



# **Metropolitan Council**

**PROPOSED AMENDMENTS PACKET  
FOR THE COUNCIL MEETING OF  
TUESDAY, OCTOBER 19, 2021**

**SUBSTITUTE RESOLUTION NO. RS2021-1188**

**A Resolution authorizing the Metropolitan Development and Housing Agency to negotiate and enter into a PILOT Agreement and accept payments in lieu of ad valorem taxes with respect to a multi-family housing project located at 5800 Maudina Drive Avenue known as Richland Hills.**

WHEREAS, Tennessee Code Annotated 13-20-104 (“the Act”) authorizes a Metropolitan Government for which a housing authority is created to delegate to such housing authority the authority to negotiate and accept payments in lieu of ad valorem taxes (“In Lieu of Tax Payments”) from the housing authority’s lessees operating low-income housing tax credit property (“LIHTC Property”) upon a finding that such payments are deemed to be in furtherance of the housing authority's public purposes; and

WHEREAS, the Metropolitan Development and Housing Agency (“MDHA”) was created pursuant to state law and is the housing authority for the Metropolitan Government; and

WHEREAS, by Ordinance No. BL2015-1281 as amended by Ordinance Nos. BL2016-334 and BL2016-435 (the “LIHTC Ordinance”), the Metropolitan Council (i) authorized MDHA to negotiate and accept In Lieu of Tax Payments from qualified lessees of LIHTC Property owned by MDHA and (ii) approved MDHA’s program for determining qualifications and eligibility for such In Lieu of Tax Payments, a copy of which was attached to the LIHTC Ordinance (the “PILOT Program”); and

WHEREAS, the Metropolitan Council approved an annual tax abatement not to exceed \$2,500,000; and

WHEREAS, a balance in the amount of annual funding available for LIHTC’s is currently \$762,557 after accounting for the following projects: Poplar Bend (\$440,861), Riverwood Tower (\$31,616), Chippington Towers (\$405,929), Shelby House (\$242,296), 900 Dickerson (\$412,413), Fairgrounds Block C (\$204,329).

WHEREAS, Richland Hills Housing Partners, LP (“Owner”) plans to acquire land located at 5800 Maudina (the “Project Site”); and

WHEREAS, Owner has proposed that an apartment project consisting of approximately 201 units restricted to individuals and families earning 60% or less of the Area Median Income (AMI) utilizing income averaging, known as Richland Hills, be rehabilitated on the Project Site by Owner and operated as a LIHTC Property (the “Project”); and

WHEREAS, the Board of Commissioners of MDHA has approved MDHA’s taking title to the Project Site for the purpose of facilitating an in lieu of tax agreement with the Owner, a copy of which is attached hereto as Exhibit A (the “PILOT Agreement”) and authorized the Executive Director of MDHA to take all actions on behalf of MDHA to (i) take title to the property, (ii) lease the Project Site and the Project to Owner, (iii) enter into the PILOT Agreement, and (iv) submit the PILOT Agreement to the Metropolitan Council for approval as required by the Act and the PILOT Ordinance; and

WHEREAS, the PILOT Agreement has been submitted to the Metropolitan Planning Commission which has recommended approval and provided a list of other LIHTC properties in the census tract; and

WHEREAS, MDHA has certified that the Project is consistent with MDHA’s Consolidated Plan for Nashville-Davidson County and that there are no other PILOT agreements in effect in the same census tract of the Project Site; and

WHEREAS, those portions of the Project and the Project Site owned by MDHA will be exempt from ad valorem taxation pursuant to Tennessee Code Annotated 67-5-206; and

WHEREAS, the Owner has agreed to make annual PILOT payments payable to the Metropolitan Government in accordance with the attached PILOT Agreement; and

WHEREAS, the value of the project when completed is estimated to be \$29,038,893 based on an income evaluation of the Project and its corresponding tax credits;

WHEREAS, for the purpose of the \$2,500,000 annual cap set forth in the PILOT Ordinance, the difference between the annual in lieu of tax payment payable under the PILOT Agreement and the projected real property ad valorem taxes that would otherwise be payable with respect to the Project in the first tax year after completion of the Project is \$198,945; and

WHEREAS, MDHA's entering into the PILOT Agreement to facilitate the Project is in the interest and welfare of the citizens of the Metropolitan Government and will further MDHA's public purposes by providing financial incentives for construction and rehabilitation of affordable housing units through the federally sponsored low income housing tax credit program resulting in a positive impact on the supply of affordable housing in Davidson County; and

WHEREAS, MDHA has submitted the PILOT Agreement to the Metropolitan Council for approval as required by the Act and the PILOT Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1: That the Council of the Metropolitan Government finds that MDHA's entering into the PILOT Agreement and acceptance of payments in lieu of ad valorem taxes with respect to the Project Site and the Project is in furtherance of the MDHA's public purpose of providing for and facilitating an adequate supply of affordable housing and in furtherance of the other public purposes described above.

Section 2: That the PILOT Agreement and the Project comply with the PILOT Ordinance and the PILOT Program.

Section 3: The Council of the Metropolitan Government finds that for the purpose of the \$2,500,000 annual cap set forth in the PILOT Ordinance, the difference between the annual in lieu of tax payment payable under the attached PILOT Agreement and the projected real property ad valorem taxes that would otherwise be payable with respect to the Project in the first tax year after completion of the Project is \$198,945.

Section 4: That the Council of the Metropolitan Government hereby approves the terms of MDHA's PILOT Agreement with the Owner in the form attached as Exhibit A.

Section 5: That this Resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

APPROVED by Metropolitan

Development and Housing Agency:

  
Executive Director

APPROVED AS TO AVAILABILITY  
OF FUNDS:

DocuSigned by:  
  
Finance Director

APPROVED AS TO LEGALITY OF  
FORM AND COMPOSITION

DocuSigned by:  
  
MDHA Attorney

INTRODUCED BY:

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Member(s) of Council



**RESOLUTION NO. RS2021-\_\_\_\_\_**

**A resolution in support of Nashville women diagnosed with breast cancer and of breast cancer awareness in the month of October and throughout the year.**

WHEREAS, cancer is the second leading cause of death in the United States exceeded only by heart disease, and one of every four deaths in the United States is due to cancer; and

WHEREAS, one in eight women -- 12.5% of women in America -- will contract breast cancer within their lifetime; and

WHEREAS, cancer is a group of diseases characterized by uncontrolled growth and spread of abnormal cells that can result in death if not treated. Although causes of cancer are not fully understood, numerous factors are known to increase risk, including many that are potentially modifiable including tobacco use, excess body weight, and lack of sleep and other factors that are not such as inherited genetic mutations. These risk factors may act simultaneously or in sequence to initiate and/or promote cancer growth; and

WHEREAS, while having a mother or sister with breast cancer can double a woman's risk, less than 15% of women with breast cancer have a family history of the disease; and

WHEREAS, 968 women in Tennessee died of breast cancer in 2019, of whom 80 were Nashvillians; and

WHEREAS, according to the American Cancer Society, in the U.S. in 2021, there will be an estimated 281,550 new cases of invasive breast cancer and 49,290 cases of ductal carcinoma in situ (DCIS) diagnosed in women and an estimated 44,130 breast cancer deaths; and

WHEREAS, from 2008 to 2017, invasive female breast cancer incidence rates increased by about 0.5% per year; and

WHEREAS, since its peak in 1989, the female breast cancer death rate declined by 41% in 2018 because of earlier detection through screening, as well as increased awareness of symptoms, and improved treatment. This decrease translates to approximately 403,200 fewer breast cancer deaths during this time period than would have been expected in the absence of this progress. However, the pace of the decline has slowed from almost 2% annually during the 2000s to 1% per year from 2013 to 2018; and

WHEREAS, early detection is key to breast cancer survival. Women are encouraged, especially in the context of the COVID-19 pandemic, not to skip their annual mammography screenings; and

WHEREAS, in 2009, the U.S. Preventive Services Task Force recommended that routine screening mammograms for women with an average risk of breast cancer should start at age 50 instead of age 40, but the recommended changes were very controversial and were not universally adopted. Since that time, the American Medical Association, the American College of Obstetricians and Gynecologists, the American College of Radiology, the American Cancer Society, the National Cancer Institute, and the National Comprehensive Cancer Network all have

issued guidelines stating that all women should be eligible for screening mammograms starting at age 40; and

WHEREAS, 80% of women in Davidson County age 50 to 74 have had a mammogram in the last two years, compared to 77% in Tennessee and the national average of 75%; and

WHEREAS, lack of health insurance prevents many Americans from receiving optimal cancer prevention, early detection, and treatment. Uninsured individuals and those from other marginalized populations are substantially more likely to be diagnosed with cancer at a later stage, when treatment is often more intensive, costlier, and less successful; and

WHEREAS, the Tennessee Breast and Cervical Screening Program of Nashville/Davidson County, administered by the Metropolitan Public Health Department, offers free screening mammograms to uninsured or underinsured low-income women beginning at age 40; and

WHEREAS, women with breast cancer will have a variety of treatment plans depending on the type and stage of their cancer. In recent years, advocacy groups have formed as part of the "Going Flat" movement to increase awareness and acceptance of mastectomy with aesthetic flat closure rather than reconstruction. In research published in January 2021 in the Annals of Surgical Oncology, nearly 75% of women surveyed who opted for no breast reconstruction after mastectomy were satisfied with the results; and

WHEREAS, during lumpectomy or mastectomy surgery to remove an original diagnosis of breast cancer, the surgeon removes all the cancer that can be seen and felt. But tests for cancer are not yet sensitive enough to detect tiny groups of cancer cells that may be left over after surgery. It is possible for isolated groups of cells to survive radiation therapy and chemotherapy intended to reduce the risk of recurrence, and even a single cell that escaped treatment may be able to multiply and grow into a tumor; and

WHEREAS, a breast cancer recurrence, or "recurrent breast cancer," is cancer that has come back in the same or opposite breast or chest wall after a period of time when the cancer could not be detected. There can be local, regional, or distant recurrences. When breast cancer comes back in other areas of the body, it is called "metastatic." Metastatic breast cancer is stage IV breast cancer; and

WHEREAS, due to fear of recurrence, breast cancer patients may struggle with how best to describe themselves after their treatment concludes. Some find strength in calling themselves a "survivor," but it is important to listen closely to women with breast cancer and let them choose the words to best describe their own journey; and

WHEREAS, cancer is often described as a "battle," and while this language may be encouraging to some, it is important to remember and acknowledge that no one dies from cancer because they did not "fight" hard enough; and

WHEREAS, communities of support are essential for the mental health of people diagnosed with cancer. Free classes and support groups, such as those offered in Nashville by Gilda's Club of Middle Tennessee, are helpful for cancer patients and their loved ones during and after treatment.

American Cancer Society, breastcancer.org and other organizations provide research and educational resources, online support forums, and other supportive services for women living with breast cancer; and

WHEREAS, October's Breast Cancer Awareness Month is an opportunity to highlight and share helpful information and encourage women to focus on their well-being, general health, and breast health. Breast cancer awareness, education, and support is important throughout the entire year.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. The Metropolitan Council hereby goes on record as expressing its support for all Nashville women living with breast cancer and their families, and for the medical professionals working to support their patients and prevent and cure breast cancer.

Section 2. This Resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

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Angie Henderson

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Zach Young  
Members of Council

ORDINANCE NO. \_\_\_\_\_

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing sanitary sewer main, sewer manhole and a portion of easement rights for property located at 405 South 4th Street, formerly Alley #305, also known as the Shelby House Apartments (MWS Project No. 21-SL-202 and Proposal No. 2021M-081ES-001).

WHEREAS, the abandonment of approximately 194 linear feet of existing eight inch sanitary sewer main and one sanitary sewer manhole, for property located at 405 South 4th Street, also known as the Shelby House Apartments, is needed to construct project number 21-SL-202; and,

WHEREAS, easement rights that were retained by Council Bill No. O90-1130, for any existing utilities located at 405 South 4th Street, formerly Alley #305; are no longer needed; and,

WHEREAS, the abandonment has been requested by Barge Cauthen and Associates on behalf of the owner; and,

WHEREAS, the Metropolitan Planning Commission approved mandatory referral No. 2021M-081ES-001 on October 8, 2021, for the abandonment of said sanitary sewer main, sanitary sewer manhole, and easement rights.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. The Metropolitan Government of Nashville and Davidson County is authorized to abandon approximately 194 linear feet of existing eight inch sanitary sewer main, one sanitary sewer manhole and easement rights that were retained by Council Bill No. O90-1130 for any existing utilities in former Alley #305, for property located at 405 South 4th Street, also known as the Shelby House Apartments, as shown below and on Exhibit 1, which is attached hereto and incorporated by reference:

Map & Parcel:

Address:

09303012600

405 South 4th Street

Section 2. The Directors of Water and Sewerage Services and Public Property Administration are authorized to execute such documents as may be necessary and appropriate to carry out the abandonment authorized by this ordinance.

