

ORDINANCE NO. BL2020-_____

An ordinance amending Title 10, Title 13, Title 15, and Title 16 to permit the Nashville Fire Department Fire Marshal's Office, Metro Public Works, Metro Water Services, and Metro Codes to enforce emergency health orders.

WHEREAS, Tenn. Code Ann. § 68-2-609, Metropolitan Charter § 10.103, and Metropolitan Code § 2.36.020 authorize the Medical Director of the Metropolitan Department of Health to close public establishments, facilities, or buildings if the county health officer finds unsanitary conditions of such a nature and extent to significantly threaten the public health; and,

WHEREAS, Title 10 of the Metro Code adopts the Fire Prevention Code, which enables the Fire Marshal to issue certain permits related to fire safety; and,

WHEREAS, Title 13 of the Metro Code enables the Director of Public Works to issue permits for any work performed in the public right of way; and,

WHEREAS, Title 15 of the Metro Code enables the Director of Water Services to review developments and approve development plans for grading, drainage and erosion control issues and to permit for grading; and,

WHEREAS, Title 16 of the Metro Code enables the Director of Codes Administration to issue permits for construction activities; and,

WHEREAS, effective enforcement of county-wide emergency health orders requires the assistance of many departments and the ability to use enforcement authority to prevent behavior that threatens the health, safety, and well-being of Nashvillians; and,

WHEREAS, it is to the benefit of the citizens of The Metropolitan Government of Nashville and Davidson County that this ordinance be approved.

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

Section 1. That new Sections of the Metropolitan Code, to be designated as Metropolitan Code § 10.64.011, § 13.20.045, § 15.64.225, and § 16.04.180, are hereby enacted to state as follows:

"Notwithstanding any other provision of this title, it is a condition of any permit or work authorization issued pursuant to the authority granted herein, including those issued prior to the effective date hereof, that the permittee and its employees abide by applicable laws, rules, regulations and orders, including without limitation those emergency orders issued by the Chief Medical Director in connection with a declared state of emergency in all or part of Davidson County. Employees of a department that has authorized work or issued a permit pursuant to this title may order the cessation of work or specific activities, or the suspension of a permit, on any work site operating under such permit, for a violation of an emergency order.

Notice of the stop work order shall be in writing and shall be given to the owner of the property or to his agent or to the person in charge of the work or overseeing the operation. When, in the opinion of the director of the department that authorized work or issued a permit, or the director's agent, that an emergency exists, a written stop work order shall not be required, and in such instances, oral notice to

the owner, his agent or the person in charge of the work shall have the same force and effect as a written order. Any violation of the stop work order shall be assessed as a civil penalty at the rate of fifty dollars per day. In addition, where a violation exists, the director of the department or the director's agent may request that utility service be curtailed until the violation is corrected or abated. Appeals from the stop work order may be made to the relevant board or commission that oversees the authorization of the work or issuance of the permit."

Section 2. This ordinance shall take effect from and after its final passage, the welfare of the public requiring it.

APPROVED AS TO AVAILABILITY
OF FUNDS:

Kevin Crumbo
Director of Finance

INTRODUCED BY:

Bob Mendes

Russ Pulley

APPROVED AS TO FORM
AND LEGALITY:

Assistant Metropolitan Attorney

Sharon Hurt
Member(s) of Council