

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2024-293

Madam President –

I hereby move to amend Ordinance No. BL2024-293 as follows:

I. By amending Section 1 as follows:

Section 1. That section 16.04.200 of the Metropolitan Code of Laws is hereby amended by deleting existing subsections E. and F. and adding new subsections E, F, G, H, and I as follows:

- E. No fence shall be constructed in the floodway or floodplain without the approval of the department of water and sewerage services. A fence must comply with all applicable regulations, including standards for fences established by the department of water and sewerage services, rules and regulations established by the Nashville department of transportation and multimodal infrastructure governing the placement of fences in the public right-of-way, and all applicable provisions of the metropolitan code of laws.
- F. The construction of a fence, including the installation of a new fence, the addition of fence sections to an existing fence, the replacement of more than fifty percent of an existing fence, or the change in location, type, or materials of a fence, shall require a fence permit to be issued by the department of codes administration prior to construction. The applicant for a fence permit must acknowledge, in writing, adherence to all applicable provisions of this code. The department of codes administration is authorized to create rules and regulations necessary to effectuate a fence permitting program. All associated fees required for a fence permit shall be determined by the director of the department of codes administration and approved by a resolution of council. The department of water and sewerage services shall review each fence permit to ensure compliance with subsection E. The Nashville department of transportation and multimodal infrastructure shall review each fence permit to ensure compliance with applicable rules and regulations governing the placement of fences in the public right-of-way.
- G. The provisions of subsections C. and D. of this section shall not apply to temporary construction fencing, temporary tree protection fencing, temporary festival fencing, fencing around a place of incarceration, or to any fence located on property in the AR2A and AG zoning districts as designated on the official zoning map of the metropolitan government.
- H. Fences shall be constructed in such a manner so that all fence cross beams and cross bracing shall face the interior of the property and shall not be oriented toward the street or an adjacent property.
- I. ~~Fences shall not be located within public utility easements, public utility and drainage easements, and easements for sanitary and/or storm sewers, water mains, pumps, and appurtenances without written consent from the applicable utility. No fence shall be constructed in a utility easement if the fence would interfere with the use of the easement~~

by the utility or violate any conditions on the easement. Any questions regarding the details of an easement should be directed to the utility or easement holder.

II. By amending Section 3 as follows:

Section 3. This Ordinance shall take effect on September 1, 2024 ~~from and after its adoption~~, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

Erin Evans
Member of Council