Section 3. Amendments to this legislation shall be approved by resolution.

Section 4. This ordinance shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

RECOMMENDED BY:

INTRODUCED BY:

DocuSigned by:

*Scott Potter*

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Scott A. Potter, Director  
Water and Sewerage Services

*Brett G. Withers*

DocuSigned by:

*Trael Webb*

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Trael Webb, Director  
Public Property Administration

Council Member(s)

APPROVED AS TO THE  
AVAILABILITY OF FUNDS:

DocuSigned by:

*Kelly Flannery/mjw*

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Kelly Flannery, Director  
Department of Finance

APPROVED AS TO FORM  
AND LEGALITY:

DocuSigned by:

*Tara Ladd*

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Assistant Metropolitan Attorney



**METROPOLITAN GOVERNMENT  
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department  
Metro Office Building  
800 Second Avenue South  
Nashville, Tennessee 37201

October 8, 2021

To: Mike Atchison, Metro Water Services

**Re: Shelby House Apartments**  
**Planning Commission Mandatory Referral #2021M-081ES-001**  
Council District #06 – Brett Withers, Council Member

On behalf of the Metropolitan Planning Commission, the following item, referred to the Commission as required by the Metro Charter, has been recommended for *approval* to the Metropolitan Council:

*A request for the abandonment of approximately 194 linear feet of 8-inch sewer main and one sanitary sewer manhole. Also, the easement rights of Alley #305, previously retained by Ordinance 090-1130 (see sketch for details), are also proposed to be abandoned (MWS. proj. no. 21-SL-202).*

The relevant Metro agencies (Metro Parks, Metro Public Works, Metro Water Services, Metro Emergency Communications, the Nashville Electric Service, Metro Finance – Public Property and the Metro Historical Commission) have reviewed the proposal and concur in the recommendation for approval. This request must be approved by the Metro Council to become effective. A sketch showing the location of the request is attached to this letter.

**Conditions that apply to this approval: None.**

This recommendation for approval is given as set forth in the Metropolitan Planning Commission Rules and Procedures. If you have any questions about this matter, please contact Sharon O’Conner at [Sharon.oconner@nashville.gov](mailto:Sharon.oconner@nashville.gov) or 615-862-7208.

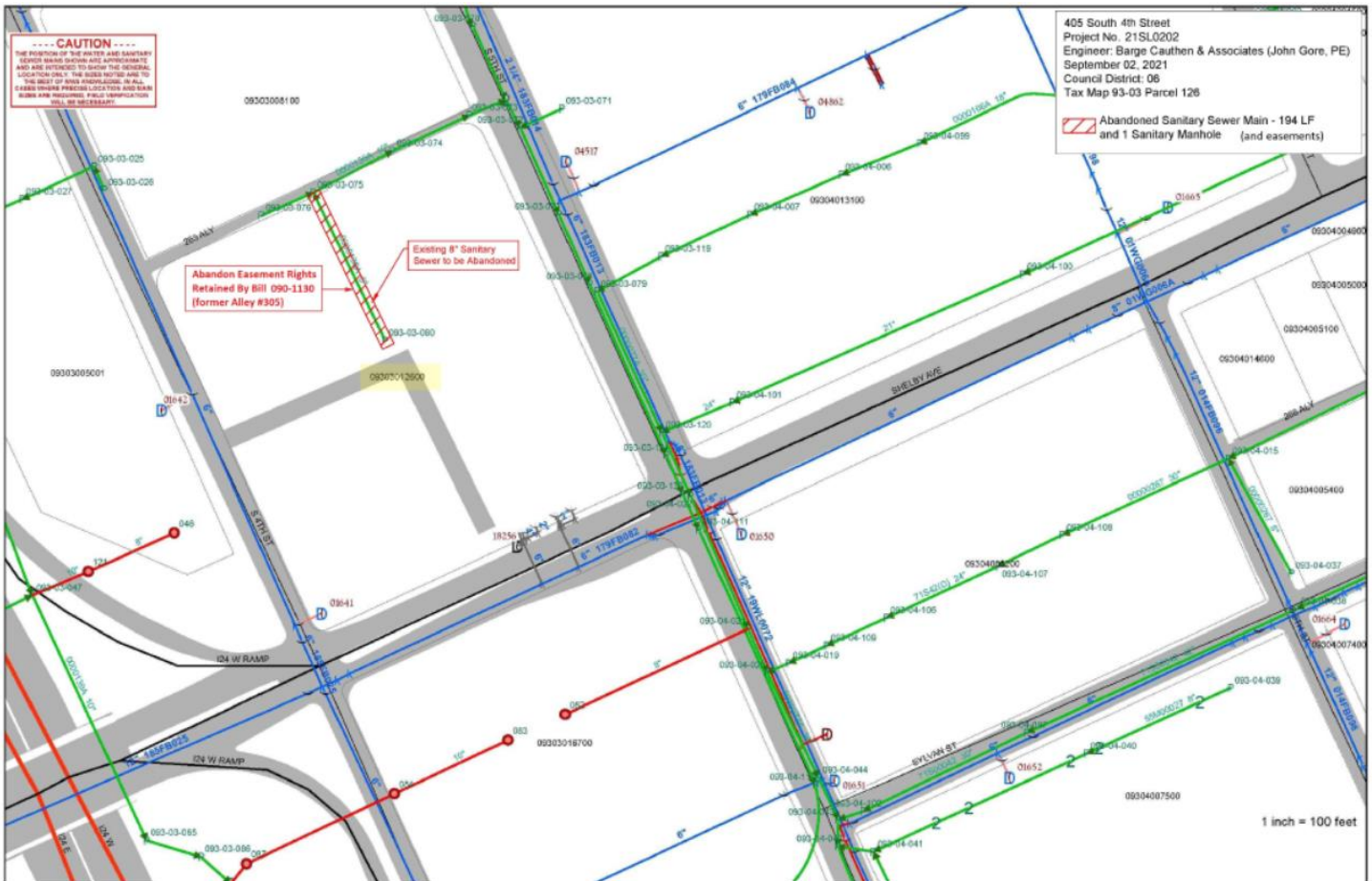
Sincerely,

A handwritten signature in cursive script that reads 'Lucy Alden Kempf'.

Lucy Kempf, Executive Director  
Metro Planning Department  
cc: Metro Clerk, Elizabeth Waites

**Re: Shelby House Apartments**  
**Planning Commission Mandatory Referral #2021M-081ES-001**  
Council District #06 – Brett Withers, Council Member


*A request for the abandonment of approximately 194 linear feet of 8-inch sewer main and one sanitary sewer manhole. Also, the easement rights of Alley #305, previously retained by Ordinance 090-1130 (see sketch for details), are also proposed to be abandoned (MWS. proj. no. 21-SL-202).*

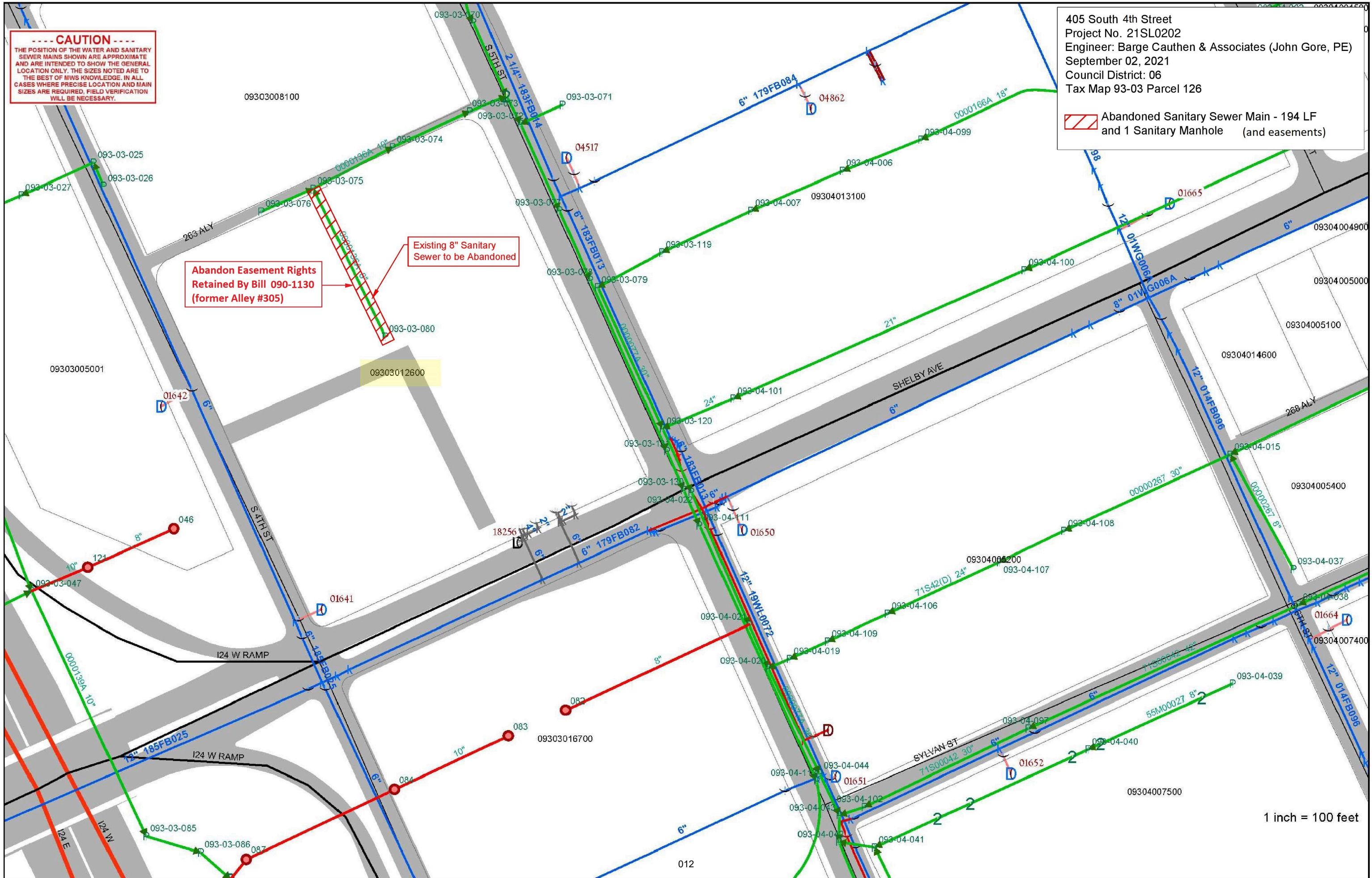




**CAUTION**  
 THE POSITION OF THE WATER AND SANITARY SEWER MAINS SHOWN ARE APPROXIMATE AND ARE INTENDED TO SHOW THE GENERAL LOCATION ONLY. THE SIZES NOTED ARE TO THE BEST OF MWS KNOWLEDGE. IN ALL CASES WHERE PRECISE LOCATION AND MAIN SIZES ARE REQUIRED, FIELD VERIFICATION WILL BE NECESSARY.

405 South 4th Street  
 Project No. 21SL0202  
 Engineer: Barge Cauthen & Associates (John Gore, PE)  
 September 02, 2021  
 Council District: 06  
 Tax Map 93-03 Parcel 126

 Abandoned Sanitary Sewer Main - 194 LF and 1 Sanitary Manhole (and easements)



1 inch = 100 feet



AMENDMENT NO. \_\_\_\_  
TO  
ORDINANCE NO. BL2021-913

Mr. President –

I hereby move to amend Ordinance No. BL2021-913 by amending Section 1 as follows:

Section 1. That Section 15 of Ordinance No. BL2019-1633 is hereby amended by deleting the first sentence and replacing it with the following:

The provisions of Section 1 of this Ordinance shall become effective January 1, 2022, provided that anyone with an active “short term rental property – not owner occupied” permit application on file with the Department of Codes Administration as of December 31, 2021, shall be eligible for that permit to be issued if all other conditions are met and if the final use and occupancy letter for the building is issued on or before December 31, 2021.

