

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.