



# **Metropolitan Council**

**PROPOSED LATE-FILED  
ORDINANCE, AMENDMENTS TO  
ORDINANCES, AND SUBSTITUTE  
ORDINANCE TO BE FILED WITH  
THE METRO CLERK  
FOR THE COUNCIL MEETING OF  
TUESDAY, NOVEMBER 19, 2019**

**ORDINANCE NO. BL2019-\_\_\_**

**An ordinance to provide for the designation of public property within specified areas of downtown Nashville as a temporary "Special Event Zone" during the time period beginning at nine o'clock (9:00) p.m. on December 30, 2019 and ending at 6 o'clock (6:00) a.m. on January 1, 2020 relative to the use of these areas in conjunction with the 2019 New Year's Eve Celebration and related activities and events.**

WHEREAS, the city of Nashville is hosting the 2019 New Year's Eve Celebration in December 2019; and,

WHEREAS, each year, the New Year's Eve Celebration brings tens of thousands of visitors to Nashville, resulting in millions of dollars in direct visitor spending; and,

WHEREAS, the 2019 New Year's Eve Celebration will have a tremendous positive impact on Nashville's economy; and,

WHEREAS, given tens of thousands of visitors and media personnel who will be in attendance, it is necessary that certain areas in and around events related to the 2019 New Year's Eve Celebration be regulated and controlled to provide for the public health, safety, and welfare of the above mentioned participants; and,

WHEREAS, to that end, it is necessary to establish a Special Event Zone area for the temporary time periods and within the specified boundaries designated in this ordinance.

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

Section 1. There is hereby established a "Special Event Zone" within the area described as follows:

The Special Event Zone shall be Charlotte Avenue from 10<sup>th</sup> Circle North to 5<sup>th</sup> Avenue North, 5<sup>th</sup> Avenue North from Charlotte Avenue to Gay Street, Gay Street from 5<sup>th</sup> Avenue North to 3<sup>rd</sup> Avenue North, 3<sup>rd</sup> Avenue North from Gay Street to Jefferson Street, Jefferson Street from 3<sup>rd</sup> Avenue North to Rosa L. Parks Blvd., Rosa L. Parks Blvd. from Jefferson Street to 10<sup>th</sup> Circle North, 10<sup>th</sup> Circle North at Rosa L. Parks Blvd. to Charlotte Avenue.

Section 2. The Special Event Zone defined in Section 1 hereof shall have a duration beginning at nine o'clock (9:00) p.m. on Monday, December 30, 2019 and ending at 6 o'clock (6:00) a.m. on Wednesday, January 1, 2020.

Section 3. Notwithstanding any other provision of the Metropolitan Code to the contrary, the activities described below on public property or in the public right-of-way within the Special Event Zone conducted by any person or entity, except those approved by both the Metropolitan Government of Nashville and Davidson County and the Nashville Convention and Visitors Corporation, shall be regulated as follows:

1. Street vendors with a general vending license issued pursuant to Section 13.08.040 of the Metropolitan Code or other persons with a valid license for such a purpose issued by the Metropolitan Government, the sale of any food, beverages, goods, or merchandise shall be prohibited on the public streets, sidewalks, alleys, and rights-of-way. Street vendors shall obtain a "Special Event Zone" permit from the Nashville Convention and Visitors Corporation in order to sell within the geographic area listed above. The Metropolitan Departments of Public Works, the Metropolitan Department of Parks and Recreation, and the Davidson County Clerk shall consult with the Nashville Convention and Visitors Corporation prior to granting a

- temporary vending permit to be effective within the "Special Event Zone" during Nashville's New Year's Eve Celebration.
2. No alcoholic beverages shall be provided, served, or sold from any temporary outdoor use except as authorized by the Nashville Convention and Visitors Corporation and permitted by the Metropolitan Government of Nashville and Davidson County.
  3. The sale or distribution of merchandise pertaining to the New Year's Eve Celebration where it is apparent on its face that the merchandise is not licensed by the Nashville Convention and Visitors Corporation, regardless of whether the person selling or distributing is operating pursuant to a valid permit, exception, or exemption provided for in this Ordinance or elsewhere in the Metropolitan Code, shall be prohibited.
  4. No tents or membrane structures of any kind shall be erected except for those tents and membrane structures sanctioned and authorized by the Nashville Convention and Visitors Corporation or erected by the Metropolitan Government for public safety purposes.
  5. The construction, placement, occupation, or use of any temporary structure is prohibited except those sanctioned and authorized by the Nashville Convention and Visitors Corporation.
  6. The distribution, promotional give-away activity, or provision of free products, services, or coupons (otherwise referred to as "sampling") by persons or entities that are not event sponsors officially sanctioned and authorized by the Nashville Convention and Visitors Corporation is strictly prohibited, provided this shall not apply to written material given away within any Public Participation Area established pursuant to this Ordinance.
  7. Vehicles shall be allowed only as directed by Metropolitan Nashville Police which will include trucks, automobiles, motorcycles, golf carts, bicycles, scooters, skateboards, and motorized scooters.
  8. No shared urban mobility devices, as defined by Metropolitan Code of Laws Section 12.62.010, shall be permitted within the Special Event Zone during the designated Special Event Zone Ordinance time period.
  9. No handguns, rifles, or firearms shall be permitted within the Special Event Zone during the designated Special Event Zone Ordinance time period. (Tennessee Code Annotated §39-17-1359)
  10. No knives, swords, or other fighting devices shall be permitted within the Special Event Zone during the designated Special Event Zone Ordinance time period.
  11. No fireworks, firecrackers, or explosive devices of any type shall be permitted within the Special Event Zone during the designated Special Event Zone Ordinance time period.
  12. The Special Event Zone shall be a "no fly zone" during the designated Special Event Zone Ordinance time period. (Tenn. Comp. R. & Regs. 0400-02-02-02)