SPONSORED BY:

\_\_\_\_\_  
Larry Hagar  
Member of Council

AMENDMENT NO. \_\_\_\_  
TO  
ORDINANCE NO. BL2021-921

Mr. President –

I hereby move to amend Ordinance No. BL2021-921 as follows:

I. By amending Section 2 by deleting the Section in its entirety and replacing it with the following:

Section 2. That Section 6.72.435 of the Metropolitan Code of Laws is hereby amended by ~~deleting~~ modifying the following subsection A.3 as follows ~~in its entirety and renumbering the subsequent subsections accordingly:~~

"3. A driver who ~~speaks and understands English and~~ is courteous providing passenger assistance as well as a safe ride;"

II. By amending Section 3 by deleting the Section in its entirety and replacing it with the following:

Section 3. That Section 6.75.560 of the Metropolitan Code of Laws is hereby amended by ~~deleting~~ modifying the following subsection A.3 as follows ~~in its entirety and renumbering the subsequent subsections accordingly:~~

"3. A driver who ~~speaks and understands English and~~ is courteous providing passenger assistance as well as a safe ride;"

SPONSORED BY:

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Burkley Allen  
Member of Council

AMENDMENT NO. \_\_\_\_  
TO  
ORDINANCE NO. BL2021-857

Mr. President –

I hereby move to amend Ordinance No. BL2021-857 as follows:

I. By amending Section 4 by deleting Condition 2 in its entirety, renumbering subsequent conditions, and adding the following conditions:

10. Road A may be a public street or private street. If Road A is made a private street, it shall meet sections 3-8 and 3-9 of the adopted Subdivision Regulations, and the HOA shall be responsible for the maintenance and upkeep of the right of way in perpetuity.

11. Road A shall either be labeled on the final site plan as a public street or private street based on the final determination of the developer.

12. The final site plan shall label all internal driveways as private driveways. A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.

INTRODUCED BY:

\_\_\_\_\_  
Jeff Syracuse  
Member of Council

AMENDMENT NO. \_\_\_\_  
TO  
ORDINANCE NO. BL2021-895

Mr. President –

I move to amend Ordinance No. BL2021-895 as follows:

I. By substituting the current SP plans associated with this bill for those contained in Exhibit A.

SPONSORED BY:

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Kyonzte Toombs  
Member of Council





Regulatory Specific Plan

# 503 W TRINITY LANE

Mixed Use and Multi-family Residential Development

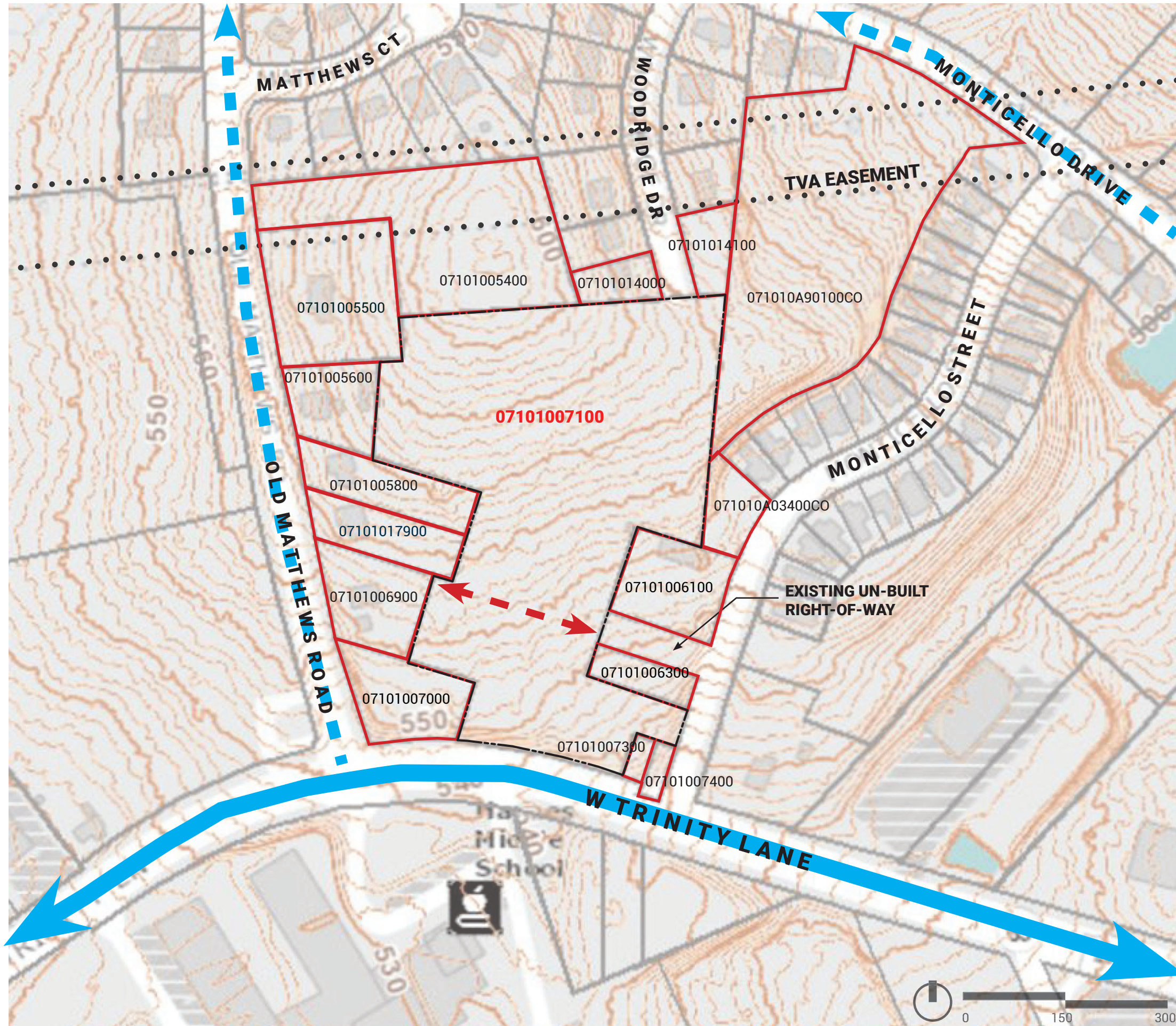


500 Creative Way #24  
Madison, TN 37115  
Phone: 615.584.8996  
Contact: Ryan McLaury  
ryan@rhythmhd.com







5100 Tennessee Avenue  
Nashville, TN 37209  
Phone: 615.622.7200  
Contact: Andrew Wiseman  
awiseman@catalyst-dg.com



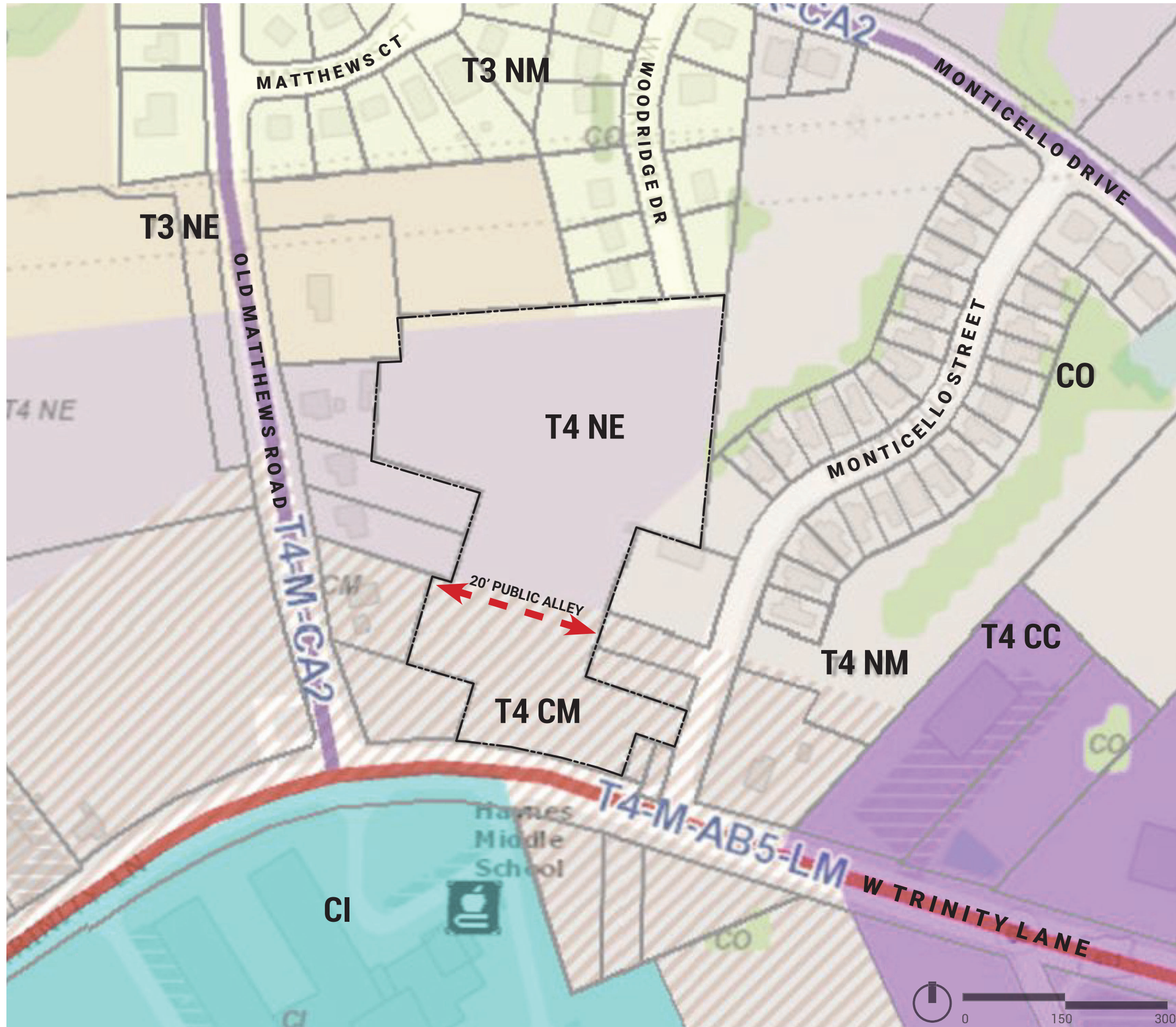


# EXISTING CONDITIONS

## LEGEND

-  Proposed Improvements for Public Alley (per the Community Plan)
-  Arterial-Boulevard
-  Collector-Avenue
-  TVA Easement





# LAND USE CONTEXT

## LEGEND

### Major and Collector Street Plan

- Arterial-Boulevard Scenic
- Arterial-Boulevard
- Collector-Avenue
- Planned Collector Avenue

