.60.070\(^1\) or cause a violation of the limits in section 15.60.090.\(^2\)

(2) The director shall recommend and the wastewater hearing authority shall approve reasonable limitations or prohibitions in the wastewater discharge permit of any industrial user that discharges wastewater violating any of the above criteria as shall be reasonable to achieve the purpose and policies of this chapter.

(8) Wastewater pollutants—maximum concentrations. No person or user shall discharge wastewater in excess of the pollutant concentrations identified in the Operational Division Policy No. 2008-01 for Local Limits (TABLE A), unless:

(1) An exception has been granted the user under the provisions of section 15.60.180;\(^3\) or

(2) 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 the concentration of pollutants to levels not exceeding the standards set forth in the table within a fixed period of time.

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\(^1\)The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

\(^2\)The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

\(^3\)The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.
Local limits: the city is authorized to establish local limits pursuant to Tennessee Rule 1200-4-14-.05(3). Metro may develop Best Management Practices (BMPs) by ordinance or in individual wastewater discharge permits, or general permits, to implement local limits and the requirements of 15.60.070.1

(9) **Prohibited pollutants.** (1) No person shall introduce into the publicly owned treatment works any of the following pollutants which, acting either alone or in conjunction with other substances present in the POTW, interfere with the operation of the POTW as follows:

   (1) Pollutants that create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;

   (2) Pollutants which cause corrosive structural damage to the POTW, but in no case discharges with a pH lower than 5.0 or higher than 10.0;

   (3) 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;

   (4) Any pollutant, including oxygen-demanding pollutants (BOD, etc.), released in a discharge of such volume or strength as to cause interference in the POTW;

   (5) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat such quantities that the temperature of the influent at the treatment works exceeds forty degrees (40°) Centigrade (one hundred four degrees (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 sixty-five and one half degrees (65.5°) Centigrade (one hundred fifty degrees (150°) Fahrenheit);

   (6) Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through;

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1The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.
(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(8) Any trucked or hauled pollutants except at discharge points designated by the POTW;

(9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's NPDES permits;

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;

(12) Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the city;

(13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(14) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;

(15) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;

(16) Unused or out-dated pharmaceuticals;

(17) Antifreeze or antifreeze mixtures;

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(2) The foresaid 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 sections 15.60.070 and 15.60.090¹ or the industrial user's permit.

(3) General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users

¹The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.
of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

(10) Prohibition of by-pass. Bypass means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility. Bypass is prohibited, and the department of water services may take enforcement action against an industrial user for a bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime of preventative maintenance; and

(3) The industrial user submitted notices as required. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the department, if possible at least ten (10) days before the date of the bypass. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the department within twenty-four (24) hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The department may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(11) Hazardous waste discharge. The industrial user shall notify the department of water services, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and type of discharge. Additional notification requirements may apply as required by 40 CFR 403.12(p).

(12) Treatment plant influent pollutants-maximum concentrations. No person or user shall discharge wastewater that will cause the influent concentration at any the city wastewater treatment plant to exceed the pollutant levels identified in Operational Division Policy No. 2008-01 for Wastewater Treatment Plant Protection Criteria - Treatment Plant Influent -
Maximum Concentrations (TABLE B). The director shall monitor the treatment works influent for each pollutant identified in the Operational Division Policy No. 2008-01 (TABLE B). In the event that the influent at the treatment works reaches or exceeds the levels established by said table, the director 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 director 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.

(13) **Dilution.** No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The city may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(14) **Unpolluted stormwater prohibited - exceptions.** Stormwater, groundwater, rainwater, street drainage, rooftop drainage, basement drainage, subsurface 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.

(15) **Unpolluted water prohibited - exceptions.** 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 section 15.60.100.1\(^1\).

(16) **Waste from garbage grinders prohibited - exceptions.** 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, therefore 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.

(2) This section shall not apply to domestic residences.

(17) **Food service establishments - control of Fats, Oils and Grease (FOG) discharges.** All food service establishments are required to comply with

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\(^1\)The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

(18) **Multi-dwelling units/apartments - control of Fats, Oils and Grease (FOG) discharges.** Any multi-dwelling unit, or apartment building or complex shall be subject to enforcement action for discharging FOG that contributes to a sanitary sewer overflow event, or obstruction to the sewer system.

(19) **Liquid waste transport trucks - permit requirements.** (1) No person owning vacuum or cesspool 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 director or his designated representative. All applicants for a truck discharge operation permit shall complete such forms as required by the director, pay appropriate fees, and shall agree in writing to abide by the provisions of this chapter and any special conditions or regulations established by the director.

(2) The owners of such vehicles shall affix and display the permit number on the side of each vehicle used for such purposes.

(3) Such permits shall be valid for a period of one (1) year from the date of issuance; provided that, such permit shall be subject to revocation by the director for violation of any provision of this chapter or reasonable regulation established by the director.

(4) Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste.

(5) The director 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.

(6) 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.

(7) The owner of the truck discharge operation permit shall purchase a bond sufficient to cover his potential liability for violating his permit.

(20) **Holding tank and hauled waste - permit required.** 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 director. 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 and 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 therefore and shall comply with the conditions of the permit issued by the director.
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.

(21) **Radioactive waste prohibited - exceptions.** No person shall discharge or permit to be discharged any radioactive waste into a community sewer except:

(1) When the person is authorized to use radioactive materials by the Tennessee Department of Public Health or the Nuclear Regulatory Commission;

(2) When the waste is discharged in strict conformity with applicable laws and regulations of the aforementioned agencies, or any other agency having jurisdiction; and

(3) When a copy of permits received from said regulatory agencies have been filed with the director.

(22) **Direct discharge into manhole - permit required.** 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 director. The director 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, therefore.

(23) **Accidental discharge - safeguards - special permit conditions for past offenders.** (1) 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 chapter 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 area, and from diked areas or holding ponds of any waste regulated by this chapter.

(2) The wastewater discharge permit of any user who has a history of significant leaks, spills or other accidental discharge of waste regulated by this chapter shall be subject, on a case-by-case basis, to a special permit condition or requirement for the construction of facilities or establishment of procedures which will prevent or minimize the potential for such accidental discharge. Plans, specifications and operating procedures for such special conditions shall be developed by the user and submitted to the director for review under the provisions of section 15.60.030.1

(24) **Prevention of accidental and/or slug discharges.** For the purposes of this subsection, a slug discharge is any discharge of a non-routine, episodic

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1The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.
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. 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 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 department. Existing SIUs may be required to review and resubmit a revision of the slug control plan at the request of the department. Should the department decide that a slug control plan is needed by the industrial user, the plan shall contain, at a minimum, the following elements;

(1) Description of discharge practices, including non-routine batch discharges;
(2) Description of stored chemicals;
(3) 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;
(4) If deemed necessary by the director, 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 runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(25) Temporary exceptions—procedure. (1) Purpose. This section provides a method for industrial users subject to the limitation on wastewater strength parameters listed in §18-202 of this chapter to apply for and receive a temporary exception to the discharge level for one (1) or more parameters.

(2) Time of application. Applicants for a temporary exception shall apply for same at the time they are required to apply for a wastewater discharge permit or a renewal thereof; however, the director shall allow applications at any time unless the applicant shall have submitted the same or substantially similar application within the preceding year and the same shall have been denied by the authority.
(3) Written applications. All applications for an exception shall be in writing and shall contain sufficient information for evaluation of each of the factors to be considered by the authority pursuant to subsection (e) of this section.

(4) Review by director. All applications for an exception shall be reviewed by the director. If the application does not contain sufficient information for complete evaluation, the director shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the director to correct such deficiencies. This thirty (30) day period may be extended by the authority upon application and for just cause shown. Upon receipt of a complete application, the director shall evaluate same within thirty (30) days and shall submit his recommendations to the authority at its next regularly scheduled meeting.

(5) Review by authority. The authority shall review and evaluate all applications for an exception and shall take into account the following factors:

   (1) The authority shall consider whether or not the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in § 18-202 and grant an exception only if such exception may be granted within limitations of applicable federal regulations.

   (2) The authority shall consider whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of section 307(a) of the Act (33 U.S.C. 1317), and then grant an exception only if such exception may be granted with the limitations of applicable federal regulations.

   (3) The authority shall consider whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works, taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works.

   (4) The authority shall consider whether or not the granting of an exception might cause the treatment works to violate the limitations in its NPDES permit, taking into consideration the concentration of the pollutant in the treatment works' influent and the demonstrated ability of the treatment works to consistently remove such pollutant.

   (5) The authority shall consider whether or not the granting of an exception would cause elements or compounds to be present in the sludge of the treatment works which would prevent sludge use or disposal by the city or which would cause the city to
violate any regulation promulgated by EPA under the provisions of section 405 of the Act (33 U.S.C. 1345).

(6) The authority may consider the cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive cost alone shall not be the basis for granting an exception.

(7) The authority may consider the age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge.

(8) The authority may consider the process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge.

(9) The authority may consider the engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge.

(10) The authority may consider an application for an exception based upon the fact that water conservation measures instituted by the user or proposed by the user result in a higher concentration of particular pollutants in the wastewater discharge of the user without increasing the amount of mass of pollutants discharged. To be eligible for an exception under this paragraph, the application must show that except for water conservation measures, the applicant's discharge has been or would be in compliance with the limitations on wastewater strength set forth in § 18-202; however, no such exception shall be granted if the increased concentration of pollutants in the applicant's wastewater would have a significant adverse impact upon the operation of the POTW.

(11) Good management practices required. The authority shall not grant an exception unless the applicant shall demonstrate to the Authority that he is utilizing "Good Management Practices" (GMP) to prevent or reduce his contribution of pollutants to the POTW. GMPs include but are not limited to preventative operating and maintenance procedures, schedule of activities, process changes, prohibiting of activities, and other management practices to reduce the quality or quantity of effluent discharged and to control plant site runoff, spillage, leaks and drainage from raw material storage.

(12) Exception may be granted following review. The authority shall review the application for an exception at the first regularly scheduled meeting following recommendation of the director. It may grant the application for exception with such conditions or limitations as may have been recommended by the
director without a hearing provided no person, including the applicant, shall object thereto, and provided further that the authority finds that the granting of the exception with such conditions as have been recommended by the director will be in compliance with the provisions of this chapter.

(13) Hearing. In the event that the applicant objects to the recommendations of the director concerning conditions to be imposed upon the applicant, the authority desires a hearing to further investigate the matter, or any interested party granted permission by the authority to intervene objects to the granting of the exception, the authority shall schedule a hearing within ninety (90) days following presentation of the matter by the director to resolve such matters. At such hearing, the applicant, the director and any intervening party shall have the right to present relevant proof by oral or documentary evidence. The procedure set forth in section 15.60.360\(^1\) shall be applicable to such a hearing. The applicant shall bear the burden of proof in such hearing.

(14) Additional cost and expense. (1) The director may require any person discharging substances in strengths greater than those permitted by this chapter to pay any additional costs or expense incurred by the city for transmission and treatment of such substances.
(2) The treatment system shall be reviewed at the end of each fiscal year and appropriate surcharge rates applied to the wastewater billing.
(3) Such charge for the Biochemical Oxygen Demand\(_5\) (BOD\(_5\)), ammonia, suspended solids, and oil and grease will be computed using the following formula:

\[
\text{Surcharge ($)/P} = 8.34 \times (F) \times (TC) \times (Pa-Pm)
\]

Surcharge ($) total = Surcharges of BOD\(_5\) + ammonia + suspended solids and grease.

P-Parameter: BOD\(_5\) or ammonia or suspended solids or grease.
F-Flow in millions of gallons per day.
TC-Treatment costs for servicing POTW per pound of parameter.
Pa-Parameter, actual.
Pm-Parameter, maximum.

(4) Charges for other pollutants will be computed on a case-by-case basis.

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\(^1\)The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.
(26) Dangerous discharge-emergency procedures. (1) 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 or to the environment, or which is likely to cause interference with the POTW, shall notify the director or his designee immediately, within one (1) hour of becoming aware of the discharge, by telephone.

(2) Written report. Within five (5) days following such occurrence, the user shall provide the director 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.

(3) 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.


18-204. Discharge permits. (1) Applicability of chapter. The provisions of this chapter are applicable to all industrial users of the POTW. Any permits issued hereunder to industrial users who are subject to or who become subject to a "national pretreatment standard" as that term is defined in 40 CFR section 403.3(i) shall be conditioned upon the industrial user's also complying with all applicable substantive and procedural requirements promulgated by the Environmental Protection Agency or the state in regard to such national pretreatment standards.

(2) Application--requirements. 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 section 15.60.220. All original applications shall also include a site plan, floor plan, mechanical and plumbing plans with sufficient detail to show all sewers and appurtenances in the user's premises by size, location, and elevation; and the user shall submit to the director revised plans whenever

alterations or additions to the user's premises affect said plans. Any currently
connected user discharging waste other than domestic waste who has not
heretofore filed such a report shall file same with the director prior to twelve
(12) months from adoption of this chapter (October 7, 1980). All correspondence
to city required by this chapter shall be addressed to the Goodlettsville Public
Works Department, 215 Cartwright St. Goodlettsville, TN 37072.

(3) Application–report requirements. (1) The report required by
section 15.60.210\(^1\) above or other provisions of this chapter for all
industrial users shall contain in units and terms appropriate for
evaluation the information listed in paragraphs (i) through (v) of
subsection (b) below. Industrial users subject to national pretreatment
standards shall submit to the director a report which contains the
information listed in subsection (b) below within one hundred eighty (180)
days after the promulgation by the Environmental Protection Agency of
a national pretreatment standard under section 307(b) or (c) of the Act or
prior to twelve (12) months from adoption of this chapter where such
national pretreatment standards have been promulgated prior to the
effective date of this chapter; provided that industrial users subject to the
requirements of 40 CFR section 403.12 may file with the director a copy
of a report submitted to the "control authority," as defined in said section,
in lieu of the report herein provided. Industrial users who are unable to
achieve a discharge limit set forth in § 18-201 of this chapter without
improved operation and maintenance procedures of pretreatment shall
submit a report which contains the information listed in subsection (b) of
this section.

(2) As specified hereinabove, the report shall contain all or
applicable portions of the following:

(i) The name and address of the industrial user;
(ii) The location of such industrial user;
(iii) Description of operations: A brief description of
the nature, average rate of production (including each
product produced by type, amount, processes, and rate of
production), and standard industrial classification of the
operation(s) carried out by such industrial user. This
description should include a schematic process diagram,
which indicates points of discharge to the POTW from
the regulated processes.

(iv) Types of wastes generated, and a list of all raw
materials and chemicals used or stored at the facility which

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\(^1\)The Code of the Metropolitan Government of Nashville and Davidson
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are, or could accidentally or intentionally be, discharged to
the POTW;

(3) Number and type of employees, hours of
operation, and proposed or actual hours of operation;

(4) Type and amount of raw materials processed
(average and maximum per day);

(5) Site plans, floor plans, mechanical and
plumbing plans, and details to show all sewers, floor drains,
and appurtenances by size, location, and elevation, and all
points of discharge.

(4) The average and maximum flow of the discharge from
such industrial user to the POTW, in gallons per day;

(5) 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 director for
approval;

(6) A statement, reviewed by an authorized
representative of the industrial user (as defined in section
15.05.0601) and certified by a qualified professional, who shall be
approved in writing by the city, 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

(7) 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.

(8) The location for monitoring all wastes covered by the
permit;

\[\text{1The Code of the Metropolitan Government of Nashville and Davidson}
\text{County, Tennessee: Title 15.}\]
(9) Measurement of pollutants: (1) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.

(2) 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.

(3) Instantaneous, daily maximum and long-term average concentrations, or mass, where required, shall be reported.

(4) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in 15.60.285 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.

(10) Any other information as may be deemed necessary by the city to evaluate the permit application.

(3) For purposes of this section, 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 § 18-201 of this chapter. For purpose of this section, the term "pollutant" shall include any pollutant identified in a national pretreatment standard or any incompatible pollutant identified in § 18-201 of this chapter.

(4) Incomplete applications—notice to correct—denial. The director will act only on applications that are accompanied by a report which contains all the information required in section 15.60.220. Persons who have filed incomplete applications will be notified by the director 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 director, the director 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.

(5) Application—recommendation of special conditions. Upon receipt of complete applications, the director shall review and evaluate the applications

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1The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

2The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.
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 director may also propose that the wastewater discharge permit be subject to one (1) or more special conditions in regard to any of the following:

1. Pretreatment requirements;
2. The average and maximum wastewater constituents and characteristics;
3. Limits on rate and time of discharge or requirements for flow regulations and equalization;
4. Requirements for installation of inspection and sampling facilities;
5. Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule;
6. Requirements for submission of technical reports or discharge reports;
7. Requirements for maintaining records relating to wastewater discharge;
8. Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants (as set forth in § 18-201 of this chapter) are proposed or present in the user's wastewater discharge;
9. Other conditions as deemed appropriate by the director to insure compliance with this chapter or other applicable ordinance, law or regulation;
10. A reasonable compliance schedule, not to extend beyond July 1, 1983, or such earlier date as may be required by other applicable law or regulation, whichever is sooner, to ensure the industrial user's compliance with pretreatment requirements or improved methods of operation and maintenance;
11. Requirements for the installation of facilities to prevent and control accidental discharge or "spills" at the user's premises;
12. The unit charge or schedule of charges and fees for the wastewater to be discharged to a community sewer.

(6) Special permit conditions–notice to applicant–procedure to file objections. (1) Upon completion of his evaluation, the director shall notify the applicant of any special permit conditions which he proposed be included in the wastewater discharge permit.

(2) The applicant shall have forty-five (45) days from and after the date of the director's recommendations for special permit conditions to review same and file written objections with the director in regard to any special permit conditions recommended by the director. The director or his representative may but shall not be required to schedule a meeting
with the 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.

