



Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

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Type: Bill (Ordinance) **Status:** Passed

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Title: An ordinance amending Metro Code Chapter 10.20 Waste Management by adding Article V to allow for the Metropolitan Government to recover costs for development plans review by the Department of Public Works relating to waste management.

Sponsors: Burkley Allen, Bob Nash, Colby Sledge, Zulfat Suara

Indexes:

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|-----------|------|------------------------------|--------------------------|--------|
| 4/21/2021 | 1 | Mayor | approved | |
| 4/20/2021 | 1 | Metropolitan Council | passed on third reading | |
| 4/6/2021 | 1 | Metropolitan Council | passed on second reading | |
| 4/6/2021 | 1 | Public Works Committee | approved | |
| 4/5/2021 | 1 | Budget and Finance Committee | approved | |
| 3/16/2021 | 1 | Metropolitan Council | passed on first reading | |

An ordinance amending Metro Code Chapter 10.20 Waste Management by adding Article V to allow for the Metropolitan Government to recover costs for development plans review by the Department of Public Works relating to waste management.

WHEREAS, in Nashville, construction and demolition debris accounts for approximately 23 percent of the total Metropolitan Nashville and Davidson County waste stream; and,

WHEREAS, in December 2019, the Davidson County Solid Waste Region Board adopted Nashville’s Long-term Zero Waste Master Plan that aims to reduce the amount of waste Nashville sends to landfills by 90%, including a focus on construction and demolition debris; and,

WHEREAS, many cities nationwide are encouraging the reuse and recycling of construction and demolition debris; and,

WHEREAS, developers are required to submit waste management plans as required in Metropolitan Code Section 16.28.040 D; and,

WHEREAS, although Section 16.28.040.D. requires such plans to be submitted with every building permit, review of some building permit types requires substantially more time and cost for review by Public Works departmental staff, especially with regard to non-residential projects with a value in excess of \$50,000.00, and then again, this effort and cost is again dramatically increased for projects exceeding \$500,000.00 in value; and,

WHEREAS, Public Works is responsible for ensuring construction plans review including details on how waste

and recycling will be managed by occupants of the building; and,

WHEREAS, the cost of the time spent by Public Works' departmental staff to review these plans is currently borne by the taxpayers, and it is in the best interest of the Metropolitan Government to instead collect that cost from the persons and companies most directly benefitted by this review.

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

Section 1. That Metro Code 10.20 will be amended to add Article V, thereto, which shall provide as follows:

10.20.500 Waste Management Development Review Fee. The director shall have the authority to establish, and shall have the authority to revise as necessary, a schedule of fees and charges applicable to that department's review and processing of building permit applications, relating to waste management, to recover its costs in full for same. The schedule of fees and charges in effect at any time shall be placed on file in the office of the metropolitan clerk. As an initial example of this, starting on May 1, 2021, but subject to the authority of the director to adjust these fees to recover any increase in costs, in future, all persons applying for a commercial construction permit, residential multifamily construction permit, and demolition permit shall pay a development review fee based on the schedule below:

| Total Project Valuation | Fee |
|----------------------------------|------------|
| \$50,000-500,000.00 | \$35.00 |
| \$500,000.01 - \$3,000,000.00 | \$150.00 |
| \$3,000,000.01 - \$20,000,000.00 | \$400.00 |
| \$20,000,000.01 + | \$1,000.00 |

For the purposes of this Section, "commercial construction" and "demolition permit" shall have a meaning consistent with the use of those terms in Chapter 16.28 of this Code, and "residential multifamily" shall mean residential construction other than one-family and two-family residential construction and townhouses. The director shall determine the costs incurred by the department for reviewing and processing construction and demolition permit applications for permit types and project values not listed above. In no case shall these fees be subject to refund even if there is not a subsequent building permit issued.

Section 2. That this ordinance shall take effect immediately after its final passage, the welfare of The Metropolitan Government of Nashville & Davidson County requiring it.

Analysis

This ordinance amends Chapter 10.20 of the Metro Code to allow Metro Public Works to collect a waste management plans review fee. Section 16.28.040.D of the Metro Code requires applicants for building permits to submit a plan for the disposal of construction and demolition waste generated at the worksite. Public Works currently reviews these plans, but there is no fee mechanism in place allowing them to recover their costs like there is for building permit review by the Codes Department. Rather, the cost of the time spent by Public Works' departmental staff to review these plans is currently borne by the taxpayers.

This ordinance authorizes the Public Works Director to establish (and to revise in the future) a fee schedule for the review and processing of building permit applications relating to waste management to recover its costs in full. Starting on May 1, 2021, all persons applying for a commercial construction permit, residential multifamily

construction permit, and demolition permit would pay a development review fee based on the schedule below:

| <u>Project Value</u> | <u>Fee</u> |
|--------------------------------|------------|
| \$50,000 to 500,000 | \$35 |
| \$500,000.01 to \$3,000,000 | \$150 |
| \$3,000,000.01 to \$20,000,000 | \$400 |