Section 4. Nothing in this Ordinance shall be construed as a repeal or suspension of any existing laws prohibiting or governing the issuance of permits outside of the "Special Event Zone" geographical boundaries. Further, nothing in this Ordinance shall be construed as granting a waiver to the Nashville Convention and Visitors Corporation from all licensing and permitting requirements of the Metropolitan Code necessary for public health, safety and welfare.

Section 5. One or more Public Participation Areas shall be established by the Metropolitan Government within the Special Event Zone while the Special Event Zone Ordinance is in effect. Each Public Participation Area shall allow for the reasonable expression by the public in a manner that shall not be disruptive to the 2019 New Year's Eve Celebration, activities, and events. Public Participation Areas shall be provided for during such reasonable times, and in such reasonable locations within the Special Event Zone as to allow for meaningful and effective expression by the public.

Section 6. If any of the provisions of this Ordinance are for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions, and those remaining portions shall be and remain in full force and effect.

Section 7. It is the intention of the Metropolitan Council that the Metropolitan Nashville Police Department focus its enforcement efforts upon preserving the peace and securing the safety of the New Year's Eve Celebration participants while the Special Event Zone is in effect.

Section 8. This Ordinance shall take effect immediately after its passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

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Freddie O'Connell  
Member of Council

AMENDMENT NO. \_\_\_\_  
TO  
ORDINANCE NO. BL2019-4

Mr. President –

I hereby move to amend Ordinance No. BL2019-4 by amending Section 3 as follows:

Section 3. That Section 6.04.030 of the Metropolitan Code of Laws is hereby amended by deleting it in its entirety and substituting in lieu thereof the following:

6.04.030 - Aerial advertising prohibited

- A. Except as allowed under subsection B, no person shall use any type of aircraft or other self-propelled or buoyant airborne object to display in any manner or for any purpose whatsoever any sign or advertising device. For the purpose of this chapter, a "sign" or "advertising device" includes, but is not limited to, a poster, banner, writing, picture, painting, light, model, display, emblem, notice, illustration, insignia, symbol or any other form of advertising sign or device.
- B. Exceptions.
1. This section shall not prohibit the display of an identifying mark, trade name, trade insignia, or trademark on the exterior of an aircraft or self-propelled or buoyant airborne object if the displayed item is under the ownership or registration of the aircraft's or airborne object's owner.
  2. This section shall not prohibit the display of a sign or advertising device placed wholly within, and visible only within, the interior of an aircraft or self-propelled or buoyant airborne object.
  3. This section shall not apply to the display of a sign or advertising device when placed on or attached to any ground, building, or structure. Such a sign or advertising device shall be permitted, prohibited, or otherwise regulated as provided under the applicable provision of law.
  4. This section shall not apply on Saturday or Sunday between the hours of noon and 6:00 p.m.

INTRODUCED BY:

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Colby Sledge  
Member of Council

AMENDMENT NO. \_\_\_\_  
TO  
ORDINANCE NO. BL2019-31

Mr. President –

I hereby move to amend Ordinance No. BL2019-31 by deleting Section 3 in its entirety and substitute in lieu thereof the following:

Section 3. This Ordinance shall take effect ~~from and after its adoption~~ on January 1, 2020, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

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Kathleen Murphy  
Member of Council

AMENDMENT NO. \_\_\_\_\_  
TO  
ORDINANCE NO. BL2019-43

Mr. President:

I move to amend Ordinance No. BL2019-43 by deleting Section 1 in its entirety and substituting with the following:

Section 1. That Chapter 5.04 of the Metropolitan Code is hereby amended by adding the following new subsection 5.04.115:

5.04.115 Submission of finance communications from the State of Tennessee to the Metropolitan Council.

A. Copies of all financial communications from the State of Tennessee to the metropolitan government that are a disclosable public record under T.C.A. § 10-7-503 shall be submitted to the director of the metropolitan council office within seven days of receipt, provided that such communications that reflect negatively on the finances of the metropolitan government shall also be emailed directly to councilmembers within seven days of receipt.