(3) If the applicant files no objection to special permit conditions proposed by the director, or a subsequent agreement is reached concerning same, the director shall issue a wastewater discharge permit to the applicant with such special conditions incorporated therein. Otherwise, the director shall submit the disputed matters to the authority for resolution as hereinafter provided.

(7) Individual wastewater discharge permits. An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by director 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.

(1) Individual wastewater discharge permits must contain:

(1) 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;

(2) 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;

(3) Effluent limits, including best management practices, based on applicable pretreatment standards, local limits, state or local law;

(4) Self monitoring, sampling, reporting, notification, and record-keeping 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;

(5) 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.

(6) Requirements to control slug discharge, if determined by the director to be necessary.

(8) Wastewater discharge permits: general permits. (1) At the discretion of the director, general permits may be used to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:

(1) Involve the same or substantially similar types of operations;
(2) Discharge the same types of wastes;
(3) Require the same effluent limitations;
(4) Require the same or similar monitoring; and
(5) In the opinion of the director are more appropriately controlled under a general permit than under individual wastewater discharge permits.

(1) To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, and any other information the POTW deems appropriate.

(2) The director will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in section 15.60.255\textsuperscript{1} and applicable state regulations, and a copy of the user's written request for coverage for three (3) years after the expiration of the general permit.

(3) General permits will contain the same required information as listed in 15.60.252.\textsuperscript{2}

The city may not control an SIU through a general permit where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharged per day or for SIUs whose limits are based on the combined wastestream formula or net/gross calculations as per 40 CFR 403.

(9) Application signatories and certifications. (1) All wastewater discharge permit applications, user reports and certification statements must be signed by an authorized representative of the user and contain the following certification statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware

\textsuperscript{1}The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

\textsuperscript{2}The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.
that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(2) **Annual certification for non-significant categorical industrial users** - A facility determined to be a non-significant categorical industrial user by the director must annually submit the following certification statement signed by an authorized representative of the user.

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from _______________ to _______________, [months, days, year]:

(a) The facility described as ____________________________ [facility name] met the definition of a non-significant categorical industrial user.

(b) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and

(c) The facility never discharged more than one hundred (100) gallons of total categorical wastewater on any given day during this reporting period.

(d) This compliance certification is based on the following information.

(3) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the city prior to or together with any reports to be signed by an authorized representative.

(10) **Unresolved disputes–hearing**. (1) In the event the director cannot issue a wastewater discharge permit pursuant to section 15.60.250,¹ the director shall submit to the authority his proposed permit conditions and

¹The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.
the applicant’s written objections thereto at the next regularly scheduled meeting of the authority.

(2) The authority shall schedule a hearing within ninety (90) days following the meeting referred to in subsection (a) unless such time be extended for just cause shown to resolve any disputed matters relevant to such permit.

(3) The director 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.

(4) 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 title or other applicable law or regulation and direct the director to issue a wastewater discharge permit to the applicant accordingly.

(11) **Compliance schedule and reports—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 in accordance with 15.60.258.1

The following conditions shall apply to the schedule required by section 15.60.220, 15.60.240 or 15.60.260 of this section:

(1) 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.).

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1The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

2The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.
(2) No increment referred to in subsection (a) shall exceed nine (9) months.

(3) 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 control authority and the director, 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 months elapse between such progress reports to the control authority and the director.

(4) 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 control authority and the director 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, as defined in section 15.04.060, and certified to by a qualified professional.

(5) 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 control authority and the director during the months of June and December, unless required more frequently in the pretreatment standard or by the control authority and the director, 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 section 15.60.220 (B)(4).\(^1\) At the discretion of the control authority or the director, as applicable, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc.,

\(^1\) The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.
the control authority or the director, as applicable, may agree to alter the
months during which the above reports are to be submitted.

(6) The control authority or the director, as applicable, 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.

(7) The industrial user shall notify the POTW immediately by
telephone of any slug loading (within one hour), as defined by sections
15.60.020 through 15.60.170 of this chapter, by the industrial user.

(8) 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 control authority or the director, as applicable, 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
with any other test procedures approved by the Environmental Protection
Agency or the director. Sampling shall be performed in accordance with
the techniques approved by the Environmental Protection Agency, or the
director, and only by persons or companies approved by the director.

(9) Any industrial user required by this section to submit a
similar report to the control authority under the provisions of 40 CFR
section 403.12 may submit to the director a copy of said report in lieu of
a separate report to the director provided that all information required
by this title is included in the report to the control authority.

(12) Notification requirements. (1) The permittee shall notify the
environmental compliance section on any of the following changes to the
system no later than one hundred eighty (180) days prior to change of
discharge;

(1) New introduction into the POTW of pollutants from
any source which would be a new source, if such source were
discharging pollutants;

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\(^1\)The Code of the Metropolitan Government of Nashville and Davidson
County, Tennessee: Title 15.
(2) New introduction of pollutants into such works from a source which would be subject to the sewer use ordinance if it were discharging such pollutants;

(3) A substantial change in the volume or character of pollutants being discharged into such works at the time the permit is issued.

(2) This notice will include information on the quality and quantity of the wastewater introduced by the new source into the publicly owned treatment works, and on any anticipated impact on the effluent discharged from such works.

(13) Records of monitoring activities required—contents. 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:

(1) The date, exact place, method and time of sampling and the names of the persons taking the samples;

(2) The dates analyses were performed;

(3) Who performed the analyses;

(4) The analytical techniques/methods used; and

(5) The results of such analyses.

(14) 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 15.60.285, 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.

(1) 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:

(1) Be performed on composite and grab samples representative of the total wastewater flow discharged to the

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1The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.
metropolitan government sewerage system with the maximum time interval between samples no longer than sixty (60) minutes.

(2) 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 water services for the required parameters.

(3) Provide the flow rate for which the results are indicative to the nearest one hundred (100) gallons per day.

(4) Except as indicated in 15.60.285 A.5.1 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.

(5) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(6) 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

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¹The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.
by 15.60.2701 [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.

(2) 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 water services.

(3) Test procedures. (1) Test procedures for the analysis of pollutants shall conform to regulations published pursuant to section 304 (h) of the Clean Water Act of 1977, under which such procedures may be required.

(2) 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.

(15) 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.

(16) Records of monitoring activities—retention for four years—subject to inspection. Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of

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³The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.
information obtained pursuant to any monitoring activities required by this ordinance, 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 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 director, 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 director, the director of the Tennessee Department of Environment and Conservation, Tennessee Department of Public Health, or the Environmental Protection Agency.

(17) Term–renewal–modifications. (1) Wastewater discharge permits shall be issued for a period of three (3) years. Original permits may be issued for a period between two (2) and three (3) years for the administrative convenience of the director so as to stagger the renewal dates of the permits. Permits issued to users granted an exception pursuant to section 15.60.180,¹ shall be issued for a period of one (1) year.

(2) Notwithstanding the foregoing, users becoming subject to a national pretreatment standard shall apply for new permits on the effective date of such national pretreatment standards. The director shall notify in writing any user whom he has cause to believe is subject to a national pretreatment standard of the promulgation of such federal regulations, but any failure of the director in this regard shall not relieve the user of the duty of complying with such national pretreatment standards.

(3) 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.

(4) Limitations or conditions of a permit are subject to modification or change due to, but not limited to, changes in applicable water quality standards, changes in the city’s NPDES permit, changes in

¹The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.
sections 15.60.070 and 15.60.090, the need to incorporate any new or revised federal, state, or local pretreatment requirement, changes in the user's operations and processes, violation of any terms or conditions of the user's permit, changes in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge, to correct typographical or other errors in the user's permit, misrepresentations or failure to fully disclose relevant facts in the wastewater discharge permit application or in any required reporting, changes in other applicable law or regulation, or for other just cause; and users shall be notified of any proposed changes in their permit by the director 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 director in regard to any changed permit conditions as otherwise provided in this chapter.

(18) Transfer—approval required. 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 director.

(19) Revocation. Any permit issued under the provisions of this section 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:

(1) Violation of any terms or conditions of the wastewater discharge permit or other applicable law or regulation;
(2) Obtaining of a permit by misrepresentation or failure to disclose fully all relevant facts; or
(3) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
(4) Falsifying self-monitoring reports and certification statements;
(5) Tampering with monitoring equipment;
(6) Refusing to allow the city timely access to the facility premises and records;
(7) Failure to meet effluent limitations;
(8) Failure to pay fines;
(9) Failure to pay sewer charges;
(10) Failure to meet compliance schedules;
(11) Failure to complete a wastewater survey or the wastewater discharge permit application;

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¹The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.
(12) Failure to provide advance notice of the transfer of business ownership of a permitted facility.

(20) Regulation of waste from other jurisdictions. (1) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the city shall enter into an intermunicipal agreement with the contributing municipality.

(2) Prior to entering into an agreement required by paragraph (a), above, the city shall request the following information from the contributing municipality:

(1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

(2) An inventory of all users located within the contributing municipality that are discharging to the POTW; and

(3) Such other information as the city may deem necessary.

(3) An intermunicipal agreement, as required by paragraph (a), above, shall contain the following conditions:

(1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the city's ordinance or local limits;

(2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;

(3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit, or general permit, issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the city and which of these activities will be conducted jointly by the contributing municipality and the city;

(4) A requirement for the contributing municipality to provide the city with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

(6) Requirements for monitoring the contributing municipality's discharge;

(7) A provision ensuring the city access to the facilities of users located within the contributing municipality's jurisdictional
boundaries for the purpose of inspection, sampling, and any other
duties deemed necessary by the city; and

(8) A provision specifying remedies available for breach of
the terms of the intermunicipal agreement. (2000 Code,
§ 18-204, as amended by Ord. #08-710, March 2008, and replaced
by Ord. #13-801, Aug. 2013)

18-205. Administration and enforcement. (1) Director—authority and
responsibilities. (1) Responsibilities and assignment. The director and his
staff shall be responsible for the administration of all sections of this title.
Administratively, he shall be assigned to the department of water and
sewerage services.

(2) Authority. The director shall have the authority to enforce
all sections of this title. 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 director shall keep in his office a complete
record of all applications required under this title, including a record of
all wastewater discharge permits. He shall also maintain the minutes
and other records of the wastewater hearing authority.

(4) Wastewater hearing authority. The director shall attend all
meetings of the wastewater 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 such authority in the
administration of this title.

(5) The director shall notify industrial users identified in 40
CFR section 403.8(f) (2) and (i) of any applicable pretreatment standards
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 section 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 director
to so notify industrial users shall not relieve such users from the
responsibility of complying with such requirements.

(6) The director shall comply with all applicable public
participation requirements of section 101(e) of the Act (33 U.S.C. 1251(e))
and 40 CFR part 105 in the enforcement of national pretreatment
standards. The director 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 actions 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 section 15.60.180.\(^1\)

(2) **Monitoring and inspections.** (1) Whenever required to carry out the objective of this title, including but not limited to 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 title; 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; or any requirement established under this chapter:

   (1) The director 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 director shall prescribe;
      (5) Provide such other information as he may reasonably require; and
   (2) The director or his authorized representative, upon presentation of his credentials, 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 subsection (i) of this section are located. The city shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any individual wastewater discharge permit or general permit or order issued hereunder. Users shall allow the city ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

   (1) Where a user has security measures in force which require proper identification and clearance before

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\(^1\)The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.
entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the city shall be permitted to enter without delay for the purposes of performing specific responsibilities.

(2) The city shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(3) The city may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy.

(4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the city and shall not be replaced. The costs of clearing such access shall be born by the user.

(5) Unreasonable delays in allowing the city access to the user's premises shall be a violation of this ordinance; and

(6) May at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under subsection (1) and sample any effluents which the owner or operator of such source is required to sample under subsection (1).

(2) Any records, reports or information obtained under this section:

(1) Shall, in the case of effluent data, be related to any applicable effluent limitations, toxic, pretreatment or permit condition; and

(2) Shall be available to the public; except that upon a showing satisfactory to the director by any person that records, reports or information, or particular part thereof (other than effluent data), to which the director has access under this section, if made public would divulge methods or processes entitled to protection as trade secrets of such person, the director shall consider such record, report or information, or particular portion thereof, confidential in accordance with the purposes of this title, except that such record, report or information may be disclosed to officers, employees or authorized representatives of 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 title or other applicable laws.

(3) Specific requirements under the provisions of subsection (a)(i) of this section shall be established by the director, 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 director for review in accordance with accepted engineering practices. The director shall review such plans within forty-five (45) days and shall recommend to the user any change he deems appropriate.

(4) Upon approval of plans as specified in subsection (iii), the user shall secure building, electrical, plumbing or other permits as may be required by this code 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.

(5) In the event any user denies the director or his authorized representative of the right of entry to or upon the user's premises for purposes of inspection, sampling effluents, inspecting and copying records, or performing such other duties as shall be imposed upon him by this section, the director shall seek a warrant or use such other legal procedures as shall be advisable and reasonably necessary to discharge his duties under this section.

(3) Wastewater hearing authority. (1) There is established an Authority of five (5) members to be known as the wastewater hearing Authority.

(2) Composition and length of term. The hearing authority shall be composed of the following, to be appointed by the metropolitan mayor and confirmed by the metropolitan council, and shall constitute the voting members of the hearing authority:

<table>
<thead>
<tr>
<th>Representative Group</th>
<th>Length of Term (years)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Major industry (one)</td>
<td>2</td>
</tr>
</tbody>
</table>
2. Tributary utility districts or city (one, rotating) inside or outside Davidson County

3. Private citizenry (one)

4. Technical/science or financial (two)

(3) Provisions. (1) Members may be removed from the hearing authority by the mayor, with councilmanic approval, for continued absence from meetings, or other just cause.

(2) Members shall comply with chapter 11, sections 11.101 through 11.108,\(^1\) inclusive, of the charter of the metropolitan government.

(4) Powers and duties. In addition to any other duty or responsibility otherwise conferred upon the hearing authority by this title, the hearing authority shall have the duty and power as follows:

(1) To recommend to the metropolitan council that it amend or modify the provisions of this title;

(2) To establish, modify or amend procedural rules governing hearings, orders, issuance of permits, and all other matters not specifically requiring a hearing. Any rules so adopted shall be filed with the metropolitan clerk;

(3) To grant exceptions pursuant to the provisions of section 15.60.180,\(^2\) and to determine such issues of law and fact as are necessary to perform this duty;

(4) To hold hearings upon appeals from orders or actions of the director as may be provided under any provision of this title;

(5) 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;

(6) To hold such other hearings relating to any aspect or matter in the administration of this title and to make such determinations and issue such orders as may be necessary to effectuate the purposes of this title;

(7) To request assistance from any officer, agent or employee of the metropolitan government to obtain such

\(^1\)The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Charter.

\(^2\)The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.
information or other assistance as the hearing authority might need;

(8) The hearing authority, acting through its chairman, 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 hearing authority;

(9) The chairman, vice-chairman or chairman pro tern shall be authorized to administer oaths to those persons giving testimony before the hearing authority;

(10) The hearing authority shall hold quarterly meetings and such special meetings as the board may find necessary;

(11) Three (3) members of the authority shall constitute a quorum but a lesser number may adjourn the meeting from day to day;

(12) In addition to any other power granted to it by this title, the hearing authority is granted the authority to assess a civil penalty in an amount not to exceed the sum of ten thousand dollars ($10,000.00) per day for each day of violation against any person in violation of this chapter.

(1) The assessment of a civil penalty shall be made by the director against any person determined to be in violation of this chapter. Notice of such assessment shall be provided by certified mail, return receipt requested,

(2) Any person against whom an assessment is made by the director may appeal to the hearing authority by filing a request with the director for review by the hearing authority. Request for review by the hearing authority must be made in writing and filed within thirty (30) days of the receipt of the assessment and shall state with particularity the grounds for the appeal. Any such appeal shall stay the effect of the assessment,

(3) Failure to appeal the assessment within thirty (30) days shall be a waiver of the right to appeal and be deemed as consent to the assessment which shall become final upon approval by the hearing authority,

(4) The assessment of a civil penalty shall be upheld unless the preponderance of the evidence shows that the assessment was unlawfully levied or unreasonably severe,

(5) No assessment of a civil penalty, whether brought to the hearing authority by appeal or for confirmation by the director, shall be final until such assessment is approved by the hearing authority at any
regular meeting or duly called special meeting. The hearing authority may alter or modify the terms of any civil penalty but any increase in the amount of civil penalty or which otherwise imposes a greater burden upon the person against whom the penalty is assessed shall not become final until such person receives written notice thereof and is provided the right to petition the hearing authority for modification of such assessment in the same manner as an appeal from assessment of a civil penalty by the director,

(6) The director may enter into consent decrees with any person in violation of this chapter and, after approval by the hearing authority, the same shall have the effect and be enforceable in the same manner as a civil penalty.

(7) In assessing a civil penalty, the director and the hearing authority may consider all factors listed in Tennessee Code Annotated, § 69-3-125 and may include any expenses and actual damages incurred by the metropolitan government in investigating, removing, correcting or cleaning up the violation.

(4) **Adjudicatory hearing procedures.** (1) The hearing authority shall schedule an adjudicatory hearing to resolve disputed questions of fact and law whenever provided by any provision of this title.

(2) At any such hearing, all testimony presented shall be under oath or upon solemn affirmation in lieu of oath. The hearing 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 such hearing recorded, but in such event the record need not be transcribed unless any party seeks judicial review of the order or action of the hearing authority by common law writ of certiorari; and in such event the party seeking such judicial review shall pay for the transcription and provide the hearing authority with the original of the transcript so that it may be certified to the court.

(3) 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 sheriff’s office for service by any authorized officer of the metropolitan government. If the witness does not reside in the metropolitan area, the chairman shall issue a written request that the witness attend the hearing.
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 through 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 such rules.

