

Code, Sec. 2.206.010); and

WHEREAS, it is evident from other provisions within the Metro Code that Metro departments, as well as non-profit community organizations and homeowner associations, are allowed if not encouraged to install encroachments -- including landscaping -- in the public way under permitted conditions. (See, e.g., section 13.08.030 allowing permitted installations within the public way). It is therefore believed the prohibition in subsection 13.08.050(C) against the placement of any tree, bush, or hedge within the right-of-way is unduly and unintentionally restrictive.

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

Section 1. Subsection 13.08.050 of the Metropolitan Code of Laws shall be replaced in its entirety with the following:

13.08.050 Obstructing visibility at intersections, driveways, or rights-of-way

No person shall place or cause to be placed or maintained, either temporarily or permanently, any sign, card, poster, pennant, banner, bush, tree, hedge, or other obstruction:

- A. On private property within twenty-five feet of any street intersection so as to interfere with traffic visibility at the intersection.
- B. On private property in such a manner as to interfere with traffic visibility of any driver using an authorized driveway or alley.
- C. Within the right-of-way of any street within the area of the metropolitan government. This restriction shall not apply to any bush, tree, hedge, or other landscaping amenity placed or maintained by any department of the Metropolitan Government or by any organization permitted under section 13.08.030 hereof.

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

Analysis

This ordinance amends Section 13.08.050 of the Metropolitan Code of Laws regarding obstruction of visibility at intersections, driveways, or rights-of-way.

Under current law, no sign, card, poster, pennant, banner, bush, tree, hedge or other obstruction may be placed or maintained within the right-of-way of any street within the area of the Metropolitan Government.

The ordinance under consideration would add a clarification that this restriction does not apply to any bush, tree, hedge, or other landscaping amenity placed or maintained by any department of the Metropolitan Government, or by any organization permitted under Section 13.08.030, which provides for encroachments in, on, over, or under the public right-of-way.