### Adopted CCM

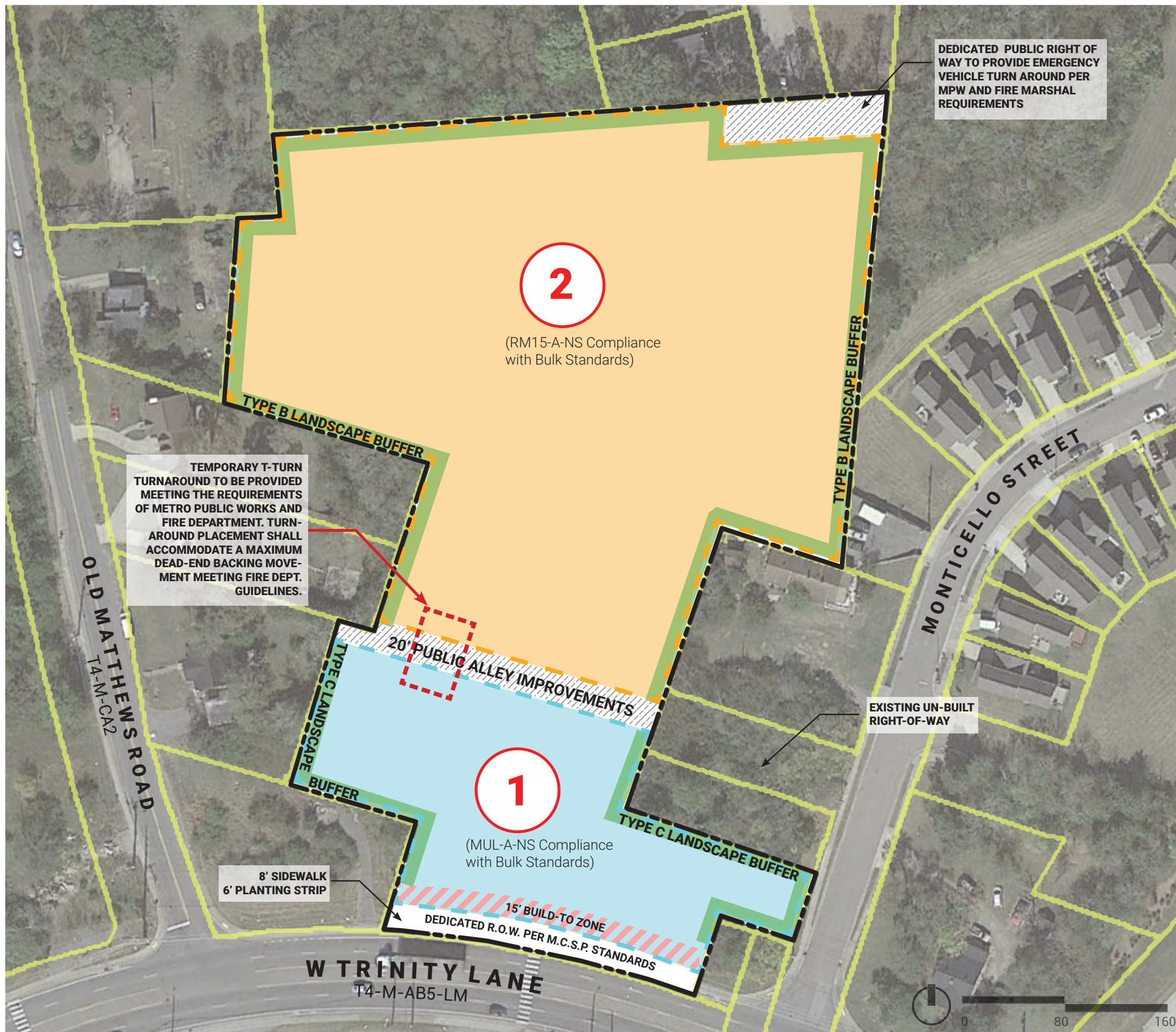
- CO Conservation
- CI Civic
- OS Open Space
- TR Transition
- T1 OS Natural Open Space
- T2 RA Rural Agriculture
- T2 RCS Rural Countryside
- T2 RM Rural Maintenance
- T2 NM Rural Neighborhood Maintenance
- T2 NC Rural Neighborhood Center
- T3 NM Suburban Neighborhood Maintenance
- T3 NE Suburban Neighborhood Evolving
- T3 RC Suburban Residential Corridor
- T3 NC Suburban Neighborhood Center
- T3 CM Suburban Mixed Use Corridor
- T3 CC Suburban Community Center
- T4 NM Urban Neighborhood Maintenance
- T4 NE Urban Neighborhood Evolving
- T4 RC Urban Residential Corridor
- T4 NC Urban Neighborhood Center
- T4 CM Urban Mixed Use Corridor
- T4 MU Urban Mixed Use Neighborhood
- T4 CC Urban Community Center
- T5 MU Center Mixed Use Neighborhood
- T5 RG Regional Center
- T6 DN Downtown Neighborhood
- T6 CP Downtown Capitol
- T6 DC Downtown Core
- T6 SB Downtown Second and Broadway
- D DR District Destination Retail
- D EC District Employment Center
- D I District Impact
- D IN District Industrial
- D MI District Major Institutional
- D OC District Office Concentration
- Water



# REGULATORY PLAN

The purpose of this Regulatory SP application is to permit a mixed-use development. The area will be regulated in two subdistricts in order to best respond to the intensity planned for W Trinity Lane while respecting the residential zoning adjacent to the northern portion of the property. The property lies within the Bordeaux/Whites Creek community plan and the regulatory plan supports the Haynes Trinity small area plan by creating a design that takes into account a planned alley extension through the site and emergency vehicle turn around at Woodridge Dr. to the North. The regulations will remain consistent with the T4 Urban Mixed-Use Corridor (T4-CM) policy and T4 Urban Neighborhood Evolving (T4-NE) policy areas on the property as described in the Nashville Next Community Character Manual.

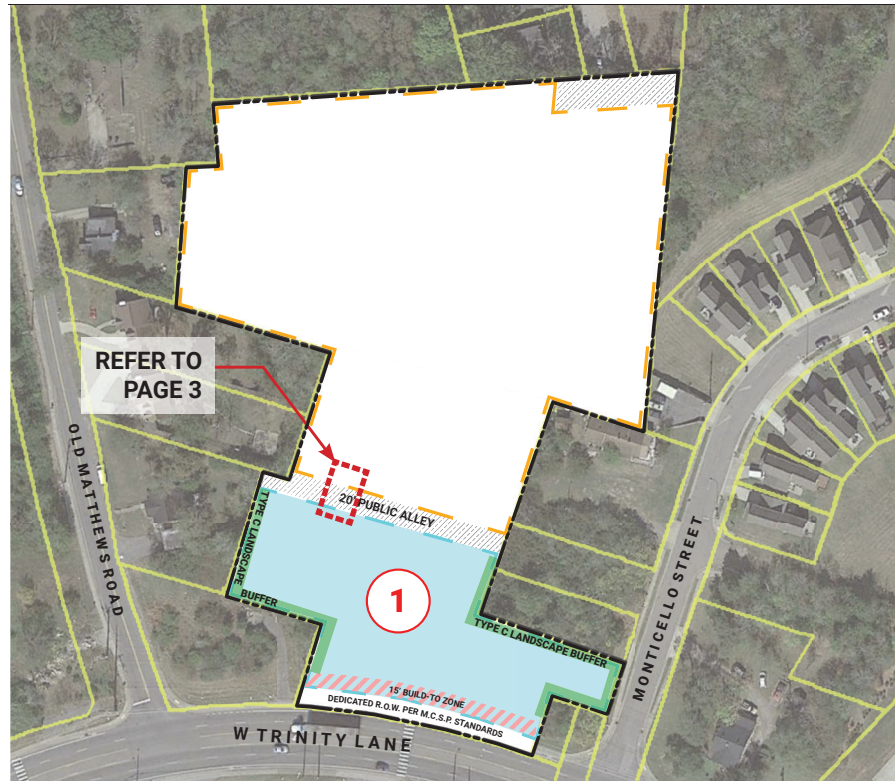
Landscape buffer yards are to be provided as a transition between the proposed development and adjacent parcels.





# DISTRICT 1

## LAND USE: MUL-A-NS



**T4- CM Urban Mixed Use Corridor:** generally located in areas where the primary land use is residential, commercial, and mixed use. These areas will have a balanced mixture of residential and commercial land use and provide opportunities for a varied development pattern in regard to the size, scale and density. They will also have high levels of connectivity with pedestrian, bicycle and existing or planned mass transit. Building massing results in a footprint with moderate to high lot coverage with non-residential and mixed-use buildings oriented to the corridor and residential buildings oriented to the street or an open space. Buildings are regularly spaced with shallow and consistent setbacks and minimal spacing between buildings. Within this setback, stoops and porches are common for some interaction between the public and private realm to create a pedestrian friendly environment. Buildings are generally three to five stories in height. Buildings with more stories may be supported in appropriate locations such as abutting or adjacent to a major corridor and to support affordable and workforce housing. Parking is accessed by alley or side streets and is provided on street or on surface or structured parking. Parking is located behind or beside the building and is screened from view. Landscaping is generally formal with consideration given to the use of native plants and natural rainwater collection used to minimize maintenance costs and burden on infrastructure.

## BULK REGULATIONS

<b>"District 1" Uses</b>	Uses allowed within MUL-A-NS zoning	
<b>FAR<sup>1</sup></b>	1.00	
<b>ISR</b>	0.90	
<b>Maximum Building Height in Build-to Zone</b>	3 stories in 45 feet (with 15 foot step back)	
<b>General Maximum Building Height</b>	4 stories in 60 feet	
<b>Build-to Zone</b>	0 to 15 feet	
<b>Side/Rear Setback</b>	min. of 20 feet rear setback and no required minimum side setback	
<b>Parking Requirements</b>	Per UZO Parking Requirements	
<b>Glazing<sup>2</sup></b>	<i>Residential</i>	20% Min.
	<i>Commercial</i>	40% Min. Ground Floor
		20% Min. Upper Floor
<b>Raised Foundations<sup>3</sup></b>	<i>Residential</i>	18 in. Min to 36 in. Max
	<i>Commercial</i>	36 in. Max
<b>1</b>	<i>No Maximum FAR applies to residential uses.</i>	
<b>2</b>	<i>Minimum glazing requirements shall be required on building facades facing public streets The first floor transparent glazing area calculation shall be measured from the finished grade at the setback to the finished floor elevation of the second floor, or to a height of sixteen feet, whichever is less. Upper floor glazing calculations shall be measured from floor to floor.</i>	
<b>3</b>	<i>With the exception of accessible units, visitable units, and topographically challenged units; challenging site topography may result in raised/lowered foundations at strategic locations. Screening is required when raised foundations exceed 36" along public streets and open spaces. Maintaining ADA access to units in order to meet fair housing requirements shall preempt this regulation.</i>	

## ARCHITECTURAL STANDARDS

1. Non-residential uses shall orient to a public street or shared commons area adjoining the public right-of-way. Residential uses may also be oriented towards internal open spaces.
2. The front facade of buildings shall be located between 0-15 feet from the back of the public sidewalk, or the public right-of-way, unless utility easement or setback requirements require a greater distance.
3. Buildings shall provide a functional entry onto the street/ sidewalk network or other public space to promote activity at the street level. Where feasible, given the constraints of the site grades, residential units fronting a public street or green space shall provide a connection/ entrance to the public sidewalk.
4. Vinyl siding, EIFS and untreated wood shall not be permitted with the exception of accent banding above 20' height from grade (or 2 residential floors).
5. Refuse collection and recycling facilities shall be screened from views from the public way through the combined use of fences, walls and landscaping.
6. Windows shall be vertically oriented at a ratio of 1.5:1 or greater. Planning staff may allow modifications to this standard for dormers, decorative windows, clerestory windows, egress windows, storefronts curtain walls and other special conditions.
7. If provided, porches shall have a minimum depth of 5 feet.

## ACCESS & PARKING

8. Surface parking shall be located towards the interior of the site or be screened by landscaping.
9. Bicycle parking shall be provided per the Metro Zoning Code.
10. All parking regulations to meet UZO parking requirements and standards.

## LANDSCAPE STANDARDS

11. Landscaping and tree density requirements per Metro Zoning Ordinance.

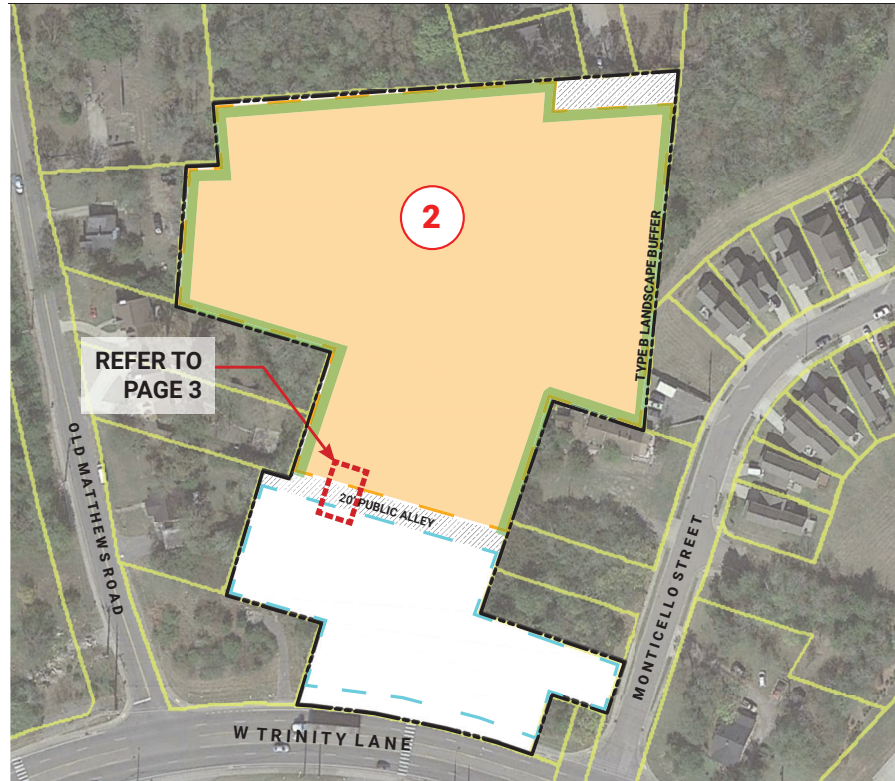
## THE FOLLOWING USES SHALL BE PROHIBITED:

- |   |                             |
|---|-----------------------------|
| Cash Advance  | Medical Waste               |
| Check Cashing   | Recycling Collection Center |
| Pawnshop  | Cemetery                    |
| Auction House   | Power/ Gas Substation       |
| Radio/ TV Satellite Tower   | Wind Energy Facility        |
| Satellite Dish  | Water/Sewer Pump Station    |
| Waste Water Treatment   | Driving Range               |
| Water Treatment Plant   | Golf Course                 |
| Short Term rental property (STRP), as defined by Metro Ordinance. |                             |



# DISTRICT 2

## LAND USE: RM15-A-NS



**T4- NE Urban Neighborhood Evolving:** generally located in areas where the primary land use is residential. These areas will have higher densities and a broader range and integrated mixture of housing types and high levels of connectivity with complete streets networks, sidewalks, bikeways and existing or planned mass transit. If transportation infrastructure is insufficient or not present, enhancements may be necessary to improve pedestrian, bicycle, and vehicular connectivity. Building massing results in a footprint with moderate to high lot coverage and buildings oriented to the street or an open space. Buildings are regularly spaced with shallow setbacks and minimal spacing between buildings. Within this setback, stoops and porches are common for some interaction between the public and private realm to create a pedestrian friendly environment. Buildings are generally one to three stories in height. Buildings up to four, possibly five, stories may be supported in appropriate locations such as abutting or adjacent to a major corridor and to support affordable and workforce housing. Parking is accessed by alley and is provided on street or on surface or structured parking. Parking is located behind or beside the building and is screened from view. Landscaping is generally formal and retains the existing mature trees on the building site and, when that is not possible, replaces existing trees with new ones. Landscaping has consistent use of lighting and open spaces, such as rain gardens that serve as storm water management as well as site amenities.