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 hearing authority. The hearing authority, the director, or his representative, and all parties shall have the right to examine any witness. When sitting without an administrative law judge, the hearing authority shall not be bound by or limited to rules of evidence applicable to legal proceedings or the Uniform Administrative Procedures Act.

Any person aggrieved by any order or determination of the director may appeal such order or determination for review by the hearing authority. A written notice of appeal shall be filed with the director, and the notice shall set forth with particularity the action or inaction of the director complained of and the relief being sought by the person filing the appeal. A special meeting of the hearing authority may be called by the chairman upon the filing of such appeal, and the hearing authority may in its discretion suspend the operation of the order or determination of the director appealed from until such time as the authority has acted upon the appeal. However, actions and determinations of the director under the provisions of sections 15.60.410 through 15.60.440 shall not be subject to review under this section.

Within ten (10) days of filing of an appeal, any party may request that an administrative law judge be appointed to conduct the hearing together with the hearing authority pursuant to Tennessee Code Annotated, § 7-7-105. Any hearing conducted by an administrative law judge shall be heard pursuant to the contested case provisions of the Uniform Administrative Procedures Act, Tennessee Code Annotated, § 4-5-301, et seq.

The vice-chairman or the chairman pro tern shall possess all the authority delegated to the chairman by this section when acting in his absence or in his stead.

The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.
(9) Any person aggrieved by any final order of the hearing Authority hereunder may seek judicial review by common law writ of certiorari.

(5) **Violation–public nuisance.** Discharge of wastewater in any manner in violation of this chapter or of any condition of a wastewater discharge permit is declared a public nuisance and shall be corrected or abated as provided in this chapter.

(6) **Violation–notice.** Whenever the director determines or has reasonable cause to believe that a discharge of wastewater has occurred in violation of the provisions of this title, the user’s wastewater discharge permit, or any other applicable law or regulation, he shall notify the user of such violation. Failure of the director to provide notice to the user shall not in any way relieve the user from any consequences of a wrongful or illegal discharge.

(7) **Significant noncompliance.** The director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the city sewerage 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 (c), (d) or (h) of this section) and shall mean:

1. 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 Metro Code of Laws title § 15.60.070;\(^1\)

2. 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 Metro Code of Laws title § 15.60.070\(^2\) multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

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\(^1\)The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

\(^2\)The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.
(3) Any other violation of a pretreatment standard or requirement as defined by Metro Code of Laws title § 15.60.070¹ (daily maximum, long-term average, instantaneous limit, or narrative standard) that the director 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;

(4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the director's exercise of its emergency authority to halt or prevent such a discharge;

(5) 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;

(6) 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;

(7) Failure to accurately report noncompliance; or any other violation(s), which may include a violation of best management practices, which the director determines will adversely affect the operation or implementation of the local pretreatment program.

(8) **Enforcement response manual.** The director shall promulgate an enforcement response manual that establishes the procedures to be followed by the department as it enforces the provisions of this chapter. Upon approval by the hearing authority, the enforcement response manual shall be filed with the metropolitan clerk.

(9) **Show-cause hearing before the city wastewater hearing authority.** The director may issue a show-cause notice to any permit holder directing that he appear before the hearing authority at a specified date and time to show cause why the permit holder's wastewater discharge permit should not be modified, suspended or revoked for causing or suffering violation of this title, or other applicable law or regulation, or conditions in the wastewater discharge permit of the user. If the director seeks to modify the wastewater discharge permit to establish wastewater strength limitations or other control techniques to prevent future violations, he shall notify the permit holder of the general nature of the recommendations he shall make to the hearing authority. If the director seeks to suspend or revoke the wastewater discharge permit, he shall

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¹The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.
notify the permit holder 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 permit holder to prepare his defense. Such notice shall be mailed to the permit holder by certified mail, return receipt requested, or shall be personally delivered to the permit holder at least twenty days prior to the scheduled hearing date.

(10) Injunctive relief. The director may in the name of the metropolitan government file in any court of competent jurisdiction a suit seeking the issuance of an injunction, damages or other appropriate relief to enforce the provisions of this title or other applicable law or regulation. Suit may be brought to recover any and all damages suffered by the metropolitan government as a result of any action or inaction of any person who causes or suffers damage to occur to the POTW or for any other expense, loss or damage of any kind or nature suffered by the metropolitan government.

(11) Assessment of damage to user. 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 the metropolitan government, the director shall assess the expenses incurred by the metropolitan government to clear the obstruction, repair damage to the facility, and any other expenses or damages incurred by the metropolitan government. The director shall file a claim with the user or any other person causing or suffering such damages to occur, seeking reimbursement for any and all expenses or damages suffered by the metropolitan government. If the claim is ignored or denied, the director shall notify the metropolitan attorney to take such measures as shall be appropriate to recover for any expenses or other damages suffered by the metropolitan government.

(12) Applicability of state and federal regulations. In addition to other remedies for enforcement provided in this section, the director may petition the state or the 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 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.

(13) 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 director presents or may present an imminent and substantial endangerment to the health or welfare of persons or the environment, or cause interference with the POTW, the director, or in his absence the person then in charge of the treatment works, shall immediately notify the emergency response office of the nature of the emergency. The director 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 the
metropolitan government, or in their absence such elected officials of the metropolitan government as may be available, the director 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 director as soon as the emergency situation has been abated or corrected.

(14) **Punitive action--confirmation of authority required–exceptions.** The director shall report to the hearing authority his intent to institute any action under the provisions of sections 15.60.410 and 15.60.430¹ and seek the advice of the authority in regard thereto, unless he shall determine that immediate action is advisable.

(15) **Violation–penalty.** Any person who violates any provision of this chapter including but not limited to the following violations:

1. Violates an effluent standard or limitation;
2. Violates the terms or conditions of a wastewater discharge permit;
3. Fails to complete a filing or reporting requirement;
4. Fails to perform or properly report any required monitoring;
5. Violates a final order or determination of the hearing authority or the director; or
6. Fails to pay any established sewer service charge or industrial cost recovery charge;

shall be assessed a civil penalty in an amount not to exceed the sum of ten thousand dollars ($10,000.00) per day for each day of violation.

(16) **Right of entry.** Under 40 CFR 403.8 (A) (6)(v), pretreatment shall have the right to carry out all inspections, surveillance and monitoring procedures necessary to determine, independent of information supplied by Industrial users, compliance or noncompliance with applicable pretreatment standards and requirements by industrial users. Representatives of the POTW shall be authorized to enter any premises of any industrial user in which a discharge source or treatment system is located or in which records are required to be kept under section 403.12(0) to assure compliance with pretreatment standards. Such authority shall be at least as extensive as the authority provided under section 308 of the Act;

Pretreatment requirements which will be enforced through the remedies set forth in paragraph 40 CFR 403.8 (f) (1) (vi) (A) of this section, will include but not be limited to, the duty to allow or carry out inspections, entry, or monitoring activities; any rules, regulations, or orders issued by the POTW; any requirements set forth in control mechanisms issued by the POTW; or any reporting requirements imposed by the POTW or these regulations in this part.

¹The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.
The POTW shall have authority and procedures (after informal notice to the discharger) immediately and effectively to halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of persons. The POTW shall also have authority and procedures (which shall include notice to the affected Industrial users and an opportunity to respond) to halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW. (2000 Code, § 18-205, as replaced by Ord. #13-801, Aug. 2013)

CHAPTER 3

STORMWATER MANAGEMENT

SECTION
18-301. General provisions.
18-303. Waivers.
18-304. Land disturbance permit.
18-305. Stormwater system design: construction and permanent stormwater management; performance standards.
18-306. Buffer zone requirements.
18-308. Existing locations and ongoing developments.
18-309. Illicit discharges.
18-310. Enforcement.
18-311. Penalties.
18-312. Appeals.
18-313. Maintenance.

18-301. General provisions. (1) Purpose. It is the purpose of this chapter to:

(a) Protect, maintain, and enhance the environment of the city 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.

(b) Enable the city to comply with the National Pollution Discharge Elimination System permit (NPDES) general permit for discharges from small Municipal Separate Storm Sewer Systems (MS4) and applicable regulations, 40 CFR 122.26 for stormwater discharges;

(c) Allow the city 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;

(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) Administrator. The city manager, or designee, shall administer the provisions of this chapter.

(3) Jurisdiction. This ordinance shall govern all properties within the corporate limits for the City of Goodlettsville, Tennessee.

(4) Right of entry. Designated city staff shall have right-of-entry, at reasonable times, on or upon the property of any person subject to this chapter and access to any permit/document issued hereunder. City staff shall be provided ready access to all parts of the premises for purposes of inspection, monitoring, sampling, inventory, records examination and copying, and performance of any other duties necessary to determine compliance with this chapter.

Designated city staff shall have the right to set up on the property of any person subject to this chapter such devices, as are necessary, to conduct sampling and/or flow measurement of the property's stormwater operations or discharges.

The city has the right to determine and impose inspection schedules necessary to enforce provisions of this chapter.

(5) Stormwater management ordinance. The intended purpose of this ordinance is to safeguard property and public welfare by regulating stormwater quality and drainage while requiring temporary and permanent provisions for its control. (Ord. #04-651, Jan. 2005, as replaced by Ord. #15-830, Feb. 2015)

18-302. Definitions. For the purpose of this chapter, 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) "As built plans" means drawings depicting conditions, elevation, location, and material of stormwater facilities as they were actually constructed.

(3) "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. BMPs could be incorporated by reference into this ordinance as if fully set out therein.

(4) "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.

(5) "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, springs, reservoirs or lakes, which exists or is established to protect those water bodies.

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

(8) "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.

(9) "Construction" is the erection, building, acquisition, alteration, reconstruction, improvement or extension of stormwater facilities; preliminary planning to determine the economic and engineering feasibility of stormwater facilities; the engineering, legal, fiscal and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other
action necessary in the construction of stormwater facilities; and the inspection
and supervision of the construction of stormwater facilities.

(10) "Contaminant" means any physical, chemical, biological,
or radiological substance or matter in water that degrades the quality of the
water.

(11) "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-yr, 5-yr, 25-yr, etc.,) in terms of either twenty-four (24)
hour depths or intensities for any duration, can be found by accessing the NOAA
National Weather Service Atlas 14 data for Tennessee. Other data sources may
be acceptable with prior written approval by TDEC Water Pollution Control.

(13) "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.

(14) "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.

(15) "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.

(16) "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.

(17) "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 hotspots, 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; or
(k) Other land uses and activities as designated by an
appropriate review authority
(18) "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.

(19) "Illicit discharge" means any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under §14-507(2).

(20) "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).

(21) "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 Stormwater Pollution Prevention Plan(s) (SWPPP);

(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.

(22) "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, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

(23) "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.
(24) "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.

(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) "Operator" in the context of stormwater associated with construction activity, means, any person associated with a construction project that meets either of the following two criteria:

   (a) This person has operational or design control over construction plans and specifications, including the ability to make modifications to those plans and specifications. This person is typically considered the owner or developer of the project or a portion of the project, and is considered the primary permittee; or

   (b) This person has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions. This person is typically a contractor or a commercial builder who is hired by the primary permittee and is considered a secondary permittee. It is anticipated at difference phases of a construction project, different types of parties may satisfy the definition of "operator."

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

(30) "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.

(31) "Redevelopment" means building or constructing new infrastructure in an area that has previously been built or constructed on, and the old infrastructure is to be replaced with new.

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

(33) "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.

(34) "Sedimentation" means soil particles suspended in stormwater that can settle in stream beds.
(35) "Sinkhole" means a cavity in the ground providing a route for surface water to disappear underground.

(36) "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.

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

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

(39) "Stormwater entity" means the entity designated by the city to administer the stormwater management ordinance, and other stormwater rules and regulations adopted by the city.

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

(41) "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.

(42) "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.

(43) "Stormwater system" or "system" means all stormwater facilities, stormwater drainage systems and flood protection systems of the city and all improvements thereto which operate to, among other things, control discharges and flows necessitated by rainfall events; and incorporate methods to collect, convey, store, absorb, inhibit, treat, prevent or reduce flooding, over drainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system.

(44) "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 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.

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

(46) "Stream" means a surface water that is not a wet weather conveyance. [Rules and Regulations of the State of Tennessee, Chapter 1200-4-3-.04(20)]. See also waters of the state.

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

(48) "Surety" is a letter of credit or other acceptable form of assurance for completion of improvements as needed acceptable by the city attorney, administrator, and/or other city personnel.

(49) "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.

(50) "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.

(51) "Water quality buffer" see "buffer."

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

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

(54) "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.

(55) "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.

(56) "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 months. (Rules and Regulations of the State of Tennessee, Chapter 1200-4-3-.04(3)). (Ord. #04-651, Jan. 2005, as replaced by Ord. #15-830, Feb. 2015)

18-303. Waivers. (1) General. No waivers will be granted to 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 primary requirement(s) 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 will not discharge, during or after construction, stormwater runoff that contains contaminants or will otherwise not affect, impair or degrade adjacent or downstream properties, conveyances, or streams.

(c) 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 administrator that the proposed alternative will not lead to any of the following conditions downstream:

(a) Deterioration of existing culverts, bridges, dams, structures or land;

(b) Degradation of biological functions or habitat;

(c) Accelerated streambank or streambed erosion or siltation;

(d) Increased threat of flood damage to public health, life or property.

(3) Alternative request procedure. For consideration of an alternative stormwater management measure, a formal request shall be submitted to the administrator. The formal request shall be submitted with a stormwater management plan outlining why the primary stormwater management measure cannot be addressed and how the alternative measures will address the provisions outlined in this Ordinance. The plan shall demonstrate how the proposed development is not likely to impair attainment of the objectives of this chapter. The administrator shall notify the appellant customer of the date of the alternative request in writing; such written notice shall be given at the address provided following review of the request. The decision made by the
administrator will be final and conclusive with no further administrative review.

(4) **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, unless allowed by the administrator. 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. If no alternative is approved, the owner has thirty (30) days to resubmit the land disturbance permit without facing additional fees. If the land disturbance permit is submitted more than thirty (30) days following the alternative request decision by the administrator, applicable fees will be charged. (Ord. #04-651, Jan. 2005, as replaced by Ord. #15-830, Feb. 2015)

18-304. **Land disturbance permit.** (1) **General.** The land disturbance permit is to be obtained by the owner(s) or owner(s) designee(s) for development or redevelopment of over an acre, or less than an acre if required by the administrator. The land disturbance permit is designed to track all applicable land disturbance activities and ensure they are monitored for compliant erosion prevention and sediment controls, the absence of illicit discharges leaving the site, and compliance with the city's TDEC NPDES MS4 general permit along with any applicable TDEC construction general permits, TDEC Aquatic Resources Alteration Permits (ARAP), and any other relevant permits. Tracking of these activities allows inspection, and in cases of non-compliance, enforcement actions to be taken.

(2) **Exemptions.** The following land disturbance activities are exempt from the requirements of obtaining a land disturbance permit:

(a) Surface mining as is defined in **Tennessee Code Annotated, § 59-8-202.**

(b) Such minor land disturbing activities as home gardens and individual home landscaping, home repairs, home additional or modifications, home maintenance work, and other related activities that result in no soil erosion leaving the site. (Erosion Prevention and Sediment Control (ESPC) practices may be enforced through individual building permits.)

(c) Agriculture practices involving the establishment, cultivation or harvesting of products in the field or orchard, preparing and planting of pastureland, farm ponds, dairy operations, livestock and poultry management practices, and the construction of farm buildings.

(d) Any project carried out under the technical supervision of NCRS, TDOT, TDEC, or USACE that is covered under applicable state or federal construction permits.

(e) Installation, maintenance, and repair of any underground public utility lines when such activity occurs on an existing road, street,
or sidewalk which is hard surfaced and such street, curb, gutter, or sidewalk construction has been approved.

(f) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources. These activities may be undertaken without a land disturbance permit; however, the person conducting these excluded activities shall remain responsible for conducting these activities within accordance with provisions of this ordinance and other applicable regulations including responsibility for controlling sediment, illicit discharges, and runoff.

(3) Supplemental permit. In cases where a secondary owner/operator will be working within an area already covered by an existing land disturbance permit that was issued under the name of a primary owner/operator, a supplemental land disturbance permit shall be obtained prior to commencement of the secondary owner/operator's work. The application fee may be waived for any supplemental permit. Where applicable, prior to issuance of the supplemental land disturbance permit, the secondary owner/operator must show that coverage under the site's NPDES construction general permit has been obtained. Once covered by a land disturbance permit, all primary and secondary owner/operators will be considered by the city as co-permittees. If co-permittee's involvement in the construction activities affects the same project site, they will be held jointly and severally responsible for complying with the terms of the permits issued for that site.

(4) Application. Application for the land disturbance permit shall be made to the administrator by the property owner(s) and co-permittee (if applicable). Applications are available from the public works department, or assigned division. No land disturbing activities shall take place prior to approval of the land disturbance permit application. Application fees must be paid and the recorded inspection and maintenance agreement filed (original returned to public works, or assigned division) prior to issuance of the land disturbance permit.

(5) Permit requirements. The following are conditions of land disturbance permit coverage. Any violation of these conditions will make the permit holder(s) subject to all enforcement actions and penalties outlined in this ordinance.

(a) Submittal and approval by city staff and board(s) of the erosion prevention and sediment control plans.

(b) Compliance with the site's TDEC construction general permit, TDEC ARAP, TDEC underground injection well permit, FEMA flood plain development permit, and other federal or state permits where applicable.

(c) Compliance with approved erosion prevention and sediment control plan and EPSC performance standards.

(d) Implementation and maintenance of appropriate erosion prevention and sediment control best management practices.
(e) Construction site operators must control wastes such as discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste at the construction site to avoid adverse impacts to water quality.

