



Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #: BL2024-293 **Name:**

Type: Bill (Ordinance) **Status:** Second Reading

File created: 3/11/2024 **In control:** Transportation and Infrastructure Committee

On agenda: 7/2/2024 **Final action:**

Title: An ordinance amending Chapter 15.64 and Chapter 16.04 of the Metropolitan Code of Laws to restrict fences in the floodway and floodplain and to require a fence permit for all fences to be constructed within Nashville and Davidson County.

Sponsors: Erin Evans, Delishia Porterfield, Terry Vo, Sandy Ewing, Brenda Gadd

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
5/7/2024	1	Metropolitan Council	deferred	
4/2/2024	1	Metropolitan Council	deferred	
3/19/2024	1	Metropolitan Council	referred	
3/19/2024	1	Metropolitan Council	referred	
3/19/2024	1	Metropolitan Council	passed on first reading	
3/12/2024	1	Metropolitan Council	filed	

An ordinance amending Chapter 15.64 and Chapter 16.04 of the Metropolitan Code of Laws to restrict fences in the floodway and floodplain and to require a fence permit for all fences to be constructed within Nashville and Davidson County.

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

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.
- 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 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.
- 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 sanity and/or storm sewers, water mains, pumps, and appurtenances without written consent from the applicable utility.

Section 2. That section 15.64.010 of the Metropolitan Code of Laws is hereby amended by deleting the existing definition of "Structure" and replacing it with the following:

"Structure" means anything constructed or erected, the use of which requires a permanent location on or in the ground. Such construction includes but is not limited to objects such as buildings, towers, smokestacks, overhead transmission lines, carports, walls, and fences.

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

Analysis

This ordinance amends Chapters 15.64 and 16.04 of the Metropolitan Code of Laws to regulate fences and require fence permits.

This ordinance prohibits the building of a fence within the floodway or floodplain without the approval of the Department of Water and Sewerage Services ("MWS"). A fence must comply with all applicable regulations, including standards for fences established by MWS.

A fence permit would be required for any new fences, the addition of fence sections to an existing fence, the replacement of more than 50% of an existing fence, or the change in location, type, or materials of a fence. The Department of Codes Administration ("Codes") would be responsible for issuing the permit and creating rules and regulations to effectuate the fence permitting process. All associated fees would be set by Codes and approved by a resolution of Council. MWS would review each fence for compliance with all applicable regulations.

In addition, this ordinance would add fences to the definition of "structure" in Chapter 15.64 of the Code. Section 15.64.170 prohibits the construction of structures within the floodway.