## BULK REGULATIONS

<b>"District 2" Uses</b>	Uses allowed within RM15-A-NS zoning	
<b>FAR/Density<sup>1</sup></b>	15 Dwelling units/acre; No FAR provision shall apply to residential uses	
<b>ISR</b>	0.70	
<b>Maximum Building Height in Build-to Zone</b>	20 feet (with 15 foot step back)	
<b>General Maximum Building Height</b>	35 feet	
<b>Build-to Zone</b>	0 to 15 feet	
<b>Side/Rear Setback</b>	min. of 20 feet rear setback and min. of 10 feet side setback per zoning code	
<b>Parking Requirements</b>	Per UZO Parking Requirements	
<b>Glazing<sup>2</sup></b>	<i>Residential</i>	15% Min.
<b>Raised Foundations<sup>3</sup></b>	<i>Residential</i>	18 in. Min. to 36 in. Max
<b>1</b>	<i>Overall building height in feet shall be measured from finished grade to the highest point of the roof; modifications may be approved for unique architectural features, rooftop mechanical equipment, stair bulkheads, rooftop amenities and internal parking structures; Mezzanines shall not be considered a story for the purposes of calculating overall # of stories. An additional "basement" level may be provided internally to the development where topography allows for additional sub- surface development including parking and conditioned residential.</i>	
<b>2</b>	<i>Minimum glazing requirements shall be required on building facades facing public streets The first floor transparent glazing area calculation shall be measured from the finished grade at the setback to the finished floor elevation of the second floor, or to a height of sixteen feet, whichever is less. Upper floor glazing calculations shall be measured from floor to floor.</i>	
<b>3</b>	<i>With the exception of accessible units, visitable units, and topographically challenged units; challenging site topography may result in raised/lowered foundations at strategic locations. Screening is required when raised foundations exceed 36" along public streets and open spaces. Maintaining ADA Access to units in order to meet fair housing requirements shall preempt this regulation.</i>	

## ARCHITECTURAL STANDARDS

1. The front facade of buildings shall be located between 0-15 feet from the back of the public sidewalk, or the public right-of-way, unless utility easement or setback requirements require a greater distance.
2. Vinyl siding, EIFS and untreated wood shall not be permitted with the exception of accent banding above 20' height from grade (or 2 residential floors).
3. Refuse collection and recycling facilities shall be screened from views from the public way through the combined use of fences, walls and landscaping.
4. Windows shall be vertically oriented at a ratio of 1.5:1 or greater. Planning staff may allow modifications to this standard for dormers, decorative windows, clerestory windows, egress windows, storefronts curtain walls and other special conditions.
5. If provided, porches shall have a minimum depth of 5 feet.

## ACCESS & PARKING

6. Surface parking shall be located towards the interior of the site or be screened by landscaping.
7. All parking regulations to meet UZO parking requirements and standards.
8. Development to provide emergency vehicle turn around at Woodridge Drive during the first phase of the construction of District 2. The turn around will be required to be dedicated as public right of way. Public sidewalks will not be required as part of the turn around. Additionally, the new dedication does not constitute a public road extension and the required dedication will not be considered additional frontage for the development.

## LANDSCAPE STANDARDS

9. Landscaping and tree density requirements per Metro Zoning Ordinance.

## PROHIBITED USES

Short Term rental property (STRP), as defined by Metro Ordinance.

# ADDITIONAL REGULATIONS + NOTES

## Regulatory SP Notes:

1. The purpose of this SP is to receive preliminary approval to permit the development of a 4.96+/- acre mixed-used development as shown.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations, and requirements of the following base zoning designations as of the date of the application request or application.  
District 1 MUL-A-NS  
District 2 RM15-A-NS
3. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering, or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by the Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance.

## FEMA Note:

4. This property does not lie in an area designated as an area of minimal flood hazard according to Federal Emergency Management Agency Flood Insurance Rate Map Panel Number 47037C0233H, dated April 5, 2017.

## Metro Public Works Notes:

5. The final site plan/building permit shall depict the required public sidewalks, any required grass strip or frontage zone, and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of Use and Occupancy Permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Where feasible, vertical obstructions are only permitted within the required grass strip or frontage zone.

6. Roadway Improvements that are a direct result of this specific project or as determined by an approved Traffic Impact Study and the Department of Public Works shall be constructed.
7. Any required right-of-way within the project site that is identified as necessary to meet the adopted Major and Collector Street Plan (MCSP).
8. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works, in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable. Final design may vary based on field conditions.
9. All construction within the right of way shall comply with ADA and Metro Public Works Standard and Specifications.
10. There shall be no vertical obstructions (signs, power poles, fire hydrants, etc.) within the proposed sidewalks. Where feasible, vertical obstructions shall be relocated out of the proposed sidewalks, where applicable.
11. If sidewalks are required then they should be shown on the plans per MCSP and MPW standards and specs.
12. Submit copy of ROW dedications prior to bldg. permit sign off.
13. Each 'District' is to have a dumpster and recycling container(s), serviced by a private hauler.

## Fire Marshal Notes:

14. New commercial developments shall be protected by a fire hydrant that complies with the 2006 edition of NFPA 1 Table H. To see Table H go to: (<http://www.nashfire.org/prev/tableH51.html>)
15. No part of any building shall be more than 500ft. from a fire hydrant via a hard surface road. Metro Ordinance 095-1541 Sec. 1568.020 B
16. All fire department access roads shall be 20 feet minimum width and shall have an unobstructed vertical clearance of 13.5 feet.
17. All dead-end roads over 150 ft. in length requires a turnaround, this includes temporary turnarounds.
18. If more than three stories above grade, Class I standpipe system shall be installed.

19. A fire hydrant shall be provided within 100 ft. of the fire department connection.
20. Fire hydrants shall be in-service before any combustible material is brought on site.

## NES Notes:

21. Where feasible, this development will be served with underground power and pad-mounted transformers.
22. New facilities will not be allowed to sit in or to pass through retention areas, including rain gardens, bioretention areas, bioswales, and the like. This includes primary duct between pad-mounted transformers equipment, as well as service duct to a meter.

## Stormwater Notes:

23. Any excavation, fill, or disturbance of the existing ground elevation must be done in accordance with Stormwater Management Ordinance No. 78-840 and approved by the Metropolitan Department of Water Services.
24. Metro Water Services shall be provided sufficient and unencumbered ingress and egress at all times in order to maintain, repair, replace, and inspect any stormwater facilities within the property.
25. Size driveway culverts per the design criteria set forth by the Metro Stormwater Management Manual. (Minimum driveway culvert in Metro ROW is 15" CMP.)
26. Project intent is to be redeveloped per the requirements of Volume 5 (LID) of the Stormwater Manual. Detention will be provided or post developed runoff will be less than predeveloped runoff due to LID implementation.

## Federal Compliance:

27. All development within the boundaries of this plan will meet the requirements of the Americans with Disabilities Act and the Fair Housing Act.

## Development Notes:

28. Development to dedicate and construct 20' alley between District 1 and 2. District 2 shall have public access provided by the dedicated alley.
29. Development to provide emergency vehicle turn around at the dead end of Woodridge Drive during the first phase of the construction of District 2. The turn around will be required to be dedicated as public right of way. Public sidewalks will not be required as part of the turn around. Additionally, the new dedication does not constitute a public road extension and the required dedication will not be considered additional frontage for the development.
30. Overall building height in feet shall be measured from finished grade to the highest point of the roof; modifications may be approved for unique architectural features, rooftop mechanical equipment, stair bulkheads, rooftop amenities and internal parking structures; Mezzanines shall not be considered a story for the purposes of calculating overall # of stories. An additional "basement" level may be provided internally to the development where topography allows for additional sub-surface development including parking and conditioned residential.
31. The final site plan/ building permit site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.

**SECOND SUBSTITUTE ORDINANCE NO. BL2021-911**

**An Ordinance amending Chapter 2.100 of the Metropolitan Code pertaining to the composition of the Metropolitan Transportation Licensing Commission, amending Title 6 of the Metropolitan Code pertaining to the operation and regulation of Entertainment Transportation Vehicles, amending Section 9.20.020 pertaining to vehicle noise, and amending Sections 6.75.240, 7.24.040, and 12.54.210 of the Metropolitan Code pertaining to the consumption of alcoholic beverages in vehicles.**

WHEREAS, each day, businesses make decisions regarding where to operate, residents assess their neighborhood's quality of life, and visitors (business and families alike) decide which destinations are safe places to visit; and

WHEREAS, the recent proliferation of entertainment transportation vehicles in Nashville poses safety concerns for passengers in such vehicles, pedestrians, and other motorists; and

WHEREAS, residents and businesses in the downtown area have recently expressed concerns about downtown being "out of control" as a result of the party-like atmosphere, specifically as it relates to entertainment transportation vehicles where passengers are consuming alcoholic beverages or beer; and

WHEREAS, the Metropolitan Council is concerned that a continued failure to regulate entertainment transportation vehicles will permanently erode the cultural character of Nashville's neighborhoods that has made the city a vibrant and enjoyable place to live, work, and visit; and

WHEREAS, Section 2.01(22) of the Metropolitan Charter authorizes the Metropolitan Government to regulate the operation of vehicles held out to the public use for hire; and

WHEREAS, Section 2.01(40) of the Metropolitan Charter authorizes the Metropolitan Council to pass all ordinances necessary for the health, convenience, safety, and general welfare of the inhabitants, and to carry out the full intent and meaning of the Charter; and

WHEREAS, Tenn. Code Ann. § 55-10-416 authorizes local governments to prohibit open containers of alcoholic beverages and beer in a motor vehicle while it is in operation; and

WHEREAS, consuming alcohol in an unenclosed vehicle in motion is inherently dangerous; and

WHEREAS, the Metropolitan Council has determined that it is necessary for the protection health, safety, and welfare to enact a comprehensive regulatory scheme for entertainment transportation vehicles, and to prohibit the consumption of alcoholic beverages and beer in motor vehicles.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. Section 2.100.010 of the Metropolitan Code is hereby amended by deleting the provisions of such section in their entirety and substituting with the following:

**2.100.010 Created—Membership.**

There is created a metropolitan transportation licensing commission. Such board shall consist of nine public members to be appointed by the mayor and confirmed by a majority vote of the whole membership of the metropolitan council, and who shall serve without compensation for a term of two years or until their successors are appointed. At least one member shall be a resident within the area of the Downtown or Gulch Central Business Improvement District; and one member shall be a representative of the hospitality sector, to be appointed by the mayor from a list of three



persons recommended jointly by the board of directors Nashville Area Chamber of Commerce, the board of directors of the Nashville Convention and Visitors Corporation, and the board of directors of the Nashville Downtown Partnership.

Section 2. Title 6 of the Metropolitan Code is hereby amended by adding the following new Chapter 6.77 to become effective on April 1, 2022:

## Chapter 6.77 ENTERTAINMENT TRANSPORTATION

### **6.77.010 Definitions.**

For purposes of this chapter:

"Certificate" means a certificate of public convenience and necessity, a license granted, upon application and approval, by the metropolitan transportation licensing commission for the sole purpose of authorizing the certificate holder to provide entertainment transportation through an entertainment transportation vehicle.