(6) Land disturbance surety. Prior to the issuance of a permit for any land disturbance activity, the applicant shall be required to provide a surety to the City of Goodlettsville to guarantee completion of all land and grade stabilization measures and improvements as shown by the approved grading plan. For areas where potentially hazardous soil or drainage conditions exist due to types of soils, steep grades, flood plan development, streams, or drainage ditches, the applicant may be required, to provide a surety to guarantee completion of all land and grade stabilization measures and improvements as shown by the approved plan.

(7) Permit duration. Each land disturbance permit shall expire and become null and void when one of the following has occurred:

(a) Six (6) months of no activity on the site has occurred.

(b) Final stabilization of the site per the approved plans has occurred.

(c) Issuance of a TDEC Notice of Termination (NOT). A copy must be provided to the city in order to close out the land disturbance permit.

(d) Three (3) years from issuance of permit or if new federal or state regulations exist changing the scope of coverage where a new land disturbance permit is required.

(e) In cases of expiration of the land disturbance permit, a permit may be re-issued with no additional fee if the plan and scope of the project submitted on the original land disturbance permit does not significantly change. When significant change applies, new permit fees must be paid. (Ord. #04-651, Jan. 2005, as replaced by Ord. #15-830, Feb. 2015)

18-305. Stormwater system design: construction and permanent stormwater management performance standards. (1) Applicability. This section shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, land disturbance applications and grading applications. The requirements in this section shall apply to any new development or redevelopment site that meets one or more of the following criteria:

(a) One (1) acre or more;
   (i) New development that involves land disturbance activities of one (1) acre or more;
   (ii) Redevelopment that involves other land disturbance activity of one (1) acre or more;
(b) Developments and redevelopments less than one acre of total land disturbance may also be required to obtain authorization under this ordinance if:

(i) The administrator 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 administrator has determined that the stormwater discharge is, or is likely to be a significant contributor of pollutants to waters of the state; or
(iii) Any new development or redevelopment, regardless of size, that is defined by the administrator to be a hotspot land use.

(c) Other options:
(i) Change in elevation of property.
(ii) Any land disturbance that requires coverage under a TDEC construction general permit.
(iii) Any disturbance that requires coverage under a TDEC ARAP.

(2) General requirements. Stormwater at applicable developments and redevelopments shall be managed in accordance with the requirements contained within this section.

(a) 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.

(b) Stormwater design or BMP manuals.

(i) 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:


(C) Metro Nashville Stormwater Management Manual Volume 5, Low Impact Development

(D) And/or a collection of city approved BMPs.

(ii) The publications listed above include a list of acceptable BMPs including the specific design performance criteria and operation and maintenance requirements. These include city
approved BMPs for permanent stormwater management including green infrastructure BMPs.

(iii) Stormwater facilities that are designed, constructed and maintained in accordance with these publications will be presumed to meet the minimum water quality performance standards.

(c) Submittal of a copy of the NOC, SWPPP and NOT to the local MS4

(i) Permittees 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 TDEC's 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 administrator. Permitting status of all permittees covered (or previously covered) under this general permit as well as the most current list of all MS4 permits is available at the TDEC's data viewer web site.

(ii) Copies of additional applicable local, state or federal permits (i.e.: ARAP, etc.) must also be provided upon request.

(iii) If requested by the city, these permits must be provided before the issuance of any land disturbance permit or the equivalent.

(3) Stormwater pollution prevention plans for construction stormwater management. (a) Requirement to prepare a SWPPP: The applicant must prepare a stormwater pollution prevention plan (SWPPP) for all construction activities that complies with subsection (6) below. The purpose of this plan is to identify owner/operator activities that could cause pollutants in the stormwater, and to describe measures or practices to control these pollutants during project construction.

(b) Stormwater pollution prevention plan general requirements: The erosion prevention and sediment control plan component of the SWPPP shall adhere to the following requirements.

(i) The potential for soil erosion and sedimentation problems resulting from land disturbing activity shall be accurately described;

(ii) The measures that are to be taken to control soil erosion and sedimentation problems shall be explained and illustrated;

(iii) The length and complexity of the plan must be commensurate with the size of the project, severity of the site condition, and potential for off-site damage.
(iv) If necessary, the measures to control soil erosion and sedimentation problems that are described in the plan shall be phased so that changes to the site that alter drainage patterns or characteristics during construction will be addressed by an appropriate phase of the plan.

(v) The plan shall be sealed by a registered professional engineer or landscape architect licensed in the State of Tennessee.

(vi) The plan shall conform to the requirements found in the general NPDES permit for stormwater discharges from construction activities (TNR100000), 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 five feet (5') 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 flood plains.

(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 off-site; 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 sedimentation and erosion 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 nonvegetation 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.

(4) Design performance standards and requirements for permanent stormwater management. The following performance standards shall be addressed for permanent stormwater management at all applicable development and redevelopment sites effective as of fifteen (15) days following the adoption date of this ordinance:

(a) Runoff reduction performance standard. The first inch of rainfall on the development or redevelopment shall be one hundred percent (100%) managed with no discharge to surface waters or the public storm sewer system. This standard shall be met using measures, alone or in combination, designed, built and maintained to infiltrate, evapotranspire or harvest and use the rainfall, in accordance with the site design layout practices and stormwater control measures provided in the Tennessee Permanent Stormwater Management and Design Guidance Manual or reference Metro Nashville's Low Impact Development Design Guidelines, most current edition.

(i) The pre-development infiltrative capacity of soils at the development or redevelopment must be taken into account in selection of infiltration-based stormwater control measures.

(ii) The Tennessee Runoff Reduction Assessment Tool (TN-RRAT) or Metro Nashville's Stormwater Management Manual Volume 5, Low Impact Development design guidelines shall be used by the site designer to determine compliance with the runoff reduction requirement.

(iii) Incentive standard: The following types of development or redevelopment shall receive a ten percent (10%) reduction in the volume of rainfall to be managed for any of the following types of development. Such incentives are additive such that a maximum reduction of fifty percent (50%) of the runoff reduction performance standard is possible for a project that meets all five (5) development types:

(A) Redevelopment;
(B) Brownfield redevelopment;
(C) High density developments having greater than seven (7) units per acre;
(D) Vertical density developments having a Floor to Area Ratio (FAR) of two (2) or greater than eighteen (18) units per acre; and

(E) Mixed use and transit oriented development that is located within one half (1/2) mile of a mass transit station.

(b) Runoff reduction performance standard compliance. Developments and redevelopments that achieve one hundred percent (100%) of the runoff reduction performance standard (or incentive standard if applicable) using only site design layout practices and/or stormwater control measures that are designed, built and maintained to infiltrate, evaportranspire or harvest and use the rainfall shall be exempt from compliance with the eighty percent (80%) TSS removal performance standard.

(c) Runoff reduction limitations. Limitations to the application of runoff reduction requirements may prevent a development or redevelopment from meeting one hundred percent (100%) of the runoff reduction requirement. Such limitations may include, but are not limited to:

(i) Natural physical conditions exist at the development or redevelopment that preclude or highly limit the use of infiltration practices. Such conditions include, but are not limited to, the following circumstances:

(A) The presence of sinkholes or other karst features;

(B) A high prevalence of shallow bedrock;

(C) A high prevalence of poorly-drained soils (i.e., hydrologic soil group D), such that soil amendments to promote infiltration must be extensive;

(D) A high prevalence of contractive/expansive soils and their proximity to on-site or off-site structures;

(E) Slopes greater than the maximums identified for the appropriate application of stormwater control measures;

(ii) The development lacks the available area to create the necessary hydraulic capacity to fully achieve the runoff reduction requirement through infiltration or evapotranspiration; and,

(iii) The proposed use for the development is inconsistent with the capture and re-use of stormwater;

(iv) Soil or topographic conditions at the development dictate that stormwater control measures which rely on infiltration to reduce stormwater volumes would be located in close proximity to on-site or off-site subsurface foundations, basements or
crawlspaces where wet conditions or flooding is known or suspected to occur;

(v) Conditions exist at the development that create a potential for introducing pollutants into the groundwater, unless pre-treatment is provided;

(vi) Pre-existing soil contamination is present in areas that are or could be subject to contact with infiltrated stormwater;

(vii) The placement of on-site or off-site utilities precludes the use of stormwater control measures that infiltration, evapotranspire or harvest and use rainfall;

(viii) The site has a historic or archeological significance that cannot be disturbed as determined by the state historic preservation office.

(d) Eighty percent (80%) TSS removal performance standard: Developments and redevelopments that cannot meet one hundred percent (100%) of the runoff reduction performance standard using the site design layout practices and stormwater control measures provided in the Tennessee Permanent Stormwater Management and Design Guidance Manual must treat the remainder of the stipulated amount of runoff prior to discharge from the development or redevelopment 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.

(e) It can be demonstrated that multiple criteria (not based solely on the difficulty or cost of implementing measures) rule out an adequate combination of infiltration, evapotranspiration, and reuse such as lack of available area to create the necessary infiltrative capacity; a site use that is inconsistent with capture and reuse of stormwater; physical conditions that preclude use of these practices.

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

(g) Stormwater discharges from hotspots may require the application of additional structural BMPs and pollution prevention practices beyond runoff reduction and eighty percent (80%) TSS removal practices.

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

(i) The calculations for determining peak flows shall be used for sizing all stormwater facilities.
(5) **Minimum peak discharge control requirements.** The administrator may establish standards to regulate the quantity of stormwater discharged, therefore:

- Stormwater designs shall meet the storm frequency storage requirements; and,
- If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the administrator may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

(6) **Permanent stormwater management plan requirements.**

- Requirement to prepare a permanent stormwater management plan: The permanent stormwater management plan shall be prepared and submitted to the administrator for all applicable developments and redevelopments.
- The permanent stormwater management plan shall include sufficient information to allow the administrator 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, the appropriateness of the measures proposed for managing stormwater generated at the project site, and design compliance with the performance standards and requirements for permanent stormwater management identified in this ordinance.
- The permanent stormwater management plan shall be sealed by a registered professional engineer or landscape architect licensed in the State of Tennessee.
- The plan shall include, at a minimum, the elements listed below:
  - 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:
    - Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;
    - Current land use including all existing structures, locations of utilities, roads, and easements;
    - All other existing significant natural and artificial features;
    - 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.

(iii) Proposed structural and non-structural BMPs and stormwater control measures;

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

(v) Calculations: hydrologic and hydraulic design calculations for the predevelopment and post-development conditions for the design storms specified in the approved stormwater design and BMP manuals. 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 approved stormwater design and BMP manuals. Such calculations shall include:

   (A) A description of the design storm frequency, duration, and intensity where applicable;
   (B) Time of concentration;
   (C) Soil curve numbers or runoff coefficients including assumed soil moisture conditions;
   (D) Peak runoff rates and total runoff volumes for each watershed area;
   (E) Infiltration rates, where applicable;
   (F) Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;
   (G) Flow velocities;
   (H) Data on the increase in rate and volume of runoff for the design storms referenced in the approved stormwater design and BMP manuals; and
   (I) Documentation of sources for all computation methods and field test results.

   (J) Results from the Tennessee Runoff Reduction Assessment Tool (TNRRAT) or Metro Nashville’s Stormwater Management Manual Volume 5, Low Impact Development Design.

(vi) 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.
Eighty percent (80%) TSS removal information. If eighty percent (80%) TSS removal BMPs are included in the plan, then it must also include:

(A) A narrative description of all runoff reduction limitations that exist at the development or redevelopment;
(B) A map drawn to scale showing the location and boundaries of such limitations;
(C) Calculations showing the volume of runoff managed by runoff reduction stormwater control practices and the volume of runoff managed by eighty percent (80%) TSS removal BMPs; and,
(D) Calculations showing compliance with the eighty percent (80%) TSS removal performance standard.

Maintenance and repair plan required. 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. (Ord. #04-651, Jan. 2005, as amended by Ord. #10-738, April 2010, and replaced by Ord. #15-830, Feb. 2015)

18-306. Buffer zones. 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. Buffer width depends on the size of a drainage area. Streams or other waters with drainage areas less than one (1) square mile will require buffer widths of thirty feet (30') minimum. Streams or other waters with drainage areas greater than one (1) square mile will require buffer widths of sixty feet (60') minimum. The sixty feet (60') criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than thirty feet (30') at any measured location. The MS4 must develop and apply criteria for determining the circumstances under which these averages will be available. 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. If water quality buffer widths as defined above cannot be fully accomplished on-site, the MS4 must develop and apply criteria for determining the circumstances under which alternative buffer widths will be available. 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.

Buffer zone requirements:

(1) "Construction" applies to all streams adjacent to construction sites, with an exception for streams designated as impaired or Exceptional Tennessee waters, as designated by the Tennessee Department of Environment and Conservation. A thirty foot (30') foot natural riparian buffer zone adjacent to all streams at the construction site shall be preserved, to the maximum extent practicable, during construction activities at the site. The water quality buffer zone is required to protect waters of the state located within or immediately adjacent to the boundaries of the project, as identified using methodology from standard operating procedures for hydrologic determinations (see rules to implement a certification program for qualified hydrologic professionals, Tennessee Rules chapter 0400-40-17). Buffer zones are not primary sediment control measures and should not be relied on as such. Rehabilitation and enhancement of a natural buffer zone is allowed, if necessary, for improvement of its effectiveness of protection of the waters of the state. The buffer zone requirement only applies to new construction sites. The riparian buffer zone should be preserved between the top of stream bank and the disturbed construction area. The thirty (30) feet criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than fifteen feet (15') at any measured location.

Buffer zone requirements for discharges into impaired or high quality waters: A sixty foot (60') natural riparian buffer zone adjacent to the receiving stream designated as impaired or high quality waters shall be preserved, to the maximum extent practicable, during construction activities at the site. The water quality buffer zone is required to protect waters of the state (e.g., perennial and intermittent streams, rivers, lakes, wetlands) located within or immediately adjacent to the boundaries of the project, as identified on a 7.5-minute USGS quadrangle map, or as determined by the director. Buffer zones are not sediment control measures and should not be relied upon as primary sediment control measures. Rehabilitation and enhancement of a natural buffer zone is allowed, if necessary, for improvement of its effectiveness of protection of the waters of the state. The buffer zone requirement only applies to new construction sites. The riparian buffer zone should be established between the top of stream bank and the disturbed construction area. The sixty feet (60') criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than twenty-five (25') at any measured location.

(2) "Permanent" new development and significant redevelopment sites are required to preserve water quality buffers along waters within the MS4. Buffers shall be clearly marked on site development plans, grading permit
applications, and/or concept plans. Buffer width depends on the size of a drainage area. Streams or other waters with drainage areas less than one (1) square mile will require buffer widths of thirty feet (30') minimum. Streams or other waters with drainage areas greater than 1 square mile will require buffer widths of sixty feet (60') minimum. The sixty feet (60') criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than thirty feet (30') at any measured location. (Ord. #04-651, Jan. 2005, as replaced by Ord. #15-830, Feb. 2015)

18-307. Permanent stormwater management: operation, maintenance, and inspection. (1) As built plans. All applicants are required to submit actual as built plans for any structures located on-site after final construction is completed. The plan 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 is required before any portion of a performance, surety, security or bond will be released. The city 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. At a minimum, as-built plans must include the invert elevation, top of casting elevation, slope, location, and material of all pipes, drainage inlets/outlets, junctions, etc. Size and material of all outlet dissipation pads, ditch size, slope, and materials. Top of berm elevations on all drainage facilities, volume of all detention/retention facilities and location and description of all permanent stormwater BMPs.

(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 no later than fifteen (15) days after the construction activity in that portion of the site has temporarily or permanently ceased. 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 fifteen (15) 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 re-vegetation 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) Replanting 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) 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.

(3) Inspection of stormwater management facilities. Periodic inspections of facilities shall be performed, documented, and reported in accordance with this chapter, as detailed in §16-506.

(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 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 chapter, the city, 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 shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have thirty (30) 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 may take necessary corrective action. The cost of any action by the city under this section shall be charged to the responsible party and/or a lien placed on the property by the city. (Ord. #04-651, Jan. 2005, as replaced by Ord. #15-830, Feb. 2015, and Ord. #16-877, Oct. 2016)

18-308. **Existing locations and ongoing developments.** (1) **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.

(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 (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 administrator. It shall also grant permission to the city 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 to be determined by the administrator.

(v) Provide that if the property is not maintained or repaired within the prescribed schedule, the administrator 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 administrator's cost of performing the maintenance shall be a lien against the property.

(2) Existing problem locations - no maintenance agreement. (a) The administrator 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 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.

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

(a) Perform routine inspections to ensure 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 administrator may require submittal of this documentation.

(b) Perform comprehensive inspection 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 current BMP conditions including, but not limited to: green infrastructure practices, grassy areas, forested areas, buffer areas, growing vegetation and soil properties; 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 administrator may require submittal of this documentation.

(4) 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 § 16-505(2)(c)(i), (ii), (iii) and on a schedule acceptable to the administrator.
(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 administrator be controlled to the maximum extent practicable to prevent its pollution. Such control measures may include, but are not limited to, the following:
18-309. 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 § 16-506 shall be an illicit discharge. Non-stormwater discharges shall include, but shall not be limited to, sanitary wastewater, commercial car wash wastewater, lawn mowing debris, lawn care chemicals, grease, soap, cleaning chemicals, radiator flushing disposal, spills from vehicle 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);
(xiv) Firefighting activities;
(xv) Any other uncontaminated water source.

(b) Discharges specified in writing by the city as being necessary to protect public health and safety.

(c) Dye testing is an allowable discharge if the city has so specified in writing.

(d) Discharges authorized by the Construction General Permit (CGP), 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 CGP 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 non-hazardous materials, the person shall notify the city 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.