B. For purposes of this section, the following terms have the following meanings:

“financial communications” means all written and electronic communications pertaining to the financial status, revenues, expenses, fees or service charges of the metropolitan government and any of its departments, boards, commissions, offices, and agencies other than routine correspondence regarding grant awards previously approved by the metropolitan council and grant applications.

“communications that reflect negatively” includes without limitation any notice or threat of an administrative proceeding initiated by the State against the metropolitan government, any order issued in any such administrative proceeding, any communication that disapproves any request related to the metropolitan government’s finances, any communication disapproving or raising questions about any operating or capital budget of the metropolitan government, and any communication that reflects or discusses any material adverse change in the financial condition of the metropolitan government.

C. The department head for the applicable department, board, commission, office, or agency shall be responsible for ensuring such communication is submitted to the director of the council office as required by this section.

INTRODUCED BY:

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Bob Mendes  
Member of Council

AMENDMENT NO. 1  
TO  
ORDINANCE NO. BL2019-45

Mr. President:

I move to amend Ordinance No. BL2019-45 by amending Section 11 by adding the following two new paragraphs at the end thereof:

"An additional five percent surcharge shall be added to both the water and sewer portion of each customer's bill each month to be applied toward a new Long-Term Debt Reduction Fund. This fund shall only be used for emergency capital projects at the discretion and determination of the MWS director. The funds shall not be used to pay any MWS operating costs. Any amounts collected into the fund over and above fifty million dollars (\$50,000,000) shall be deposited into the extension and replacement fund as specified in Bond Resolution No. 66-29 and all amendments thereto.

The additional five percent surcharge shall expire and be null and void as of December 31, 2022, unless extended by resolution of the metropolitan council. This provision, commonly known as a 'sunset provision,' is included to ensure that the effectiveness and necessity of this surcharge is reviewed by the metropolitan council after its adoption."

INTRODUCED BY:

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Steve Glover  
Member of Council

AMENDMENT NO. 2

TO

ORDINANCE NO. BL2019-45

Mr. President –

I hereby move to amend Ordinance No. BL2019-45 as follows:

I. By amending Section 5 by deleting Table 15.32.020(b) – Water Usage Charge and substituting therefore the following:

Table 15.32.020(b) – Water Usage Charge

<b>Charge Per CCF (\$)</b>						
	<b>Year</b>	2020	2021	2022	2023	2024
<b>Residential Usage (ccf)</b>						
<b>0-2</b>		-	-	-	-	-
<b>2-6</b>		3.50	3.64	3.75	3.86	3.98
<b>6-10</b>		4.20	4.37	4.50	4.64	4.78
<b>more than 10</b>		5.25	5.46	5.63	5.80	5.97
<b>Non-Residential Usage (ccf)</b>						
<b>0-2</b>		-	-	-	-	-
<b>More than 2 all</b>		2.75	2.86	2.95	3.04	3.13

II. By amending Section 10 by deleting Table 15.44.020(b) – Sewer Usage Charge and substituting therefore the following:

Table 15.44.020(b) – Sewer Usage Charge

<b>Charge Per CCF (\$)</b>						
	<b>Year</b>	2020	2021	2022	2023	2024
<b>Residential Usage (ccf)</b>						
<b>0-2</b>		-	-	-	-	-
<b>More than 2 all</b>		5.85	6.08	6.26	6.45	6.64
<b>Non-Residential Usage (ccf)</b>						
<b>0-2</b>		-	-	-	-	-
<b>More than 2 all</b>		5.85	6.08	6.26	6.45	6.64

INTRODUCED BY:

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Bob Mendes  
Member of Council

**SUBSTITUTE ORDINANCE NO. BL2019-6**

**An ordinance to amend Title 17 of the Metropolitan Code of Laws regarding the waiting period revocation of a short term rental property permit (Proposal No. 2019Z-016TX-001).**

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

Section 1. That Section 17.16.070.U., subsection 4.l.vi.(2) of the Metropolitan Code of Laws is hereby amended by deleting the first sentence and replacing it with the following:

Upon a finding-determination by the board-of-zoning-appeals zoning administrator or the zoning administrator's designee that a short term rental property has operated without a permit, there shall be a waiting period of one (1) year from the date of such finding determination by the zoning administrator or designee for the property to become eligible for a STRP permit.

Section 2. That Section 17.16.250.E., subsection 4.l.vi.(2), of the Metropolitan Code of Laws is amended by deleting the first sentence and replacing it with the following:

Upon a finding-determination by the board-of-zoning-appeals zoning administrator or the zoning administrator's designee that a short term rental property has operated without a permit, there shall be a waiting period of one (1) year from the date of such finding determination by the zoning administrator or designee for the property to become eligible for a STRP permit.

Section 3. That Section 17.40.340(A) is hereby amended by adding the following in the appropriate order:

Section 17.16.070.U.4.l.vi.(2) (Operating a not owner-occupied short term rental property without a permit)

Section 17.16.250.E.4.l.vi.(2) (Operating an owner-occupied short term rental property without a permit)

Section 34. This Ordinance shall take effect from and after its passage, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

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Angie Henderson  
Member of Council