"Certificate holder" means a person, company, corporation or association which has applied for, and been granted, a certificate of public necessity and convenience.

"Driver" means any individual who physically operates an entertainment transportation vehicle as a for-hire vehicle under this chapter. This person may share additional, company-related titles, such as owner, employee of the owner, holder or independent contractor.

"Driver permit" means a permit issued by the MTLC to drive and operate an entertainment transportation vehicle.

"Enclosed Vehicle" means any motor vehicle that is fully enclosed by metal, plexiglass or glass on all sides and on the top/roof. Any vehicle not meeting this definition would constitute an "unenclosed vehicle." A vehicle is unenclosed if any portion of it lacks solid sides and a roof, including all appurtenances attached thereto, including, but not limited to, a pickup truck or a wagon or trailer pulled by a tractor, within which passengers are capable of standing and circulating while the vehicle is in motion. For purposes of this section, a vehicle "side" must be a full side enclosure of the vehicle and cannot consist of solely a guard rail or railing. It may contain windows capable of being opened, but all windows shall be fully raised while the vehicle is in operation and any passenger is in possession of an open container. Enclosed vehicles shall maintain any required emergency access or exits but the emergency access or exits may not be used to avoid the safety goals intended by the enclosure.

"Entertainment transportation vehicle" means any motor vehicle that is designed or constructed to accommodate and transport more than one passenger for hire, the principal operation of which is confined to the area within the Metropolitan area, whether it is operated on a fixed route or schedule, and where the passengers hire the motor vehicle not only as a means of transportation but also for some entertainment or social purpose. "Entertainment transportation" includes, but is not limited to, trucks, buses, and wagons/trailers pulled by a motor vehicle. "Entertainment transportation" does not include a limousine, sedan, shuttle, taxicab, or electric-assist pedal carriage.

"Entertainment transportation vehicle permit" means a permit issued by the MTLC for an entertainment transportation vehicle to carry passengers.

"Entertainment transportation vehicle driver's permit" means a permit issued by the MTLC for a person to operate an entertainment transportation vehicle to carry passengers.

"For hire" means a transaction whereby any money, thing of value, charge tickets, surcharge, payment, pecuniary consideration or compensation, reward, donation, tip, or any other remuneration or profit is paid to, accepted by, or received by a driver, employee, agent, owner, or any other representative of an entertainment transportation vehicle in exchange for the temporary use by or for the transportation of a passenger, whether such is paid voluntarily or upon solicitation, demand, request, contract, agreement, or as a surcharge; or otherwise in conjunction with the purchase of any other services wherein the entertainment transportation is part of the services provided.

"Holder" means a person to whom a certificate of public convenience and necessity has been issued by the commission.

"Inspector(s)" means the inspector(s) for the commission.

"Metro" means the Metropolitan Government of Nashville and Davidson County.

"Metropolitan area" means the area that comprises Nashville and Davidson County.

"Metropolitan transportation licensing commission", also referred to as "MTLC" or "the commission", means the metropolitan transportation licensing commission as established by the Metropolitan Code.

"MTLC director" means the director/executive secretary of the MTLC, as employed by the Nashville Department of Transportation and Multi-modal Infrastructure on behalf of the MTLC.

"Owner" means the person who holds the legal title of the entertainment transportation vehicle.

"Passenger" means any person on an entertainment transportation vehicle other than the driver and staff.

"Person" means any individual, partnership, corporation, association or public or private organization of any character.

"Permittee" means a holder of any permit issued under this chapter.

"Solicit" means the distribution of flyers or other material, or an appeal by bell, horn, whistle, words, or gestures by a driver or his or her agent directed at individuals or groups for the purpose of attracting passengers for immediate hire.

"Taxicab" means a motor vehicle regularly engaged in the business of carrying passengers for hire, donation, gratuity or any other form of remuneration, having a seating capacity of less than nine persons and not operated on a fixed route.

"Traffic and parking commission" means the Metropolitan Traffic and Parking Commission as established by the Metropolitan Charter and Code of Laws.

## **Article I. Certificate of Public Convenience and Necessity**

### **6.77.020 Required and term.**

- A. No entertainment transportation vehicle shall be used or operated on a for hire basis by any person in the territorial jurisdiction of the metropolitan government without an owner or operator having first obtained a certificate of public convenience and necessity. Each certificate shall be valid for one year and shall be subject to renewal pursuant to the provisions set forth in this article. Applications will be reviewed and considered at an annual meeting on a date set by the MTLC.

- B. It shall be unlawful for any person to transport or offer to transport passengers in any entertainment transportation vehicle which does not have affixed to the entertainment transportation vehicle a valid permit issued through the MTLC.
- C. Certificates shall not be transferred, sold or given from one owner to another. In the event of including the a sale of one entertainment transportation vehicle company in its entirety to another, the sale must be to a qualified applicant for bona fide consideration and is voidable by the MTLC without approval of the MTLC upon the filing of an application for such transfer.
- D. The MTLC shall track all certificates, and after the renewal period, if the certificate has not been renewed it shall be determined to be void.

**6.77.030 Findings—Issuance of certificate or additional permits.**

- A. If the MTLC finds that further or additional entertainment transportation vehicle service in the metropolitan government area is required by the public convenience and necessity and that the applicant is fit, willing, and able to provide such service and to conform to the provisions of this chapter and the rules promulgated by the MTLC, the MTLC may issue a certificate of public convenience and necessity, stating the name and address of the applicant, the number of vehicles authorized upon such certificate and the date of issuance.
- B. In making the above findings, the MTLC shall, at a minimum, take into consideration:
  - 1. the number of entertainment transportation vehicles already in operation, whether existing service is adequate to meet the public need;
  - 2. additional permits for up to two service vehicles in event of a permitted vehicle being out of service shall be made available for service continuation to approved applicants;
  - 3. the character, experience, financial condition and responsibility of the applicant, and such criteria as may be adopted by the MTLC in its rules.

**6.77.040 Application—Information and fees required.**

- A. An application for a certificate of public convenience and necessity shall be filed with the MTLC for each classification of service to be provided. Forms will be provided by the MTLC and payment of a nonrefundable fee will be charged. The amount of the application fee shall be established by the MTLC based upon the cost of processing the application.
- B. The application shall require the following information:
  - 1. Name and address of applicant;
    - a. Sole-proprietor—Name and address of the owner.
    - b. Partnership-Names and addresses of all partners.
    - c. Corporation or association—Names and addresses of all the officers, directors, and members.
  - 2. Business name (d/b/a), business address and telephone number if different from above;
  - 3. A background check of each person;
  - ~~4. Proof of U.S. citizenship or legal residency;~~
  - ~~5. Names and addresses of two references as to the applicant's financial responsibility;~~
  - 6. Prior experience of applicant in transport of passengers;

- 75. Number of vehicle permits requested, and copy of proof of ownership or other evidence of lawful control for each vehicle to be operated under the certificate;
  - 96. Procedures for training drivers;
  - 407. Rules and regulations governing driver appearance and conduct;
  - 448. Disclosure of prior state law or Metropolitan Code violations pertaining to noise from motor vehicles, lewd conduct as part of a commercial business, or alcoholic beverage open container laws;
  - 429. Any additional information the applicant desires to include to aid in the determination of whether the requested certificate should be issued; and
  - 4310. Such further information as the MTLC may require.
- C. An applicant will be ineligible for consideration if:
- 1. Any of the owners, partners, officers, directors, or members are under ~~twenty-one~~ 25 years of age and/or entertainment transportation vehicle business has no separate legal existence beyond a shareholder, owner, or partner who is under the age of ~~24~~ 25 years of age;
  - 2. Any of the owners, partners, officers, directors, or members has been convicted of, forfeited bond, pleaded guilty or nolo contendere to, or been released from incarceration for a felony, prostitution, assignation, obscenity, or any crime of a sexual nature in any jurisdiction within ten years immediately preceding the date of application; or has been convicted of, forfeited bond, or pleaded guilty or nolo contendere to multiple felonies.
  - ~~3. Any of the owners, partners, officers, directors, or members has violated any portion of this chapter of the Metropolitan Code within five years immediately preceding the date of application.~~
  - 43. Any portion of the application is incomplete or contains incorrect or untruthful information.
- D. An applicant will be ineligible for consideration for a one year period if any owner, partner, officer, director, or member has been found guilty by a court of competent jurisdiction of violating state law or Metropolitan Code provisions three or more times within the past 365 days pertaining to noise from motor vehicles, lewd conduct as part of a commercial business, and/or alcoholic beverage open containers.

**6.77.050 Issuance and denial—Fees.**

- A. If the MTLC or the MTLC director determines that further entertainment transportation vehicle services are required and the applicant is qualified, the MTLC or MTLC director may issue a certificate.
- B. The MTLC shall adopt the criteria for determining the necessity for additional entertainment transportation vehicle certificates.
- C. Any person whose application for a certificate is denied by the MTLC director may file a written appeal with the MTLC within thirty days of denial and request an appearance before the MTLC and appear in-person for consideration of the certificate application.
- D. The certificate shall state the name, business address and telephone number of the applicant and the date of expiration.



- E. The MTLC will set a fee to be charged for the issuance of each approved entertainment transportation vehicle permit associated with the certificate.

**6.77.060 Annual renewal.**

- A. All certificates issued under the provisions of this chapter shall expire on April 30 of the year following the date on which the certificate was issued. All certificates may be renewed by the MTLC director for each successive year between April 1 and 30 of each year, if applicant meets all applicable standards for renewal as established by the MTLC. A renewal fee for each approved certificate and other licensing fees shall be charged at the annual renewal of the certificate.
- B. All applicants for renewal must be current with all assessments and taxes due to the metropolitan government.
- C. If a licensed entertainment transportation vehicle company or individual fails to renew prior to the end of the renewal period, the renewal applicant shall be treated as a new applicant.

**6.77.070 Insurance required.**

- A. Before any certificate shall be issued by the commission director, or before the renewal of such certificate shall be granted, the applicant or association shall be required to file an insurance policy and/or certificate of insurance with the MTLC director evidencing insurance coverage as required in this section.
- B. Insurance coverage as provided in subsection (A) of this section means a policy of public liability insurance issued by an insurance company qualified to do business in the state and naming the metropolitan government as an additional insured. Any policy of public liability insurance issued in compliance with this article shall be for a term of not less than one year, and for any entertainment transportation vehicle insured thereunder shall afford protection to any third party sustaining injury or damage as a result of the negligent operation of any entertainment transportation vehicle, with the minimum amount of insurance to be one million dollars, known as combined single limit insurance coverage. Such policy shall expressly provide that it may not be canceled, except after thirty days written notice to the commission director.
- C. Such certificate will certify that the policy provides for a minimum of ~~five~~ one million dollars per entertainment transportation vehicle for liability imposed by law for damages on account of bodily injuries, death or personal damages, other than injuries, death or property damages of the company or driver, in any one accident resulting from the ownership, maintenance or use of such entertainment transportation vehicle. The certificate of insurance shall also list the serial number or identification number of each entertainment transportation vehicle that is insured.
- D. The operation of any entertainment transportation vehicle within the metropolitan area without having in force the public liability insurance policy as outlined in this section is hereby declared to be a violation of this article, subjecting the owner and/or certificate holder to all applicable penalties provided in this article and this chapter.
- E. Any changes in insurance must be reported to the commission immediately.

### **6.77.080 Request for additional vehicle permits.**

An application for additional entertainment transportation vehicle permits under the certificate issued pursuant to this Article must be filed with the MTLC director. If approved, the established permit fee will be applied.

### **6.77.090 Suspension and revocation.**

- A. A certificate issued under the provisions of this chapter may be revoked, suspended, placed on probation, otherwise restricted, or not renewed by the MTLC if the holder thereof has:
  - 1. Violated any of the provisions of this chapter or failed to comply with any rule or regulation established by the MTLC;
  - 2. Violated any provision of this code or other ordinances of the metropolitan government or laws of the United States or the State of Tennessee, the violation of which reflects unfavorably on the fitness of the holder to offer transportation services, including but not limited to, violations for excessive noise or alcoholic beverage open containers;
  - 3. Failed to pay assessments or taxes due to the metropolitan government; or
  - 4. Made a misrepresentation or false statement when obtaining a certificate or additional permits, or transferring a certificate.
- B. Prior to any action to revoke, suspend, place on probation, otherwise restrict, or not renew a certificate, the holder shall be given notice to the address listed on their certificate of the proposed action to be taken and shall have an opportunity to be heard by the MTLC.
- C. If the holder commits an act in violation of the criminal laws of the United States of America or state of Tennessee Code and the MTLC director determines that holder poses a threat to the public safety, the MTLC director may enact an emergency suspension of the holder's certificate to remain in effect until the holder has the opportunity to be heard by the MTLC at the next available meeting, but in no circumstance later than 60 days from the date of the emergency suspension.