(7) **Hot spots.** The administrator is authorized to regulate hot spots. Upon written notification by the administrator, the property owner or designated facility manager of a hot spot area shall, at their expense, implement necessary controls and/or best management practices to prevent discharge of contaminated stormwater to the municipal separate storm sewer system. The administrator may require the facility to maintain inspection logs or other records to document compliance with this paragraph. (Ord. #04-651, Jan. 2005, as replaced by Ord. #15-830, Feb. 2015)

18-310. **Enforcement.** (1) **Enforcement authority.** The administrator shall have the authority to issue notices of violation and citations, and to impose the civil penalties provided in this section. Measures authorized include:

(a) **Verbal warnings.** At a minimum, verbal warnings must specify the nature of the violation and required corrective action.
(b) Written notices. Written notices must stipulate the nature of the violation and 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.

(f) 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 administrator 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 administrator may serve upon such person written notice of the violation. Within ten (10) days of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the administrator. 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 administrator 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 administrator may order any person who violates this chapter or permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the 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 administrator finds that any person has violated or continues to violate this chapter 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 administrator finds that any person has violated or continues to violate this chapter or any permit or order issued hereunder, the administrator 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 administrator 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 administrator 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 chapter and in the BMP manual(s) adopted by the city under this ordinance, the strictest standard shall prevail. (Ord. #04-651, Jan. 2005, as replaced by Ord. #15-830, Feb. 2015)

18-311. Penalties. (1) Violations. Any person who shall commit any act declared unlawful under this chapter, who violates any provision of this chapter, who violates the provisions of any permit issued pursuant to this chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the administrator, 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 chapter may be assessed a civil penalty by the administrator 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.

(3) Measuring civil penalties. In assessing a civil penalty, the administrator may consider:
   (a) The harm done to the public health or the environment;
   (b) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
   (c) The economic benefit gained by the violator;
   (d) The amount of effort put forth by the violator to remedy this violation;
   (e) Any unusual or extraordinary enforcement costs incurred by the city;
   (f) The amount of penalty established by ordinance or resolution for specific categories of violations; and
   (g) 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 city 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 chapter, 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 chapter.

(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/or two (2) warning notifications. 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 chapter, 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. (Ord. #04-651, Jan. 2005, as amended by Ord. #10-738, April 2010, and replaced by Ord. #15-830, Feb. 2015)

18-312. **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 chapter may appeal said penalty or damage assessment to the city’s governing body.

(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 city’s governing body, or other appeals board established by the city’s governing body shall hold a public hearing within forty-five (45) days. A minimum of ten (10) days prior notice of the time, date, and location of said hearing shall be published in a daily newspaper of general circulation and/or on the city’s website. The notice shall also be provided to the aggrieved party by registered mail and sent to the address provided by the aggrieved party at the time of appeal. The decision of the governing body of the city shall be final.

(3) **Appealing decisions of the city's governing body.** Any alleged violator may appeal a decision of the city’s governing body pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8. (Ord. #04-651, Jan. 2005, as replaced by Ord. #15-830, Feb. 2015)

18-313. **Maintenance.** (1) **Maintenance responsibility.** (a) Any stormwater management facility or BMP which services individual property owners or subdivisions shall be privately owned with general routine maintenance (controlling vegetative grown and removing debris) provided for by the owner(s). The city has the right, but not the duty to enter premises for emergency repairs through a perpetual nonexclusive easement. The owner shall maintain a perpetual, non-exclusive easement, which allows for access for inspection and other emergency maintenance by the city.

(b) Any stormwater management facility or BMP which services an individual subdivision in which the facility or BMP is within designated open areas or an amenity with an established homeowners association, or inspection and maintenance agreement, shall be privately owned and maintained consistent with provisions of this ordinance. The city has the right, but not the duty to enter premises for emergency
repairs through a perpetual nonexclusive easement. The owner shall maintain a perpetual, nonexclusive easement, which allows for access for inspection and emergency maintenance by the city.

(c) Any stormwater management facility or BMP which services commercial and industrial development shall be privately owned and maintained consistent with the provisions of this title. The city has the right, but not the duty to enter premises for emergency repairs through a perpetual nonexclusive easement.

(d) All regional stormwater management facilities proposed by the owners, if accepted by the city engineer and approved by the board of commissioners for dedication as a public regional facility shall be publicly owned and maintained.

(e) All other stormwater management control facilities and BMP's shall be publicly owned and/or maintained only if accepted for maintenance by the city through a formal agreement recorded at the Davidson/Sumner County, Tennessee Register of Deeds. Existing or proposed drainage easements shall not constitute a formal agreement.

(f) The city engineer may require dedication of privately owned stormwater facilities, which discharge to the city's stormwater system. (as added by Ord. #16-877, Oct. 2016)

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. When a septic tank shall be used.
18-405. Registration and records of septic tank cleaners, etc.
18-406. Use of pit privy or other method of disposal.
18-407. Approval and permit required for septic tanks, privies, etc.
18-408. Owner to provide disposal facilities.
18-409. Occupant to maintain disposal facilities.
18-410. Only specified methods of disposal to be used.
18-411. Discharge into watercourses restricted.
18-412. Pollution of ground water prohibited.
18-413. Enforcement of chapter.
18-414. Carnivals, circuses, etc.
18-415. 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 feet (200') of any boundary of said property measured along the shortest available right of way.

(2) "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 seven hundred fifty (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 feet (4') should be provided with a minimum depth of air space above the liquid of one foot (1'). 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 feet (5'). 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 health officer as determined by acceptable soil percolation data.
(3) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent.

(4) "Human excreta." The bowel and kidney discharges of human beings.

(5) "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 health officer.

(6) "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.

(7) "Sewage." All water carried human and household wastes from residences, buildings, or industrial establishments.

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (2000 Code, § 18-401)

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. (2000 Code, § 18-402)

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. (2000 Code, § 18-403)

18-404. When a septic tank shall be used. Wherever water carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (2000 Code, § 18-404)

18-405. Registration and records of septic tank cleaners, etc. Every person, firm, or corporation who operates equipment for the purpose of
removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (2000 Code, § 18-405)

18-406. 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. (2000 Code, § 18-406)

18-407. 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, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (2000 Code, § 18-407)

18-408. Owner to provide disposal facilities. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-402, or the agent of the owner to provide such facilities. (2000 Code, § 18-408)

18-409. 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. (2000 Code, § 18-409)

18-410. 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. (2000 Code, § 18-410)

18-411. 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. (2000 Code, § 18-411)

18-412. 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, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening, either natural or
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artificial, in any formation which may permit the pollution of ground water. (2000 Code, § 18-412)

18-413. Enforcement of chapter. It shall be the duty of the health officer 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 health officer 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, but such person shall be allowed the number of days herein provided within which to make permanent correction. (2000 Code, § 18-413)

18-414. Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits, such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (2000 Code, §18-414)

18-415. 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. (2000 Code, § 18-415)
CHAPTER 5

WATER

SECTION

18-501. To be furnished under franchise.

18-501. To be furnished under franchise. Water service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant. The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.¹ (2000 Code, § 18-501)

¹The agreements are of record in the office of the city recorder.
CHAPTER 6

STORMWATER UTILITY ORDINANCE

SECTION
18-601. Title and purpose.
18-602. Jurisdiction.
18-603. Definitions.
18-604. Funding of stormwater utility.
18-605. Stormwater utility management fund.
18-606. Operating budget.
18-607. Stormwater user fee established.
18-608. Equivalent Residential Unit (ERU).
18-609. Property classification for stormwater user fees.
18-610. Unit rate.
18-611. Property owners to pay charges.
18-612. Billing procedures and penalties for late payment.
18-613. Appeals of fees.
18-614. Stormwater user fee credit policy.
18-615. Effective date.

18-601. Title and purpose. This ordinance shall be known as the "Stormwater Utility Ordinance" for the City of Goodlettsville, Tennessee.

(1) Introduction. The City of Goodlettsville finds, determines and declares that the stormwater system, which provides for the collection, treatment, storage and disposal of stormwater, provides benefits and services to all property within the incorporated City of Goodlettsville limits. Such benefits include, but are not limited to: the provision of adequate systems of collection, conveyance, detention, retention, treatment and release of stormwater, the reductions of hazards to property and life resulting from stormwater runoff, improvements in general health and welfare through reduction of undesirable stormwater conditions, and improvements to water quality in the stormwater and surface water system and its receiving waters of the state all of which are managed by the stormwater coordinator as part of the Municipal Separate Storm Sewer System (MS4) program.

(2) Purpose. The objective of this ordinance is to promote the public health, safety and general welfare of the City of Goodlettsville, Tennessee ("City") and its citizens in compliance with the Federal Clean Water Act, 33 U.S.C. 1251 et seq., and Tennessee Code Annotated, § 68-221-1101 et seq. which require municipalities to implement stormwater management programs, within prescribed time frames, to regulate stormwater discharges to protect water quality; establish adequate systems of collection, conveyance, detention, treatment and release of stormwater; reduce hazards of property and life resulting from stormwater runoff; and enable municipalities to fix and require
payment of fees for the privilege of discharging stormwater. The city finds that a stormwater management system which provides for the treatment of stormwater is of benefit and provides services to all property within the city.

It is further determined and declared that charges shall be established for each parcel of real property located within the city as provided hereinafter to provide for dedicated funding sources for the administration of stormwater management programs and/or stormwater system of the city. The proceeds of charges so derived shall be used for the purposes of stormwater management including, but not limited to: planning, operation, maintenance, repair, replacement and debt service of the city's stormwater management programs and system necessary to protect the health, safety and welfare of the public. The stormwater utility purpose is to provide stormwater management for the City of Goodlettsville including:

(a) Administer and enforce the City of Goodlettsville Stormwater Management Ordinance;
(b) Administer, plan, and implement stormwater projects to protect, maintain, and enhance the environment of the City of Goodlettsville;
(c) Implement activities necessary to maintain compliance with the city's MS4 National Pollutant Discharge Elimination System (NPDES) permit and applicable regulations, 40 CFR section 122.26 for stormwater discharges;
(d) Annually analyze the cost of services provided, and the system and structure of fees, charges, civil penalties and other revenues of the utility and make recommendations for changes therein as necessary to support the stormwater utility services; and,
(e) Advise the board of commissioners and other City of Goodlettsville departments on matters relating to the utility.
(3) Administering entity. The stormwater utility shall be part of the Goodlettsville Stormwater Department. The stormwater utility, under the direction and supervision of the stormwater coordinator or designee, shall administer the provisions of this stormwater utility ordinance as approved by the city administrator. (as added by Ord. #12-781, May 2012, as replaced by Ord. #13-807, Dec. 2013)

18-602. Jurisdiction. The Stormwater Utility Ordinance shall govern all properties within the corporate limits of the City of Goodlettsville, in Tennessee. (as added by Ord. #12-781, May 2012, as replaced by Ord. #13-807, Dec. 2013)

18-603. Definitions. For the purpose of this chapter, the following definitions shall apply:
(1) "City administrator" means the city manager for the City of Goodlettsville or his/her designee.
(2) "Agricultural property." Property which is zoned agricultural and/or property which yields an annual minimum, or in which the annual minimum has been met in two (2) of the last five (5) years, of one thousand dollars ($1,000.00) of agricultural products produced and/or sold from the operation of the property. Agricultural production shall include agricultural, forest, and/or livestock production as defined by the United States Department of Agriculture, Natural Resources Conservation Service, Environmental Quality Incentive Program. Proof of agricultural producer status may include IRS from 1040 Schedule For other accounting records certified by a tax preparer.

(3) "Base rate" or "unit rate." The stormwater user fee for a detached single family residential property or the rate per ERU for other developed property in the City of Goodlettsville.

(4) "Best Management Practices" or "BMPs." The physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, that have been approved by the City of Goodlettsville, and that have been incorporated by reference into the Stormwater Management Ordinance as if fully set out therein.

(5) "Construction." The erection, building, acquisition, alteration, reconstruction, improvement or extension of stormwater facilities; preliminary planning to determine the economic and engineering feasibility of stormwater facilities; the engineering, legal, fiscal and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary in the construction of stormwater facilities; and the inspection and supervision of the construction of stormwater facilities.

(6) "Deficient property." Real property that does not have adequate stormwater facilities as required in the latest edition of the City of Goodlettsville Subdivision Regulations and Stormwater Management Ordinance.

(7) "Developed property" means real property which has been altered from its natural state by the creation or addition of buildings, structures, pavement or other impervious surfaces, or by the alteration of the property that results in a meaningful change in the hydrology of the property during and following rainfall events.

(8) "Equivalent Residential Unit (ERU)." The representative square footage of a detached single family residential property building site as determined pursuant to this ordinance.

(9) "Exempt property." All public rights-of-way, public streets and public roads, public alleys, public sidewalks and public greenways, public drainage facilities, privately owned residential streets, property that does not discharge stormwater runoff to the stormwater or flood control facilities, owners and/or operators of agricultural land, in the municipality, upon which the owner and/or operator conducts activities that enable the owner and/or operator to satisfy the requirements of a qualified farmer or nurseryman under Tennessee law, and railroad right-of-way properties within the City of Goodlettsville. For
purposes of this definition, "public" shall mean that which is maintained by or
is or is to be dedicated to the City of Goodlettsville and/or the State of Tennessee
or the government of the United States.

(10) "Fiscal year." July 1 of a calendar year to June 30 of the next
calendar year, both inclusive.

(11) "Impervious surface." A surface which is compacted or covered with
material that is resistant to infiltration by water, including, but not limited to,
most conventionally surfaced streets, roofs, sidewalks, patios, driveways,
parking lots, and any other oiled, graveled, graded, compacted, or any other
surface which impedes the natural infiltration of surface water.

(12) "Impervious surface area." The number of square feet of horizontal
surface covered by buildings, and other impervious surfaces. All building
measurements shall be made between exterior limits of the structure,
foundations, columns or other means of support or enclosure.

(13) "Manager" means the City of Goodlettsville City Manager or
his/her designee who is designated to supervise the operation of the stormwater
management programs and system.

(14) "Multi-family residential property" means a residential structure
located on a parcel that is designed with five (5) or more dwelling units which
accommodate five (5) or more families or groups of individuals living separately
and not sharing the same living space.

(15) "Other developed property" means all developed property located
within the municipal limits of the city with impervious surface area greater
than four hundred (400) square feet other than:

(a) Residential Property;
(b) Exempt Property;
(c) Vacant Property; and
(d) Park lands/cemetery.

Other developed property shall include commercial properties, industrial
properties, apartments, parking lots, hospitals, schools, recreational and
cultural facilities, industrial properties, hotels, offices, churches, federal, state
and local government properties and multi-use properties. Such property shall
also include single family dwellings which are attached to or otherwise a part
of a building housing a commercial enterprise. Any single family residential
structure which contains more than four (4) attached dwelling units is
specifically included in this definition.

(16) "Park land"/"cemetery" means all real property owned by federal,
state and/or local governments that has been designated by such governmental
entity for use as a public park or cemetery.

(17) "Person." 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.

(18) "Property owner." The property owner of record as listed in the
city's and/or county's tax assessment roll. A property owner includes any
individual, corporation, firm, partnership, or group of individuals acting as a unit, and any trustee, receiver, or personal representative.

(19) "Runoff coefficient" is a term used to describe the percentage of precipitation that leaves a particular site as runoff. Runoff is precipitation that does not soak or absorb into the soil surface and is greatly impacted by the amount of impervious surface that exists on a particular site. The runoff coefficient relates the amount of impervious surface to the intensity of development.

(20) "Single family residential property." A developed property which serves the primary purpose of providing a permanent dwelling unit to a single family. A single family detached dwelling, a townhouse, an accessory apartment or second dwelling unit, a condominium, a duplex, a triplex, a quadruplex, a villa, or a garden home is included in this definition. A single family dwelling which is attached to, or otherwise a part of, a building housing a commercial enterprise is not included in this definition.

(21) "Stormwater" or "storm water." Stormwater runoff, snow melt runoff, surface runoff, infiltration, and drainage.

(22) "Stormwater management" means the planning, design, construction, regulation, improvement, repair, maintenance, and operation of facilities and programs relating to water, flood plains, flood control, grading, erosion, tree conservation, and sediment control.

(23) "Stormwater management fund" or "fund" means the fund created by this ordinance to operate, maintain, and improve the city’s stormwater management system.

(24) "Stormwater system" or "system" means all manmade and natural conveyances and structures, stormwater facilities, and flood control facilities within the corporate limits of the City of Goodlettsville city and all improvements thereto for which the partial or full purpose or use is, among other things, to control discharges and flows necessitated by rainfall events; and incorporate methods to collect, convey, store, absorb, inhibit, treat, prevent or reduce flooding, over drainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system. This includes all natural conveyances

(a) For which the City of Goodlettsville has assumed a level of maintenance responsibility;
(b) To which the City of Goodlettsville has made improvements;
(c) Which have or may pose a threat to public property because of flooding; or
(d) For which the City of Goodlettsville is accountable under federal or state regulations for protecting the water quality within its jurisdictional boundaries.

(25) "Stormwater user fee" or "fee." The utility service fee established under this ordinance and levied on owners or users of parcels or pieces of real property to fund the costs of stormwater management and of operating,
maintaining, and improving the stormwater system in the City of Goodlettsville. The stormwater user fee is in addition to other fees that the City of Goodlettsville has the right to charge under any other rule or regulation of the City of Goodlettsville.

(26) "Stormwater utility." A management structure that is responsible solely and specifically for the stormwater management program and system.

(27) "Surface water." Waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other watercourses, lakes, ponds, wetlands, marshes and sinkholes.

(28) "Technical advisory committee" shall mean a three-person advisory committee appointed by the city administrator.

(29) "Undeveloped property" shall mean property that has not been developed and does not have more than four hundred (400) square feet of impervious surface area on it.

(30) "User." The owner or customer of record of property subject to the stormwater user fee imposed by this ordinance.