### **6.77.100 Reserved.**

## **Article II. Vehicle and Driver Permits**

### **6.77.110 Permit required—Violations and term.**

- A. No person shall drive or otherwise operate an entertainment transportation vehicle engaged in the transportation of passengers unless he or she has a driver's permit and a currently effective Tennessee commercial or other legal driver's license with a passenger (P) endorsement. To qualify for a permit, an applicant must comply with all of the requirements and stipulations of this chapter and any rules and regulations adopted by the MTLC.
- B. A person commits an offense if he or she operates an entertainment transportation vehicle in the Metro area without a driver's permit issued by the MTLC.
- C. A business commits an offense if it employs or otherwise allows a person to operate an entertainment transportation vehicle owned, controlled, or operated by the permittee unless the person has a driver's permit issued by the MTLC.
- D. Each permit shall be valid for one year and shall be subject to renewal pursuant to the provisions set forth in this article.

**6.77.120 Application—Information and fees required.**

- A. An application for an entertainment transportation vehicle driver's permit shall be filed with the MTLC on forms provided by the MTLC.
- B. Such application shall be certified under oath and shall at a minimum contain the following information:
  - 1. The name, residential address, telephone number and date of birth of the applicant. No applicant under eighteen years of age will be accepted.
  - 2. The type(s) of vehicle(s) which the applicant will drive under the certificate.
  - 3. The years of experience of the applicant in the transportation industry.
  - 4. The educational background of the applicant.
  - 5. A concise history of the applicant's employment.
- C. The applicant shall provide copies of the following documents in order to submit his application:
  - 1. A valid driver's license issued by one of the 50 states within the United States of America for the issuance or renewal of an entertainment transportation vehicle driver's permit corresponding with the type/classification of entertainment transportation vehicle to be operated (i.e., Commercial Driver License, For-Hire endorsement, etc.).
  - 2. A Social Security card or birth certificate.
  - 3. If a resident alien, a current work permit or other valid United States Immigration and Customs Enforcement document.
  - 4. A copy of a currently effective Tennessee commercial or other legal driver's license with a passenger (P) endorsement.
- D. Each application shall be accompanied by an official driver record obtained no longer than 30 days previous to the date of application. All applicants are required to meet the following standards:
  - 1. No convictions in the last five years for any of the following offenses involving bodily injury or death and no convictions in the last three years for any of the following offenses not involving injury or death:
    - a. Hit and run;
    - b. Driving under the influence of an alcoholic beverage or drug;
    - c. Reckless or careless driving.
  - 2. For an initial permit, no more than three moving violations within the last three years and no more than two moving violations in the last year.
  - 3. For a renewal permit, no more than four moving violations within the last three years and no more than two moving violations in the last year.

**6.77.130 Fingerprint-based criminal background investigation.**

- A. All applicants for an entertainment transportation vehicle driver's permit must undergo a fingerprint-based identification and background check. The MTLC staff shall collect background check fees from applicants and schedule them for fingerprinting. A background

check report and a copy of the driving record (MVR) of the applicant, if any, shall be attached to the application and forwarded for consideration by the MTLC.

- B. Any applicant shall, in addition to any disqualifications listed elsewhere in this chapter, be disqualified if the applicant:
1. Has been convicted, pled guilty, placed on probation or parole, pleaded nolo contendere, or been released from incarceration within a period of five years prior to the date of application for violation of any of the following criminal offenses under the laws of Tennessee, any other state or of the United States:
    - Homicide,
    - Rape,
    - Aggravated assault,
    - Kidnapping,
    - Robbery,
    - Felony theft,
    - Burglary,
    - Child sexual abuse,
    - Domestic violence,
    - Any sex-related offense,
    - Leaving the scene of an accident,
    - Criminal solicitation, or criminal attempt to commit any of above,
    - Perjury or false swearing in making any statement under oath in connection with the application for a driver's permit, or
    - The felony possession, sale or distribution of narcotic drugs or controlled substances.
  2. If, at the time of application, the applicant is charged with any offenses in subsection (1) of this section, consideration of the application shall be deferred until entry of a plea, conviction, acquittal, dismissal, or other final disposition of the charges.
  3. Has been convicted of or released from incarceration due to two or more felony offenses within the past seven years.
  4. Has been convicted for a period of two years prior to the date of application of the violation of two or more sections of this Code or other ordinances governing the operation of entertainment transportation vehicles.
- C. If the applicant fails to disclose any criminal conviction, except traffic citations, on the application for a permit, the application may be referred to the MTLC for consideration.

#### **6.77.140 Application—Approval or disapproval.**

The MTLC or its staff shall, upon the consideration of the application and any reports and certificates required to be attached thereto, approve or reject the application. Any applicant rejected by the MTLC staff may file an appeal within 30 days of denial and request an appearance before the MTLC. The appeal shall be heard by the MTLC at the next available MTLC meeting with the appellant appearing in-person for consideration of the application.

#### **6.77.150 Issuance—Permit contents and display.**

- A. Upon approval of an application for an entertainment transportation vehicle driver's permit, the MTLC director shall issue a permit to the applicant, which shall bear the name, driver's

permit number, height, date of birth, photograph of the applicant, and other information deemed appropriate.

- B. Every driver shall at all times conspicuously display a permit either on the clothing of the driver's upper body or within the entertainment transportation vehicle. A driver shall allow the MTLC director, MTLC inspector, or a police officer to examine the permit upon request.

**6.77.160 Unpermitted drivers.**

- A. If any person is found operating any entertainment transportation vehicle within the metropolitan area without a valid entertainment transportation vehicle driver's permit on behalf of any holder of a certificate of necessity and public convenience, the MTLC director may immediately take action to suspend or revoke the certificate.
- B. A person whose entertainment transportation vehicle driver's permit is suspended shall not drive an entertainment transportation vehicle within the metropolitan area during the period of suspension.

**6.77.170 New application after denial.**

Upon denial of an application for a driver's permit, no new application shall be considered for a period of three months.

**6.77.180 Expiration—Issuance and replacement fee.**

- A. Each entertainment transportation vehicle driver's permit shall be issued for a period of one year, or until March 31.
- B. A permit may be issued to qualified applicants upon the payment of a fee established by the MTLC plus the costs of investigation. If the permit for the preceding year has been revoked, no new permit shall be issued without prior MTLC approval. A fee established by the MTLC shall be charged for all replacement driver permits. Such fees shall be in addition to the cost of any investigation.

**6.77.190 ~~Hospitality~~ Driver training program—Participation required.**

- A. Every driver shall have attended an approved ~~hospitality~~ driver training program prior to receiving an entertainment transportation vehicle driver's permit, and shall attend an approved ~~hospitality~~ driver training course or refresher course prior to applying for or renewal of an entertainment transportation vehicle driver's permit each year.
- B. This course shall include updated information on any new MTLC regulations and safety requirements.
- C. In addition to the driver, every employee of a certificate holder that rides on the entertainment transportation vehicle shall attend the ~~hospitality~~ driver training program required by this section prior to riding on an entertainment transportation vehicle as part of his/her employment.

**6.77.200 Suspension, revocation, and appeal.**

- A. The MTLC director may suspend or revoke any applicant's certificate if the director determines that the applicant fails to comply with any requirement of this chapter. The director shall notify the applicant of any specific failure to comply with this chapter resulting in the suspension or revocation of their certificate and the applicant's right to an appeal by first class mail, express mail, overnight carrier, or personal service. If the MTLC director

suspends or revokes a certificate, the applicant may appeal within ten days of such suspension or revocation to the MTLC for a hearing to determine if such suspension or revocation is justified. The decision of the MTLC shall be final, subject to any appropriate judicial review.

- B. The MTLC director is hereby given authority to suspend any entertainment transportation vehicle driver's permit issued under this article for a driver's failure or refusal to comply with the provisions of this article. Such suspensions may not last for a period of more than 30 days. The MTLC director is also given authority to revoke any permit for failure to comply with the provisions of this article.
- C. If a driver is charged in any court with a misdemeanor involving moral turpitude, or with any felony, or with driving while intoxicated or under the influence of drugs, or with violations of this article, the MTLC director is hereby given authority to suspend the driver's permit pending final disposition of the charges against them, and to revoke such permit upon conviction thereof.
- D. The MTLC director may revoke an entertainment transportation vehicle driver's permit if the director determines that the permittee has engaged in conduct detrimental to the public safety.
- E. The MTLC director may not suspend or revoke any permit unless the driver has received notice of the charges against them and has had the opportunity to present evidence on their behalf.
- F. Any permittee whose license has been suspended or revoked by the MTLC director may file a written appeal with the MTLC within ten days. If an appeal is not made to the MTLC within ten days of the MTLC director's decision, the MTLC director's decision shall be final. A letter addressed to the MTLC and delivered to the MTLC office stating that an appeal from the decision of the MTLC director is desired shall perfect such appeal. The MTLC, as soon as practicable after receiving such notice of appeal, shall notify the applicant or permittee of the date and time of the hearing which shall be not less than five days after the mailing of such notice. After the hearing of the appeal, the MTLC shall sustain, modify or reverse the findings of the MTLC director, and shall notify the MTLC director and the applicant or permittee of its findings. The findings of the MTLC shall be final, subject to any applicable legal processes.
- G. A driver whose permit is revoked may not reapply for 90 days from the date of revocation and will be treated as a new applicant.

#### **6.77.210 Revocation of a valid driver's license.**

An entertainment transportation vehicle driver's permit issued under this chapter shall be coterminous with the permittee's valid driver's license issued by one of the fifty states in the United States of America for the type/classification of entertainment transportation vehicle to be operated. Any time that a permittee's driver's license is suspended, revoked, or cancelled, their entertainment transportation vehicle driver's permit shall likewise be immediately suspended, revoked, or cancelled. The entertainment transportation vehicle driver's permit shall immediately be surrendered to the MTLC until such time as their driver's license is reinstated.

#### **6.77.220 Conduct of drivers.**

A driver shall at all times:

1. Act in a reasonable, prudent, safe, and courteous manner;

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2. Not permit a person not possessing an entertainment transportation vehicle driver's permit to operate the entertainment transportation vehicle;
  - ~~3. Not permit more passengers to be carried in an entertainment transportation vehicle than for which there is proper seating, and at no time shall the driver allow any passenger to ride in any area of the entertainment transportation vehicle not specifically designed or designated as a seat;~~
  43. Not permit any passenger ~~twelve~~ sixteen years of age or younger to ride in an entertainment transportation vehicle unaccompanied by an adult;
  54. Not operate an entertainment transportation vehicle while under the influence of intoxicating beverages or drugs;
  65. Not operate an entertainment transportation vehicle while possessing a lighted cigarette, cigar, or pipe at any time;
  96. Observe and obey all state and local noise and traffic laws and regulations;
  - ~~10. Not permit a passenger to stand or ride on any part of the entertainment transportation vehicle other than the designated seating area while the entertainment transportation vehicle is in motion and to advise the passengers that they must be seated except when loading or unloading.~~

**6.77.230 Driver appearance.**

- A. Every entertainment transportation vehicle driver, while on duty, shall keep a clean ~~and well-groomed~~ appearance, and shall be dressed in compliance with those rules adopted by the MTLC.
- B. All drivers must wear uniform attire with the entertainment transportation vehicle company's logo or name.
- C. The MTLC shall have the authority to adopt rules specifically governing the type(s) of permitted and prohibited attire.

**6.77.240 Alcohol in an entertainment transportation vehicle.**

- A. A certificate holder or driver commits an offense if he or she provides beer, ale, wine, or other alcoholic beverage to a passenger for a fee or as part of the passenger transport service.
- B. A certificate holder or entertainment transportation vehicle driver commits an offense if he or she provides or stocks any beer, ale, wine, or other alcoholic beverage in the entertainment transportation vehicle.
- C. The consumption of beer, ale, wine, or other alcoholic beverages upon or within an unenclosed entertainment transportation vehicle is strictly prohibited.

**6.77.250 Return of passengers' property.**

A driver of an entertainment transportation vehicle shall immediately attempt to return to a passenger any property left by the passenger in the entertainment transportation vehicle. If unable to locate the passenger, the driver shall turn the property into the certificate holder's company office at the end of the driver's shift or at the first available opportunity. In such cases, the certificate holder shall make a good faith effort to locate the passenger, and, if not successful, hold the property in storage at its location for at least 30 days, unless otherwise directed by the director.

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**6.77.260 Compliance with provisions.**

Every driver granted a permit under this article shall comply with all metropolitan government, state, and federal laws. Failure to do so may result in disciplinary actions including suspension and up to revocation of the entertainment transportation vehicle driver's permit.

**Article III. Equipment and Operation**

**6.77.270 Vehicle permit required.**

Each entertainment transportation vehicle must have a permit issued by the MTLC. The permit will identify each entertainment transportation vehicle by a unique number in accordance with rules and procedures established by the MTLC, and will be associated with the specific classification and by certificate holder. Permits are not transferable to other entertainment transportation vehicles or other certificate holders, unless consistent with 6.77.020.

**6.77.280 Ownership and control of vehicles.**

All entertainment transportation vehicles permitted under this chapter must be under the lawful control of a certificate holder demonstrated either by proof of ownership or a copy of a valid lease agreement and must be under the direct control of a permitted driver while in operation or use.

**6.77.290 Vehicle to display identification.**

All entertainment transportation vehicles operated under the authority of this chapter shall be equipped with identification as prescribed by the MTLC in rules and regulations.

**6.77.300 Vehicle requirements; Safety standards.**

- A. To the fullest extent permitted by Tennessee and federal law, prior to the use and operation of any vehicle under the provisions of this chapter, the vehicle shall be thoroughly examined and inspected by the certificate holder or a third party in accordance with rules and regulations prescribed by the MTLC. These rules and regulations shall be promulgated to provide safe transportation and specify such safety equipment and regulatory devices as the MTLC shall deem necessary. When a certificate holder finds that a vehicle has met all the terms established by the MTLC, the holder shall certify this under oath to the MTLC director, who shall authorize a permit to be issued.
- B. To the fullest extent permitted by Tennessee and federal law, every vehicle operating under this chapter is subject to random and periodic inspections to ensure the continued maintenance of safe operating conditions. A certificate holder shall make an entertainment vehicle available for inspection upon or prior to the expiration of the notice period provided for in the rules and regulations adopted by the MTLC, when ordered to do so by MTLC staff. If, upon inspection it is determined that an entertainment vehicle for hire is not in compliance with this chapter or MTLC rules, the MTLC staff shall order the vehicle to be removed from service or brought into compliance within a reasonable period of time and require it to be re-inspected.
- C. Every vehicle operating under this chapter shall be kept in a clean and satisfactory condition, according to rules and regulations promulgated by the MTLC.
- D. Every vehicle operating under this chapter must be equipped with adequate seating ~~seats for each passenger.~~



- E. To the fullest extent permitted by Tennessee and federal law, every vehicle operating under this chapter shall undergo an annual detailed mechanical inspection conducted by ~~an approved mechanic~~, as reasonably approved by the MTLC director, and pursuant to the requirements of rules and regulations adopted by the MTLC. The records of these inspections must be maintained and made available to MTLC staff as provided by the rules and regulations adopted by the MTLC. The certificate holder shall certify under oath to the MTLC director compliance with this subsection.
- F. The MTLC may, by rule, establish additional inspection requirements for entertainment transportation vehicles and other equipment used in the entertainment transportation vehicle service.
- G. The MTLC shall have the authority to promulgate rules and regulations consistent with applicable law to ensure the safe operation of entertainment transportation vehicles.

#### **6.77.310 Reserved.**

#### **6.77.320 Operating area.**

Entertainment transportation vehicles shall operate upon the streets within the metropolitan area on routes or zones, and within hours of operation, established by the MTLC or its staff. Any deviation from these approved routes, zones, or hours of operation must be approved by the MTLC or its staff. Any approved deviation must be reported to the MTLC or the MTLC director staff prior to beginning of operations. The term "operate" shall mean when the entertainment transportation vehicle is transporting passengers and does not include when the driver or employee is operating the transportation vehicle for service, repair, or when driving to or returning from, its point of origin or final destination.

#### **6.77.330 Records and reports.**

- A. Each holder shall maintain at a single location business records of its entertainment transportation vehicle business. The records must be maintained in a manner approved by the MTLC director and contain the following information:
  - 1. An identification of the entertainment transportation vehicles operating each day;
  - 2. An identification of the drivers operating the entertainment transportation vehicles each day and a statement of the hours each driver operated the vehicle each day; and
  - 3. Any other information the MTLC director determines necessary for monitoring the activities, operations, service, and safety record of the licensee.
- B. A certificate holder shall make its records available for inspection by the MTLC director, inspector, law enforcement officer or designated officials.

#### **6.77.340 Accidents.**

- A. All accidents arising from or in connection with the operation of an entertainment transportation vehicle shall be reported within 72 hours from the time of occurrence to the MTLC director if the accident results in:
  - 1. Death or bodily injury to any person, or

2. Damage to any vehicle, or to any property in an amount exceeding the sum of four hundred dollars.
- B. A driver operating an entertainment transportation vehicle at the time of an accident involving bodily injury is required to report for a drug screen, within 24 hours from the time of occurrence, at a testing site approved by the MTLC. Failure to report for a screen shall result in revocation of the driver's permit.
  - ~~C. An entertainment transportation vehicle damaged in an accident, but still operable without placing the driver or passengers at risk, must be repaired within two weeks of the accident or removed from operation until repaired and inspected.~~

#### **6.77.350 Passengers—Receiving and discharging by drivers.**

- A. Drivers shall only receive and discharge passengers at designated staging areas/locations approved by the MTLC or at the certificate holder's place of business, excluding locations permitted by owners of the premises as evidenced in writing.
- B. Drivers shall not allow additional passengers to board the entertainment transportation vehicle after the vehicle has left its fixed starting point unless the passenger only paid for a portion of a trip.

#### **6.77.360 Disposition of disorderly passengers.**

Drivers shall act in a reasonable and professional manner in dealing with disorderly passengers.

#### **6.77.370 Soliciting business.**

~~No certificate holder or driver of an entertainment transportation vehicle shall offer any compensation of whatever form to any person or entity in exchange for the direction or recommendation of passengers to that entertainment transportation vehicle, provided that this section shall not prohibit certificate holders from advertising their entertainment transportation business.~~

#### **6.77.380 Compliance with other laws.**

It shall be a violation of this chapter for a certificate holder or driver to violate any other applicable federal, state or local law or regulation in offering or providing entertainment transportation vehicle services.

#### **6.77.390 Enforcement.**

- A. The inspectors of the metropolitan government are authorized and are instructed to observe the conduct of holders of certificates and permits operating under this chapter. Upon discovering a violation of the provisions of this chapter, the inspector may either report the violation to the MTLC, which will order or take appropriate action, or issue a citation as authorized under Section 6.77.420.
- B. In addition to the enforcement authority provided to MTLC inspectors in subsection A. of this section, officers of the Metropolitan Nashville Police Department shall have the authority to enforce this chapter. A police officer, upon observing a violation of this chapter or of any

regulation or rule established by the MTLC or the MTLC director pursuant to this chapter, shall take necessary enforcement action to insure effective regulation of entertainment transportation vehicles.

**6.77.400 Reserved.**

**6.77.410 Limitation of service due to weather conditions.**

Entertainment transportation vehicles shall not receive passengers when weather conditions are ~~sufficiently adverse or inclement~~ so severe as to endanger passengers or the public. The MTLC, by rule, may adopt specific guidelines for the operation of entertainment transportation vehicles in ~~inclement~~ severe weather conditions.

**Article IV. Violations—Civil Penalty Schedules**

**6.77.420 Violations—Penalties—Additional regulations.**

- A. All provisions of this chapter shall be governed by the penalties and procedures for general ordinance violations set forth in Section 1.01.030.
- B. Notwithstanding any provision contained herein, the MTLC shall have the authority to enforce the provisions of this chapter.
- C. The MTLC shall have the authority to promulgate, implement, and enforce additional rules and regulations pertaining to entertainment transportation vehicles, provided such rules and regulations are consistent with the provisions of this chapter. Such authority includes adopting regulations pertaining to the types and levels of noise amplification on entertainment transportation vehicles.
- D. Using a permitted service vehicle to increase capacity shall be grounds for immediate suspension of the certificate holder's permit. Use of a permitted service vehicle is limited to replacing an out of service permitted vehicle only.

**6.77.430 Severability.**

If any provision or clause of this chapter or the application thereof to any person or circumstance is held to be unenforceable by a court of competent jurisdiction, such clause or provision and the remainder of this chapter shall remain effective and enforceable to the fullest extent allowed by law, and all clauses and provisions of this chapter are hereby declared to be severable.

Section 3. That Section 6.75.240 of the Metropolitan Code is hereby amended by deleting subsection C. in its entirety, effective on December 1, 2021.

Section 4. That Section 7.24.040 of the Metropolitan Code is hereby amended by adding the following new subsection C. to become effective on December 1, 2021:

- C. Open containers in motor vehicles.
  - 1. Definitions:
    - a. An "Enclosed Vehicle" means any motor vehicle that is fully enclosed by metal, plexiglass or glass on all sides and on the top/roof. Any vehicle not meeting this definition would

constitute an “unenclosed vehicle.” A vehicle is unenclosed if any portion of it lacks solid sides and a roof, including all appurtenances attached thereto, including, but not limited to, a wagon or trailer pulled by a tractor, within which passengers are capable of standing and circulating while the vehicle is in motion. For purposes of this section, a vehicle “side” must be a full side enclosure of the vehicle and cannot consist of solely a guard rail or railing. It may contain windows capable of being opened, but all windows, excluding the driver compartment if separate from the passenger area, shall be fully raised while the vehicle is in operation with customers aboard and any passenger is in possession of an open container. Enclosed vehicles shall maintain any required emergency access or exits but the emergency access or exits may not be used to avoid the safety goals intended by the enclosure.

- b. “Open Container” means any container containing alcoholic beverages or beer, the contents of which are immediately capable of being consumed or the seal of which has been broken.
  - c. An open container within a vehicle is in the possession of the passenger when it is not in the possession of the driver and is not located in a locked glove compartment, trunk, or other non-passenger area of the vehicle.
  - d. A motor vehicle is in operation if its engine is operating, whether or not the vehicle is moving.
  - e. “Alcoholic Beverage” means alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, wine capable of being consumed by a human being, other than patented medicine, beer, or wine, where the latter two contain an alcoholic content of eight percent by weight.
  - f. “Beer” means beer, ale or any other beverage having an alcoholic content of not more than eight percent by weight.
2. It is unlawful for any passenger to consume any alcoholic beverage or beer or possess an open container of alcoholic beverage or beer during the operation of an unenclosed vehicle.

Section 5. That Section 12.54.210 of the Metropolitan Code is hereby amended by deleting subsection C. in its entirety, effective on December 1, 2021.

Section 6. That Section 9.20.020 of the Metropolitan Code is hereby amended by modifying subsection B. as follows:

- B. No person operating or occupying a motor vehicle, including an entertainment transportation vehicle, on any street, highway, alley, parking lot, or driveway, either public or private property, shall 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 device used for the amplification of sound

from within the motor vehicle so that the sound is plainly audible at a distance of fifty or more feet from the vehicle or, in the case of a motor vehicle on private property, beyond the property line.

Section 7. If any portion or clause of this ordinance or the application thereof to any person or circumstance is held to be unenforceable by a court of competent jurisdiction, such clause or provision and the remainder of this ordinance shall remain effective and enforceable to the fullest extent allowed by law, and all clauses and provisions of this ordinance are hereby declared to be severable.

Section 8. This ordinance shall take effect from and after its enactment, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

\_\_\_\_\_  
Freddie O'Connell

\_\_\_\_\_  
Members of Council

AMENDMENT NO. \_\_\_\_  
TO  
SUBSTITUTE ORDINANCE NO. BL2021-911

Mr. President –

I hereby move to amend Ordinance No. BL2021-911 by amending Section 1, Proposed Metropolitan Code of Laws Section 6.77.070, subsection B, as follows:

- B. Insurance coverage as provided in subsection (A) of this section means a policy of public liability insurance issued by an insurance company qualified to do business in the state and naming the metropolitan government as an additional insured. Any policy of public liability insurance issued in compliance with this article shall be for a term of not less than one year, and for any entertainment transportation vehicle insured thereunder shall afford protection to any third party sustaining injury or damage as a result of the negligent operation of any entertainment transportation vehicle, with the minimum amount of insurance to be ~~one~~ five million dollars, known as combined single limit insurance coverage. Such policy shall expressly provide that it may not be canceled, except after thirty days written notice to the commission director.

SPONSORED BY:

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Freddie O'Connell  
Member of Council