(31) "Vacant/undeveloped property." Property on which there is no structure for which a certificate of occupancy has been issued and does not have more than four hundred (400) square feet of impervious surface area on it. (as added by Ord. #12-781, May 2012, as replaced by Ord. #13-807, Dec. 2013)

18-604. Funding of stormwater utility. Funding for the stormwater utility's activities may include, but not be limited to, the following:

(1) Stormwater user fees;

(2) Civil penalties and damage assessments imposed for or arising from the violation of the City of Goodlettsville Stormwater Management Ordinance and City of Goodlettsville Stormwater Utility Ordinance;

(3) Stormwater permit and inspection fees; and

(4) Other funds or income obtained from federal, state, local, and private grants, or revolving funds, and from the Local Government Public Obligations Act of 1986 (Tennessee Code Annotated, title 9, chapter 21). To the extent that the stormwater user fees collected are insufficient to construct needed stormwater drainage facilities, the cost of the same may be paid from such City of Goodlettsville funds as may be determined by the board of commissioners. (as added by Ord. #12-781, May 2012, as replaced by Ord. #13-807, Dec. 2013)

18-605. Stormwater utility management fund. All revenues generated by or on behalf of the stormwater utility shall be deposited in a stormwater utility management fund and used to fulfill the purposes of the stormwater utility. (as added by Ord. #12-781, May 2012, as replaced by Ord. #13-807, Dec. 2013)
18-606. **Operating budget.** The board of commissioners shall adopt, based on a recommendation from the city administrator, public services director, finance director, public works superintendent and/or stormwater manager/coordinator, an operating budget for the stormwater utility management fund each fiscal year. The operating budget shall set forth for such fiscal year the estimated revenues and the estimated costs for operations and maintenance, extension and replacement and debt service. (as added by Ord. #12-781, May 2012, as replaced by Ord. #13-807, Dec. 2013)

18-607. **Stormwater user fee established.** There shall be imposed on each and every developed property in the City of Goodlettsville, except exempt property, a stormwater user fee, which will be charged either monthly or as a regular interval charge, which shall be set from time to time by ordinance in the fee schedule as adopted by the City of Goodlettsville, and in the manner and amount prescribed by this ordinance. Prior to establishing or amending the stormwater user fee, the City of Goodlettsville shall advertise its intent to do so by publishing notice in a newspaper of general circulation in the City of Goodlettsville at least ten (10) days in advance of the meeting of the board meeting which shall consider the adoption of the fee or its amendment. (as added by Ord. #12-781, May 2012, as replaced by Ord. #13-807, Dec. 2013)

18-608. **Equivalent Residential Unit (ERU).** Establishment. The Equivalent Residential Unit (ERU) as a method of measurement is established for the purpose of calculating the stormwater user fees. Such ERU shall be set as two thousand nine hundred (2,900) square feet of impervious area. (as added by Ord. #12-781, May 2012, as replaced by Ord. #13-807, Dec. 2013)

18-609. **Property classification for stormwater user fees.**

1. **Property classifications.** For purposes of determining the stormwater user fee, all properties in the City of Goodlettsville are classified into one (1) of the following categories:
   
   (a) Single family residential property;
   (b) Other developed property;
   (c) Vacant/undeveloped property; and
   (d) Exempt property;

2. **Single family residential fee.** The board finds that the intensity of development of most parcels of real property in the City of Goodlettsville classified as single family residential is less than the average intensity of development for other developed property and similar to each other and that it would be excessively and unnecessarily expensive to determine precisely the square footage of the impervious surface on each such parcel. Therefore, all single family residential properties in the City of Goodlettsville shall be charged the unit rate for single family residential properties regardless of the size of the parcel or the impervious surface area of the improvements.
(3) **Other developed property fee.** The fee for other developed property (i.e., non-single-family residential property) in the City of Goodlettsville shall be charged the unit rate for other developed property multiplied by the number of ERUs on the property as calculated under § 18-610.

(4) **Vacant/undeveloped property fee.** There shall be no stormwater user fee for vacant/undeveloped property or as otherwise provided by state law.

**18-610. Unit rate.** The board hereby establishes a unit rate for single family residential property of three dollars and sixty-seven cents ($3.67) per month. The board hereby establishes a unit rate for other developed property of five dollars and fifty cents ($5.50) per month per ERU or part thereof. (as added by Ord. #12-781, May 2012, as replaced by Ord. #13-807, Dec. 2013)

18-611. **Property owners to pay charges.** The owner of each property/tax lot shall be obligated to pay the stormwater user fee as provided in this ordinance, provided however, that if no water or sewer service is being provided by the City of Goodlettsville or local water utility district at the property to the owner as a customer of record and such service is being provided to a customer of record other than the owner, it shall be presumed that the owner and such customer of record have agreed that the customer of record shall be obligated to pay such stormwater user fee.

If the customer of record other than the owner refuses to pay the stormwater user fee, the owner of each property shall be obligated to pay the stormwater user fee as defined in this ordinance.

Single-family residential properties shall be billed a flat single-family residential fee based on the placement of utility meters. Each unit of a multi-tenant single-family residential building (up to four (4) units) shall be the single family residential fee, to the customer of record for the unit. If units are not individually billed for any water or sewer service, i.e. water and sewer utilities are billed to a master meter, then the parcel owner for the master meter shall be billed as other developed property based on the total impervious surface area.

Multi-family residential (>4 units, apartments) and multi-tenant non-residential properties shall be billed an impervious-based fee according to the placement of parcels, i.e. if the property contains individual unit parcels, then the stormwater user fee shall be billed to individual units based on the unit’s pro rata percentage of impervious surface. If the multi-tenant property contains only a master parcel, then the stormwater user fee for the entire impervious surface area shall be billed to the owner of record for such master parcel. (as added by Ord. #12-781, May 2012, as replaced by Ord. #13-807, Dec. 2013)
18-612. Billing procedures and penalties for late payment.

(1) Rate and collection schedule. The stormwater user fee shall be billed and collected monthly with the monthly utility services bill for single family properties within the corporate limits. The stormwater user fee for non-single-family properties within the corporate limits shall be billed and collected quarterly on a direct invoice from the city or with the monthly utility services bills. The stormwater user fee for those properties using city utilities is part of a consolidated statement for utility customers, is generally paid by a single payment to the property owner’s water utility or to the City of Goodlettsville Stormwater Department, unless other means of billing is established at any time by the city.

The stormwater user fee for those properties using utilities not provided by the City of Goodlettsville and nonsingle-family properties within the corporate limits shall be billed and collected by the City of Goodlettsville quarterly or as directed by the City's Finance Department.

All bills for the stormwater user fee shall become due and payable in accordance with the rules and regulations of the applicable utilities department pertaining to the collection of the stormwater user fees.

(2) Delinquent bills. The stormwater user fee shall be considered delinquent if not received by the City of Goodlettsville or applicable billing Water Utility by the due date stated within the utility statement, and subsequent late fees shall be imposed as set forth in the fee schedule as adopted by the board of commissioners as established by an ordinance.

(3) Penalties for late payment; failure to pay. Stormwater user fees shall be subject to a late fee established by ordinance as indicated in the stormwater user fee schedule. The City of Goodlettsville shall be entitled to recover attorney’s fees incurred in collecting delinquent stormwater user fees. The city or other collecting utility provider may discontinue utility service to any stormwater user who fails or refuses to pay the stormwater user fees and may refuse to accept payment of the utility bill from any user without receiving at the same time, payment of the stormwater user fee charges owned by such user and further may refuse to re-establish service until all such fees have been paid in full.

(4) Mandatory statement. Pursuant to Tennessee Code Annotated, § 68-221-1112, each bill that shall contain stormwater user fees shall contain the following statement in bold: "THIS FEE HAS BEEN MANDATED BY CONGRESS." (as added by Ord. #12-781, May 2012, as replaced by Ord. #13-807, Dec. 2013)

18-613. Appeals of fees. Any person who disagrees with the calculation of the stormwater user fee, as provided in this ordinance, may appeal such fee determination to the technical advisory committee within sixty (60) days after receipt of stormwater bill is due. Any appeal not filed within the time permitted by this section shall be deemed waived.
All appeals shall be filed in writing addressed to the stormwater manager/coordinator for the City of Goodlettsville and shall state the grounds for the appeal and the amount of the stormwater user fee the appellant asserts is appropriate. The appeal shall provide such information and documentation supporting the basis of the appeal. The appeal shall be accompanied by an appeal review fee as set forth by the board of commissioners.

The technical advisory committee shall review the appeal and determine whether the challenged determination is consistent with the provisions of this chapter. Appeals related to the stormwater user fee shall be decided based on substantiated evidence with a sound engineering and factual basis. All appeal determinations shall be applied utilizing a strict interpretation of the stormwater utility ordinance. At any hearing related to an appeal or credit determination, the city shall be allowed to present evidence, findings, and recommendations; appealing parties and applicants shall be given an opportunity to present evidence, findings, and recommendations.

The technical advisory committee may request additional information from the appealing party; the committee may defer the determination of an appeal one time to the next regularly scheduled meeting of the technical advisory committee. Each appeal shall be placed on the technical advisory committee agenda for the next regularly scheduled meeting, within thirty (30) days after the stormwater manager/coordinator receives the written appeal.

The stormwater manager/coordinator shall notify the appellant customer of the date of the appeal review hearing in writing; such written notice shall be given at least ten (10) days prior to the hearing by regular mail at the address provided in the written appeal document. The decision of the technical advisory committee shall be final and conclusive with no further administrative review. If a refund is due, the stormwater manager/coordinator shall authorize the refund which will be provided as the stormwater manager/coordinator deems as necessary. (as added by Ord. #12-781, May 2012, as replaced by Ord. #13-807, Dec. 2013)

18-614. Stormwater user fee credit and adjustment policy. A "stormwater user fee credits and adjustments” policy shall be developed by the stormwater manager/coordinator that provides for an appropriate reduction in the stormwater user fee for other developed property for defined actions or activities that reduce the city’s cost of service or reduce the property's use of the stormwater system and which are ongoing. Application shall be made in the manner prescribed in the policy document and such user fee credits or adjustments shall be retroactive to the first month in which the unit rates within this ordinance take effect for a period of one (1) year. Thereafter such user fee credits and adjustments shall become effective in the next month or billing cycle after final approval.
The technical advisory committee shall approve all stormwater user fee credits and adjustments. (as added by Ord. #12-781, May 2012, as replaced by Ord. #13-807, Dec. 2013)

**18-615. Effective date.** This ordinance shall become effective as of the date of its passage on second reading by the board of commissioners. Stormwater user fees shall be charged as a utility billing for all customers within the corporate city limits. The effective date of the new unit rates shall be April 1, 2014. (as added by Ord. #12-781, May 2012, as replaced by Ord. #13-807, Dec. 2013)
TITLE 19

ELECTRICITY AND GAS

CHAPTER 1

GAS

SECTION
19-101. To be furnished under franchise.

19-101. To be furnished under franchise. Gas service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant. The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned. (2000 Code, § 19-101)

1The agreements are of record in the office of the city recorder.
TITLE 20

MISCELLANEOUS\(^1\)

CHAPTER
1. HELICOPTER LANDING REGULATIONS.
2. PUBLIC RECORD PROCEDURES.
3. TREE BOARD AND POLICY.
4. SPECIAL EVENTS.

CHAPTER 1

HELICOPTER LANDING REGULATIONS

SECTION
20-102. Effect on zoning ordinance
20-103. Landing in unauthorized places.
20-104. Designation of heliports or helistops.

20-101. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Helicopter." Any rotorcraft which depends principally for its support and motion in the air upon the lift generated by one (1) or more powerdriven rotors rotating on a substantially vertical axis.

(2) "Heliport." An area of land, water or structural surface which is designed, used or intended to be used for landing and take-off of helicopters, and any appurtenant areas, including buildings and other facilities such as refueling, parking, maintenance and repair facilities. The term "heliport" applies to all such facilities whether public or private.

(3) "Helistop." A minimum facility without the logistical support provided at a heliport at which helicopters land and take off, including the touchdown area. Helistops may be at ground level or elevated on a structure. The term "helistop" applies to all such minimum facilities whether public or private. (as added by Ord. #13-797, April 2013)

\(^1\)Title 20 Chapter 1 "Burglary and Robbery Alarm Regulations" and Chapter 2 "Disposal of Personal Property" as adopted with the Goodlettsville Municipal Code, June 23, 2011, were repealed by Ords. #13-795 and 13-796, March 14, 2013.
20-102. Effect on zoning ordinance. No provisions of this chapter shall be construed to alter or amend any provisions of the city's zoning ordinance, and no use prohibited by the terms of said ordinance shall be deemed permitted by the provisions of this chapter. (as added by Ord. #13-797, April 2013)

20-103. Landing in unauthorized places. No person, except in an emergency, or persons involved in the conduct of official business for any law enforcement agency, emergency medical, fire agency, emergency management agency or military unit of any branch of the armed forces of the United States of America or the Tennessee National Guard, shall land a helicopter at any place within the city other than at landing facilities duly licensed or approved as required by appropriate statute or regulation by the state and the federal aviation agencies; provided, however, the city manager or their designee may approve temporary landing sites for special purposes so long as said landing sites are considered safe by the city and the helicopter operator and that said temporary landing sites are approved in writing. (as added by Ord. #13-797, April 2013)

20-104. Designation of heliports or helistops. All heliports or helistops shall comply, where applicable, with the Heliport Design Guide Advisory Circular published by the federal aviation administration, as well as any rules and regulations promulgated by the state Department of Transportation with respect to minimum standards for heliports or helistops. If a heliport or helistop shall be located on a building or other structure, it shall further comply with the building code of the city. (as added by Ord. #13-797, April 2013)
CHAPTER 3

PUBLIC RECORD PROCEDURES

SECTION
20-201. Definitions.
20-202. Requesting access to public records.
20-203. Responding to public records requests.
20-204. Inspection of records.
20-205. Copies of records.
20-206. Fees and charges and procedures for billing and payment.

20-201. Definitions. (1) Records custodian. The office, official or employee lawfully responsible for the direct custody and care of a public record. (See Tennessee Code Annotated § 10-7-503(a)(1)(C).) The records custodian is not necessarily the original preparer of the record.

(2) Public records. All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. (See Tennessee Code Annotated, § 10-7-503(a)(1)(A)).

(3) Public records request coordinator. The individual, or individuals, designated in § 20-203(1)(c) of this policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. (See Tennessee Code Annotated, § 10-7-503(a)(1)(B)). The public records request coordinator may also be a records custodian.

(4) Requestor. A person seeking access to a public record, whether it is for inspection or duplication. (as added by Ord. #13-804, Oct. 2013, and replaced by Ord. #17-887, Feb. 2017)

20-202. Requesting access to public records. (1) Public record requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee or via online submission in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.

(2) Requests for inspection only cannot be required to be made in writing. The PRRC should request a mailing address or email address from the requester for providing any written communication required under the TPRA.

(3) Requests for inspection may be made orally at Goodlettsville City Hall at 105 S. Main Street, Goodlettsville, TN 37072. Requests for inspection
may also be made in writing using the attached Form 1. This form may be mailed to 105 S. Main Street, Goodlettsville, TN 37072 or emailed to abaker@goodlettsville.gov.

(4) Requests for copies, or requests for inspection and copies, shall be made in writing using the attached Form 1 at Goodlettsville City Hall 105 S. Main Street, Goodlettsville, TN 37072 or by emailing the form to abaker@goodlettsville.gov.

(5) Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or alternative acceptable form of ID) is required as a condition to inspect or receive copies of public records.

(6) Public notices, meeting agendas, resolutions and ordinances to be considered, and minutes for policy setting boards are available at www.goodlettsville.gov. Inspection and/or copies of these records may be requested by following points (3) and (4). (as added by Ord. #17-887, Feb. 2017)

20-203. Responding to public records requests. (1) Public record request coordinator. (a) The PRRC shall review public record requests and make an initial determination of the following:

(i) If the requestor provided evidence of Tennessee citizenship;

(ii) If the records requested are described with sufficient specificity to identify them; and

(iii) If the governmental entity is the custodian of the records.

(b) The PRRC shall acknowledge the receipt of the request and take any of the following appropriate action(s):

(i) Advise the requestor of this policy and the elections made regarding:

(A) Proof of Tennessee citizenship;

(B) Form(s) required for copies;

(C) Fees, if applicable; and

(D) Aggregation of multiple and frequent requests.

(ii) If appropriate, deny the request in writing, providing the appropriate ground such as one (1) of the following:

(A) The requestor is not, or has not presented evidence of being, a Tennessee citizen.

(B) The request lacks specificity.

(C) An exemption makes the record not subject to disclosure under the TPRA.

(D) The Governmental Entity is not the custodian of the requested records.

Form 1 is available in the office of the recorder.
(E) The records do not exist.

(iii) If appropriate, contact the requestor to see if the request can be narrowed.

(iv) Forward the records request to the appropriate records custodian in the City of Goodlettsville.

(v) If requested records are in the custody of a different governmental entity, and the PRRC knows the correct governmental entity, advise the requestor of the correct governmental entity and PRRC for that entity if known.

(c) The designated PRRCs are:

(i) Allison Baker, City Recorder (Primary)
   105 S. Main Street
   Goodlettsville, TN 37072
   Office: 615-851-2234 Fax: 615-851-2212
   abaker@goodlettsville.gov

(ii) Elizabeth Simpson, City Clerk
   105 South Main Street
   Goodlettsville, TN 37072
   Office: 615-851-2209 Fax: 615-851-2212
   esimpson@goodlettsville.gov

(2) Records custodian. (a) Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with Tennessee Code Annotated, § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the OORC.

(b) If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then a records custodian shall, within seven (7) business days from the records custodian’s receipt of request, send the requestor a completed public records request response form which is attached as Form 2,1 based on the form developed by the OORC.

(c) If a records custodian denies a public records request, he or she shall deny the request in writing as provided in § 20-203(1)(b)(ii) using the public records request response form.

(d) If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the records custodian shall use the public records request response form to notify the requestor that production of the records will

1Form 2 is available in the office of the recorder.
be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requestor to see if the request can be narrowed.

(e) If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission as quickly as practicable.

(3) Redaction. (a) If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may also consult with the OORC.

(b) Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information. (as added by Ord. #17-887, Feb. 2017)

20-204. Inspection of records. (1) There shall be no charge for inspection of open public records.

(2) The location for inspection of records within the offices of the City of Goodlettsville should be determined by either the PRRC or the records custodian.

(3) Under reasonable circumstances, the PRRC or a records custodian may require an appointment for inspection or may require inspection of records at an alternate location. (as added by Ord. #17-887, Feb. 2017)

20-205. Copies of records. (1) A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.

(2) Copies will be available for pickup at a location specified by the records custodian.

(3) Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.

(4) A requestor will not be allowed to make copies of records with personal equipment. (as added by Ord. #17-887, Feb. 2017)

20-206. Fees and charges and procedures for billing and payment. (1) Fees and charges for copies of public records should not be used to hinder access to public records.

(2) Records custodians shall provide requestors with an itemized estimate of the charges prior to producing copies of records and may require pre-payment of such charges before producing requested records.
When fees for copies and labor do not exceed three dollars ($3.00), the fees may be waived.

Fees and charges for copies are as follows:
(a) Fifteen cents ($0.15) per page for letter- and legal-size black and white copies.
(b) Fifty cents ($0.50) per page for letter- and legal-size color copies.
(c) Fifteen cents ($0.15) per copy for accident reports (fifty cent ($0.50) maximum).
(d) Maps, plats, electronic data, audio discs, video discs, and all other materials shall be duplicated at actual costs to the city.
(e) Labor when time exceeds one (1) hour.

Payment is to be made in cash, check, or by credit card payable to the City of Goodlettsville.

Payment in advance will be required when costs are estimated to exceed fifty dollars ($50.00).

Aggregation of frequent and multiple requests. The City of Goodlettsville will aggregate record requests in accordance with the frequent and multiple request policy promulgated by the OORC when more than four (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).

The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the records custodian must inform the individuals that they have been deemed to be working in concert and that they have the right to appeal the decision to the OORC.

Routinely released and readily accessible records excluded from aggregation include, but are not limited to: minutes from policy setting boards, resolutions and ordinances, and meeting agendas. (as added by Ord. #17-887, Feb. 2017)
CHAPTER 3

TREE BOARD AND POLICY

SECTION

20-301. Definitions.
20-302. Creation and establishment of a city tree board.
20-303. Term of office.
20-305. Duties and responsibilities.
20-307. Street tree species to be planted.
20-308. Spacing.
20-309. Distance from curb and sidewalk.
20-310. Utilities.
20-311. Public tree care.
20-312. Tree topping.
20-313. Pruning, distance from street corners and fireplugs.
20-315. Interference with city tree board.
20-316. Right to appeal decision of city tree board.

20-301. Definitions. (1) "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the city.

   (2) "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

   (3) "Parkway" is herein defined as that part of a street or highway not covered by sidewalk or other paving, lying between the property line and that portion of the street or highway usually reserved for vehicular traffic. (as added by Ord. #15-835, May 2015)

20-302. Creation and establishment of a city tree board. There is hereby created and established a city tree board for the City of Goodlettsville, Tennessee. (as added by Ord. #15-835, May 2015)

20-303. Term of office. The parks and recreation board shall comprise the city tree board and shall serve according to their terms. (as added by Ord. #15-835, May 2015)

20-305. **Duties and responsibilities.** It shall be the responsibility of the board to develop and administer a written plan for the planting, maintenance, and removal of trees and other woody growth on all public parks, city-owned areas, and city parkways. This plan will be presented as part of the department of recreation and park development's annual report to the board of commissioners, and upon their approval shall constitute the official comprehensive city tree plan for the City of Goodlettsville. The board, when requested by board of commissioners, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work. (as added by Ord. #15-835, May 2015)

20-306. **Operation.** The board will operate under this chapter and Robert's Rules of Order, Newly Revised, and will be accountable to the city manager. (as added by Ord. #15-835, May 2015)

20-307. **Street tree species to be planted.** The following list constitutes the official street tree species for Goodlettsville, Tennessee. No species other than those included in this list may be planted as street trees without written permission of the city tree board.

<table>
<thead>
<tr>
<th>Small Trees</th>
<th>Medium Trees</th>
<th>Large Trees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flowering Dogwood</td>
<td>Red Oak (Southern, Northern, Scarlet, Pin, Willow)</td>
<td>Cottonwood</td>
</tr>
<tr>
<td>Flowering Redbud</td>
<td>White Oak</td>
<td>Tulip Poplar</td>
</tr>
<tr>
<td>Flowering Crabapple</td>
<td>Northern, Scarlet</td>
<td>Maple (Sugar)</td>
</tr>
<tr>
<td>Hawthorn</td>
<td>Sassafras</td>
<td>Bald Cypress•</td>
</tr>
<tr>
<td>(Washington, Cockspur, Lavalle)</td>
<td>Ginkgo</td>
<td>Dawn Redwood•</td>
</tr>
<tr>
<td>Pear (Bradford, Callery)</td>
<td>Linden</td>
<td>Yellowwood</td>
</tr>
<tr>
<td>Japanese Flowering Cherry</td>
<td>Birch (Paper, River)</td>
<td>Sweetgum</td>
</tr>
<tr>
<td>Amur Cork Tree</td>
<td>Japanese Pogoda</td>
<td>American Beech</td>
</tr>
<tr>
<td>Goldenrain Tree</td>
<td>Pine (Eastern White, Austrian Scotch, Loblolly)</td>
<td>Tree Northern Catalpa</td>
</tr>
<tr>
<td>Serviceberry</td>
<td>White Cedar</td>
<td>Pecan</td>
</tr>
<tr>
<td>Carolina Silverbell</td>
<td>Atlas Cedar</td>
<td>Shagbark Hickory</td>
</tr>
<tr>
<td>Russian Olive</td>
<td>Green Ash</td>
<td>Southern Magnolia</td>
</tr>
<tr>
<td>American Hornbeam</td>
<td>Sawtooth Oak</td>
<td>Sycamore</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Hemlock</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Spruce (Norway, Blue)</td>
</tr>
</tbody>
</table>
Small Trees  Medium Trees  Large Trees
Smoke Tree  Maple (Red, Norway)  Fir (White, Douglas)
Kwanzan Cherry
Purple leaf Plum
American Holly
American Arborvitae
Junipers
(as added by Ord. #15-835, May 2015)

20-308. **Spacing.** The spacing of street trees will be in accordance with the three (3) species size classes listed in § 20-307, and no trees may be planted closer together than the following: Small trees, twenty feet (20’); medium trees, thirty feet (30’); and large trees, forty feet (40’); except in special plantings designed or approved by the tree board. (as added by Ord. #15-835, May 2015)

20-309. **Distance from curb and sidewalk.** The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three (3) species size classes listed in § 20-307 of this chapter, and no trees may be planted closer to any curb or sidewalk than the following: Small trees, two feet (2’); medium trees, four feet (4’); and large trees, six feet (6’). (as added by Ord. #15-835, May 2015)

20-310. **Utilities.** No street trees other than those species listed on small trees in § 20-307 of this chapter may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility. (as added by Ord. #15-835, May 2015)

20-311. **Public tree care.** The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the property lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The city tree board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which, by reason of its nature, is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is infected with any injurious fungus, insect, or other pest.

This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with §§ 20-307--20-310 of this chapter. Provided: nothing contained in this section shall relieve the owner of abutting property of the responsibility
to prune, maintain, and remove trees lying within the right-of-way of the street. (as added by Ord. #15-835, May 2015)

**20-312. Tree topping.** It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches (3") in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this chapter. (as added by Ord. #15-835, May 2015)

**20-313. Pruning, distance from street corners and fireplugs.** It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley, or sidewalk at a height of less than fourteen feet (14'). It shall also be unlawful to have or maintain any tree, shrub, or woody plant which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. These obstructions shall not be above two feet (2') in height and shall not be allowed within fifty feet (50') from the center line of any street. No street trees shall be planted closer than ten feet (10') of any fireplug. Property owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. (as added by Ord. #15-835, May 2015)

**20-314. Removal of stumps.** All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. (as added by Ord. #15-835, May 2015)

**20-315. Interference with city tree board.** It shall be unlawful for any person to prevent, delay or interfere with the city tree board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees, or trees on private grounds as authorized in this chapter. (as added by Ord. #15-835, May 2015)

**20-317. Violation.** The violation of any provision of this chapter is declared to be a misdemeanor. (as added by Ord. #15-835, May 2015)
CHAPTER 4

SPECIAL EVENTS

SECTION
20-401. Purpose.
20-402. Definitions.
20-403. Special event permit required.
20-404. Special event permit applications.
20-405. Standards for special event permit issuance.
20-406. Contents of permit.
20-407. Miscellaneous provisions; notice; appeal; duties.
20-408. Public conduct during a special event or parade.
20-409. Penalties.

20-401. Purpose. The occurrence in the city of special events, including parades, not only provides a public amenity that enhances the character of the city, but also provides a method of personal expression and enjoyment to the citizens of the city. The city seeks to encourage such activities to the extent that they do not interfere with the reasonable expectations of residents to the enjoyment of peace and quiet in their homes or to the ability of businesses to conduct their business uninterrupted. This article seeks to balance the interests of personal expression and enjoyment of such activities with those of the residents and businesses of the city through the use of consistent, non-discriminatory and uniformly approved standards. (as added by Ord. #17-911, Jan. 2018)

20-402. Definitions. (1) "City manager." The city manager or designee for purposes of application, review and approval under this article.
(2) "Parade." Any march or procession consisting of people, animals, cyclists, or vehicles, or combinations thereof, except funeral processions, upon any public street, sidewalk or alley, which does not comply with the normal and usual traffic regulations or controls.
(3) "Permit." A special event permit required by this article unless otherwise specified.
(4) "Special event." Any event which occurs in whole or in part on public property or public right-of-way which affects the ordinary use of public streets, rights-of-way, sidewalks or other public infrastructure. This includes, but is not limited to, parades, fairs, carnivals, foot races, bicycle races, demonstrations, and block parties. Private gatherings which make no use of public property or streets other than for lawful parking are not included, unless the event constitutes a use of private property that is not usual or customary for that property and zoning district, and any of the following apply:
(a) Event duration of more than two (2) consecutive days or two (2) consecutive weekends,
(b) Overnight camping,
(c) Sale and/or consumption of alcoholic beverages, including beer, or
(d) Estimated daily attendance of more than one hundred fifty (150) people. (as added by Ord. #17-911, Jan. 2018)

20-403. **Special event permit required.** No person shall engage in, participate in, aid, form or start any special event, unless a permit has been granted by the city manager or designee.

(1) **Special event location exceptions.** A special event permit is not required for events taking place entirely on the grounds of any:
   (a) Church;
   (b) Private or public school;
   (c) Athletic field;
   (d) Arena;
   (e) Auditorium;
   (f) Any other similar place of permanent public assembly;
   (g) County-owned property located within the City;
   (h) Any site at which a special event is sponsored entirely by the City of Goodlettsville or facilitated and staffed entirely by City of Goodlettsville personnel.

(2) **Special event permit exceptions.** A special event permit is not required for:
   (a) Funeral processions;
   (b) Wedding processions;
   (c) Governmental agencies acting within the scope of their functions; and,
   (d) Spontaneous events occasioned by news or affairs coming into public knowledge within five (5) days of such public assembly so long as the ability of pedestrians and motor vehicles to use public streets and sidewalks is not compromised.

(3) **Carnivals.** Nothing in this chapter shall affect the authority of the board of zoning appeals to regulate the holding of or participation in carnivals within the city. (as added by Ord. #17-911, Jan. 2018)

20-404. **Special event permit applications.** A person seeking issuance of a special event permit shall file an application with the city manager on forms provided by the city.

(1) **Filing period.** An application for a special event permit shall be filed not less than thirty (30) nor more than three hundred sixty-four (364) days prior to the scheduled date(s) of such special event. Early filing is highly encouraged to facilitate the application review process.
(2) Contents of application. The application for a special event permit shall set forth the information specified below; the applicant shall have a duty to update the application if there are material changes to the required information after the application has been submitted. However, a new application rather than an update is required for a change in date, location or route unless such change is initiated by the city. The application shall state:

(a) The name, residence and business address, email address, and phone and fax numbers of each person and organization sponsoring the special event. If an organization, the application shall indicate whether it is authorized to do business within the State of Tennessee and contain the names, addresses, and phone numbers of the president or board chair thereof, and all other persons known at the time of the application to:

(i) Have an interest or position of management or control in such organization;
(ii) Who are or will be engaged in organizing, promoting, controlling, managing or soliciting participation in such special event; and
(iii) Who will be vending or soliciting at the event under the special event permit.
(b) The date, or dates, and beginning and ending hours of such special event; the beginning and ending hours should include both the hours of the event itself and the time required for any setup or take-down;
(c) The location, including blocks, streets, or intersections, in which such special event will occur and the location of any temporary structures (e.g. tents) and their anchors, if any, and a map of same, including where a street closure is required, if any;
(d) The estimated number of persons who will participate or attend;
(e) The purpose of the special event;
(f) Whether parking is requested to be restricted or prohibited during such event;
(g) Whether any sound amplification equipment is proposed to be used, and if so, information describing such sound amplification. No sound amplification equipment shall be used in any way contrary to the applicable city ordinance on sound amplification and noise, or contrary to the city ordinance on noise pollution or other disturbance;
(h) Whether or not fees will be charged, or donations will be solicited or accepted;
(i) Whether sales of food or beverages, including alcohol or beer, or other merchandise will occur, along with the name, contact information and information regarding all necessary licenses and/or permits for such food and beverage vendors;
(j) Whether any street closure is required and will occupy all or any portion of any street or intersection;
(k) Whether the special event includes any amusement attraction or amusement ride;
(l) If the special event is or includes a parade:
   (i) The route to be traveled, the starting point, and the termination point;
   (ii) The approximate number of entities (e.g. persons, animals, vehicles, etc.) participating in the parade;
   (iii) The hours when the parade will start and terminate;
   (iv) A statement as to whether the parade will occupy all or only a portion of the width of the proposed streets to be traveled;
   (v) The location by street of any assembly areas for such parade, including any areas intended to be used for parking;
   (vi) The time at which units of the parade will begin to assemble at any such assembly area or areas; and,
   (vii) If the parade is designated to be held by and on behalf of or for any person other than the applicant, the applicant for such permit shall file with the city manager a written communication from that person authorizing the applicant to apply for the permit on the person's behalf; and,
(m) Such other information as the city manager or designee deems reasonably necessary in order to carry out the duties under this article.

(3) Street closures. Where a special event permit has been granted which includes a temporary street closure, applicants shall provide such barricades and traffic warning devices as are deemed necessary by, and acceptable to, the city and shall also remove same.

(4) Litter collection, sanitary devices. All applicants for a special event permit shall provide for the collection and prompt removal of all trash, garbage, and litter caused by or arising out of such special event and for sanitary facilities if they are deemed necessary by the city.

(5) Late applications. The city manager, where good cause is shown, shall have the authority to consider any application for a special event permit which is filed late.

(6) Beer permit. A separate beer permit application must be submitted to the city and approved. Submittal (or approval) of a special event permit which mentions beer is not submittal (or approval) of a beer permit application.

(7) Insurance. If the special event involves the sale of food, or the sale or consumption of beer or other alcoholic beverage, on any city owned property (including streets and sidewalks) then the applicant shall be required to obtain adequate liability insurance coverage for the event, which includes coverage for the food or alcohol and which names the city as an additional insured, and provide proof of same to the city. (as added by Ord. #17-911, Jan. 2018)
20-405. Standards for special event permit issuance. (1) Standards. The city manager will make a decision on whether to issue a special event permit after the application has been reviewed by the city. An incomplete application will be returned to the applicant and will not be considered for approval. Review and consideration of the application may include, but is not limited to, the following criteria:

(a) Whether the conduct of the special event would be likely to so substantially interrupt the safe and orderly movement of traffic within the city on and contiguous to the proposed location so as to create a danger to the health, safety, and welfare of the pedestrians, cyclists and vehicle drivers of the city or substantially interfere with construction projects;

(b) Whether the conduct of the special event would be likely to create a danger to the health, safety, and welfare of the citizens of the city by preventing firefighting equipment, ambulances, rescue vehicles, first response vehicles, and/or police vehicles from being able to reach any property in the city;

(c) Whether the concentration of persons, animals, and vehicles gathering for the special event or at assembly points for a parade would be likely to unduly interfere with proper fire and police protection or ambulance services to areas contiguous to such assembly areas;

(d) Whether a special event permit application for the same time and location is already granted or has been received;

(e) Whether a special event permit application for a similar date and time has been granted or has been received, and whether police resources required for the other special event are so great that in combination with the subsequent proposed application, the resulting deployment of police services would likely have an immediate and adverse effect upon the welfare and safety of persons or property;

(f) Whether, if the applicant proposes for the erection or placement of any structure or markings, whether permanent or temporary, on a city street, sidewalk or right-of-way, such applicant has obtained advance approval for the placement of the structure or markings from the appropriate city department.

(g) Whether the applicant or the person or organization on whose behalf the application is made has on a prior occasion damaged city property, violated the terms and conditions of a city permit, or has outstanding debts to the city.

(h) Whether the application contains a material falsehood, misrepresentation or omission.

(2) Nondiscrimination. The city shall uniformly consider each application for a special event permit upon its merits and shall not discriminate in granting or denying permits under this article based upon political, religious, ethnic, race, disability, or gender related grounds. The viewpoint of the
applicant or the content of the special event shall not be a basis for approval or denial.

(3) **Approval.** Approval of a special permit application can be subject to conditions and requirements not requested by the applicant. These conditions, requirements and changes can include, but are not limited to: requirements for crowd and/or traffic control (e.g. barricades, warning devices, law enforcement personnel); solid waste services and containers; sanitary facilities; security personnel; inspections of electrical and mechanical equipment; and modifications to the location(s) or hours requested. The city shall not specify or require that any such service or equipment be provided by the city. The approval of a special use permit can be rescinded or revoked before the event by the city manager for any reason which would have justified its denial and, on the day of the event, by the police department as specified in § 20-407(6). In the event of any such rescission or revocation, the applicant shall have only the right to appeal the rescission or revocation on the same basis as a denial as specified in §20-407(1) and shall have no other rights or claims.

(4) **Denial.** If the city manager denies, in whole or in part, a special event permit application, the reasons for the denial shall be identified with reference to narrow, objective and definite standards in this article or in another city ordinance, resolution, policy or standard, with which the proposal would conflict. No denial shall be arbitrary, capricious or without factual basis. Denials may be time, place and manner specific as an activity at one time or location may pose a different traffic or other risk than the same activity at a different time or location. (as added by Ord. #17-911, Jan. 2018)

**20-406. Contents of permit.** (1) **Special event permit.** Each special event permit shall state the following:

(a) The name, address, email address, and phone and fax numbers of each person and organization sponsoring the special event; this shall include all phone numbers in use by persons in charge of the event on the day of the special event.

(b) The date, or dates, and beginning and ending hours of such special event, and the location of the event.

(c) The purpose of the event, and whether any fees or offerings are approved to be charged or solicited.

(d) The estimated number of persons who will participate or attend.

(e) Approved parking plan, if any.

(f) Approved sound amplification equipment, if any.

(g) Approved sales of food or beverages, including alcohol or beer, or other merchandise, along with the name and contact information for such food and beverage vendors. In no event shall the special event permit be considered a substitution for any beer and/or alcohol permits
necessary for such vendors to engage in the sale of beer or alcohol or for any permit required for the sale of food.

(h) If there is a temporary street closure, the location of all barricades and traffic warning devices, the name and contact information of the entity providing the traffic control devices and the time of their installation and removal.

(i) If the permit includes a run or race, the route map of the course.

(j) If the permit includes a parade:

(i) The starting and estimated ending time.

(ii) The portions of the streets to be traveled that may be occupied by the parade.

(iii) The maximum length of the parade in mile or fractions thereof.

(iv) Emergency contact information for the persons responsible for the parade, including cell phone information if available.

(v) Such other information as either the city manager or designee, or the police department, shall find necessary to the enforcement of this article.

(k) Whether special sanitary facilities are required and, if they are, the name and contact information of the entity providing them, and their location.

(l) Whether special solid waste receptacles or services are required and, if they are, the name and contact information of the entity providing them.

(m) Whether special law enforcement or security services for traffic control or other purposes (in excess of the standard number of on-duty police department officers provided to each permit holder) are required and, if they are, the name and contact information of the entity providing them.

20-407. Miscellaneous provisions; notice; appeal; duties. (1) Time limits for decisions; notice of approval or denial. The city manager and appropriate city departments reviewing an application for a permit shall act upon the application promptly and expeditiously. If the application is denied, notice of the denial shall be mailed, faxed, emailed, or hand-delivered to the applicant within five (5) business days after the day upon which the denial decision was reached. Said notice shall contain advice to reapply if the application is incomplete and/or advise the applicant of the right to appeal and the process in which to appeal. Nothing in this section shall prevent the city, if in its sole discretion it deems the incompleteness of an application to be minor, to contact the applicant prior to the expiration of the five (5) business days to
obtain the missing information and with the consent of the applicant complete the application.

(2) **Appeal procedure.** Any applicant shall have the right to appeal the denial of a special event permit to the board of commissioners. The denied applicant shall make the appeal within five (5) days after receipt of the denial by filing a written notice with the city manager or the city recorder. The board of commission shall act upon the appeal at the next regularly scheduled meeting following the receipt of the notice of appeal. In the event that the board of commission rejects the applicant's appeal in whole or in part, the applicant may file an immediate request for review with a court of competent jurisdiction.

(3) **Notice to officials.** Upon the issuance of a special event permit, the city manager will send a copy to the police chief, fire chief, director of public services, director of parks and recreation, and any other appropriate department heads.

(4) **Duties of permittee.** A permittee under this article shall comply with all permit directions and conditions and with all applicable laws. The special event chair or other person heading or leading such activity shall carry the permit or a copy thereof upon their person during the special event.

(5) **Fees and charges.** The city shall set a reasonable fee for a special event permit by resolution which fee amount may change over time. The city may by resolution also establish reasonable charges and deposit fees for city services and equipment and may, but is not required to, allow a special event permit holder to utilize them including, but not limited to, solid waste services and law enforcement services. The fee and charges may vary in amount or be waived if the city is a co-sponsor of the event.

(5) **Revocation of permit.** The police department shall have the authority to revoke a special event permit instantly upon violation of the conditions or standards for issuance set forth in this article or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the special event would have an adverse effect upon the welfare and safety of persons or property. In such case of permit revocation, the police department will make reasonable efforts to notify the persons responsible for the special event as far in advance of the revocation as is practicable. (as added by Ord. #17-911, Jan. 2018)

**20-408. Public conduct during a special event or parade.** (1) No person shall unreasonably hamper, obstruct, impede or interfere with any person, vehicle, or animal participating in a special event properly permitted under this article.

(2) No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(3) The police department and/or the public services director shall have the authority when reasonably necessary to prohibit or restrict parking of
vehicles along a street constituting a part of a lawfully permitted parade, race
or run route, or to restrict parking on any public property or street contiguous
to the location of a lawfully permitted special event. The police department
and/or the public services director or designee may post signs to this effect, and
it shall be unlawful for any person to park or leave unattended any vehicle in
violation thereof. No person shall be liable for parking on a street not so posted.
(as added by Ord. #17-911, Jan. 2018)

20-409. **Penalties.** Anyone who is found in violation of this ordinance
shall be subject to a fine of not less than fifty dollars ($50.00) per offense. For
each day the violation occurs shall constitute a separate offense under this
ordinance. (as added by Ord. #17-911, Jan. 2018)
APPENDIX

A. CODE OF ETHICS ....................................................... APP-A-1
B. MAPS AND DIAGRAMS FOR TITLE 14 ......................... APP-B-1
CITY OF GOODLETTSVILLE
CODE OF ETHICS
APPENDIX A
Appendix A


All candidates for the chief administrative office (mayor), any candidates who spend more than $500, and candidates for other offices that pay at least $100 a month are required to file campaign financial disclosure reports. Civil penalties of $25 per day are authorized for late filings. Penalties up to the greater of $10,000 or 15 percent of the amount in controversy may be levied for filings more than 35 days late. It is a Class E felony for a multicandidate political campaign committee with a prior assessment record to intentionally fail to file a required campaign financial report. Further, the treasurer of such a committee may be personally liable for any penalty levied by the Registry of Election Finance (T.C.A. § 2-10-101–118).

Contributions to political campaigns for municipal candidates are limited to:

a. $1,000 from any person (including corporations and other organizations);
b. $5,000 from a multicandidate political campaign committee;
c. $20,000 from the candidate;
d. $20,000 from a political party; and
e. $75,000 from multicandidate political campaign committees.

The Registry of Election Finance may impose a maximum penalty of $10,000 or 115 percent of the amount of all contributions made or accepted in excess of these limits, whichever is greater (T.C.A. § 2-10-301–310).

Each candidate for local public office must prepare a report of contributions that includes the receipt date of each contribution and a political campaign committee’s statement indicating the date of each expenditure (T.C.A. § 2-10-105, 107).

Candidates are prohibited from converting leftover campaign funds to personal use. The funds must be returned to contributors, put in the volunteer public education trust fund, or transferred to another political campaign fund, a political party, a charitable or civic organization, educational institution, or an organization described in 26 U.S.C. 170(c) (T.C.A. § 2-10-114).

2. Conflicts of Interest.

Municipal officers and employees are permitted to have an “indirect interest” in contracts with their municipality if the officers or employees publicly acknowledge their interest. An indirect interest is any interest that is not “direct,” except it includes a direct interest if the officer is the only supplier of
goods or services in a municipality. A “direct interest” is any contract with the official himself or with any business of which the official is the sole proprietor, a partner, or owner of the largest number of outstanding shares held by any individual or corporation. Except as noted, direct interests are absolutely prohibited (T.C.A. § 6-2-402, T.C.A. § 6-20-205, T.C.A. § 6-54-107–108, T.C.A. § 12-4-101–102).


Conflict of interest disclosure reports by any candidate or appointee to a local public office are required under T.C.A. §§ 8-50-501 et seq. Detailed financial information is required, including the names of corporations or organizations in which the official or one immediate family member has an investment of over $10,000 or 5 percent of the total capital. This must be filed no later than 30 days after the last day legally allowed for qualifying as a candidate. As long as an elected official holds office, he or she must file an amended statement with the Tennessee Ethics Commission or inform that office in writing that an amended statement is not necessary because nothing has changed. The amended statement must be filed no later than January 31 of each year (T.C.A. § 8-50-504).

4. Consulting fee prohibition for elected municipal officials.

Any member or member-elect of a municipal governing body is prohibited under T.C.A. § 2-10-124 from “knowingly” receiving any form of compensation for “consulting services” other than compensation paid by the state, county, or municipality. Violations are punishable as Class C felonies if the conduct constitutes bribery under T.C.A. § 39-16-102. Other violations are prosecuted as Class A misdemeanors. A conviction under either statute disqualifies the offender from holding any office under the laws or Constitution of the State of Tennessee.

“Consulting services” under T.C.A. § 2-10-122 means “services to advise or assist a person or entity in influencing legislative or administrative action, as that term is defined in § 3-6-301, relative to the municipality or county represented by that official.” “Consulting services” also means services to advise or assist a person or entity in maintaining, applying for, soliciting or entering into a contract with the municipality represented by that official. "Consulting services" does not mean the practice or business of law in connection with representation of clients by a licensed attorney in a contested case action, administrative proceeding or rule making procedure;
"Compensation" does not include an “honorarium” under T.C.A. § 2-10-116, or certain gifts under T.C.A. § 3-6-305(b), which are defined and prohibited under those statutes.

The attorney general construes "Consulting services" to include advertising or other informational services that directly promote specific legislation or specifically target legislators or state executive officials. Advertising aimed at the general public that does not promote or otherwise attempt to influence specific legislative or administrative action is not prohibited. Op. Atty.Gen. No. 05-096, June 17, 2005.

5. Bribery offenses.

   a. A person who is convicted of bribery of a public servant, as defined in T.C.A. § 39-16-102, or a public servant who is convicted of accepting a bribe under the statute, commits a Class B felony.

   b. Under T.C.A. § 39-16-103, a person convicted of bribery is disqualified from ever holding office again in the state. Conviction while in office will not end the person’s term of office under this statute, but a person may be removed from office pursuant to any law providing for removal or expulsion existing prior to the conviction.

   c. A public servant who requests a pecuniary benefit for performing an act the person would have had to perform without the benefit or for a lesser fee, may be convicted of a Class E felony for solicitation of unlawful compensation under T.C.A. § 39-16-104.

   d. A public servant convicted of “buying and selling in regard to offices” under T.C.A. § 39-16-105, may be found guilty of a Class C felony. Offenses under this statute relevant to public officials are selling, resigning, vacating, or refusing to qualify and enter upon the duties of the office for pecuniary gain, or entering into any kind of borrowing or selling for anything of value with regard to the office.

   e. Exceptions to 1, 3, and 4, above include lawful contributions to political campaigns, and a “trivial benefit” that is “incidental to personal, professional, or business contacts” in which there is no danger of undermining an official’s impartiality.


   a. Public misconduct offenses under Tennessee Code Annotated § 39-16-401 through § 39-16-404 apply to officers, elected officials, employees,
candidates for nomination or election to public office, and persons performing a governmental function under claim of right even though not qualified to do so.

b. Official misconduct under Tennessee Code Annotated § 39-16-402 pertains to acts related to a public servant’s office or employment committed with an intent to obtain a benefit or to harm another. Acts constituting an offense include the unauthorized exercise of official power, acts exceeding one’s official power, failure to perform a duty required by law, and receiving a benefit not authorized by law. Offenses under this section constitute a Class E felony.

c. Under Tennessee Code Annotated § 39-16-403, “Official oppression,” a public servant acting in an official capacity who intentionally arrests, detains, frisks, etc., or intentionally prevents another from enjoying a right or privilege commits a Class E felony.

d. Tennessee Code Annotated § 39-16-404 prohibits a public servant’s use of information attained in an official capacity, to attain a benefit or aid another which has not been made public. Offenses under the section are Class B misdemeanors.

e. A public servant convicted for any of the offenses summarized in sections 2-4 above shall be removed from office or discharged from a position of employment, in addition to the criminal penalties provided for each offense. Additionally, an elected or appointed official is prohibited from holding another appointed or elected office for ten (10) years. At-will employees convicted will be discharged, but are not prohibited from working in public service for any specific period. Subsequent employment is left to the discretion of the hiring entity for those employees. Tennessee Code Annotated § 39-16-406.

7. Ouster law.

Some Tennessee city charters include ouster provisions, but the only general law procedure for removing elected officials from office is judicial ouster. Cities are entitled to use their municipal charter ouster provisions, or they may proceed under state law.

The judicial ouster procedure applies to all officers, including people holding any municipal “office of trust or profit.” (Note that it must be an “office” filled by an “officer,” distinguished from an “employee” holding a “position” that does not have the attributes of an “office.”) The statute makes any officer subject to such removal “who shall knowingly or willfully misconduct himself in office, or who shall knowingly or willfully neglect to perform any duty enjoined upon such officer by any of the laws of the state, or who shall in any public place be in a state of intoxication produced by strong drink voluntarily taken, or who shall
engage in any form of illegal gambling, or who shall commit any act constituting a violation of any penal statute involving moral turpitude” (T.C.A. § 8-47-101).

T.C.A. § 8-47-122(b) allows the taxing of costs and attorney fees against the complainant in an ouster suit if the complaint subsequently is withdrawn or deemed meritless. Similarly, after a final judgment in an ouster suit, governments may order reimbursement of attorney fees to the officer targeted in a failed ouster attempt (T.C.A. § 8-47-121).

The local attorney general or city attorney has a legal “duty” to investigate a written allegation that an officer has been guilty of any of the mentioned offenses. If he or she finds that “there is reasonable cause for such complaint, he shall forthwith institute proceedings in the Circuit, Chancery, or Criminal Court of the proper county.” However, with respect to the city attorney, there may be an irreconcilable conflict between that duty and the city attorney’s duties to the city, the mayor, and the rules of professional responsibility governing attorneys. Also, an attorney general or city attorney may act on his or her own initiative without a formal complaint (T.C.A. § 8-47-101–102). The officer must be removed from office if found guilty (T.C.A. § 8-47-120).
CITY OF GOODLETTSVILLE

MAPS AND DIAGRAMS FOR
TITLE 14

APPENDIX B
LOCATION OF ADVERTISING SIGNS

DIAGRAM 1
Spacing of Signs Along Curved Streets

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point "A"

radial line from sign to street R.O.W. line
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DIAGRAM 2
Spacing of Signs Along Straight Streets

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point "A"

perpendicular line from sign to street R.O.W. line
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--- = line along which distance between signs is measured

DIAGRAM 3
Measurement of Distance Between Signs Oriented Toward Different Streets

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sign oriented to Street A

--- = line along which distance between signs is measured
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sign oriented to Street A
VARIOUS TYPES OF SIGNS

POLE SIGN

ROOF SIGN

WALL SIGN

DIRECTIONAL SIGN

TEMPORARY REAL ESTATE SIGN

FOR LEASE

GROUNDS

FOR SALE

PREMISES
Signs - How Measured

A. AREA OF SIGN

Sign area shall include the area within a perimeter enclosing the limits of lettering, writing, representation, emblem, figure, character and lighted surface but excluding essential sign structure, foundations or supports. For a multiple face sign, the sign area shall be computed for the largest face only. If the sign consists of more than one section or module, all areas will be totaled.

B. AREA OF COPY

Copy area includes the entire area within a single, continuous perimeter composed of squares or rectangles, which enclose the extreme limits of the advertising message on a wall sign.

C. NEUTRAL SURFACE

Neutral surfaces intended only to integrate and harmonize a wall sign with the architecture of the building to which it is attached, shall not be included in the calculation of sign area.
ORDINANCE NO. 11-757

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND
REVISION OF THE ORDINANCES OF THE CITY OF GOODLETTSVILLE, TENNESSEE.

WHEREAS, some of the ordinances of the City of Goodlettsville 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 Goodlettsville, 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 "Goodlettsville Municipal Code," now, therefore:

BE IT ORDAINED BY THE CITY OF GOODLETTSVILLE, 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 "Goodlettsville 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 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.

¹Charter reference
Section 4. Continuation of existing provisions. Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than fifty dollars ($50.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty." Each day any violation of the municipal code continues shall constitute a separate civil offense.

Section 6. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of 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

\(^2\)State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, 40-24-101 et seq.
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 no sooner than fifteen (15) days after first passage thereof, provided that it is read two (2) different days in open session before its adoption, and not less than one week elapses between first and second readings, the welfare of the town requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading  June 9, 2011

Passed 2nd reading  June 23, 2011

City Recorder

Approved as to form and legality

City Attorney