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**CITY OF FAIRVIEW  
BOARD OF COMMISSIONERS**

**MAY 19, 2016**

**7:00 P.M.**

**AGENDA**

1. **Call to order by Mayor Carroll**
  - A. Prayer and Pledge
2. **Approval of the Agenda**
3. **Citizen Comments – (Limited to the first 5 citizens to sign in and a limit of 3 minutes each).**
4. **Awards and/or Recognitions**
5. **Public Announcements**
6. **Staff Comments**
7. **Approval of the Minutes – (only needed if removed from consent agenda)**
8. **Consent Agenda Consisting of Items as Follows:**
  - A. Approval of the Minutes from the May 5, 2016 Board of Commissioners Meeting
  - B. Second and Final Reading on Bill #2016-08, Ordinance No. 922, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2015-2016 Budget (TAN Closing Costs & Interest)
  - C. Second and Final Reading on Bill #2016-09, Ordinance No. 923, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2015-2016 Budget (GAN Closing Costs & Interest)
  - D. Second and Final Reading on Bill #2016-10, Ordinance No. 924, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2015-2016 Budget (Fleet Reallocation)
  - E. Second and Final Reading on Bill #2016-11, Ordinance No. 925, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2015-2016 Budget (Police Department Reallocation)
  - F. Second and Final Reading on Bill #2016-12, Ordinance No. 926, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2015-2016 Budget (Tree Bank Appropriation)
9. **Old Business**
  - A. Discuss and/or Take Action on Bill #2016-13, Ordinance No. 927, An Ordinance to Amend the Municipal Code of the City of Fairview, Tennessee, by Repealing, Title 9, Chapter 3, Sections 9-301 Through 9-304, "Charitable Solicitors" and to Re-Designate and Re-Number Said Title, Chapter and Section as Fairview Tennessee Municipal Code, Title 9, Chapter 3, Sections 9-301 Through 9-311, "Solicitors," and Title 9, Chapter 3, Sections 9-312 Through 9-316 "Delivery of Unsolicited Publications." – Bissell
  - B. Discuss and/or Take Action on City Manager Hiring - Carroll
10. **New Business**
  - A. Discuss and/or Take Action on \$17,000 Funding Request from Dr. Rice for History Village Water/Sewer Connection Work – Bissell

- B. Discuss and/or Take Action on First Reading of Bill #2016-15, Ordinance No. 929, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2015-2016 Budget (Drug Fund) - Daugherty
- C. Discuss and/or Take Action on Impact Fee – Sutton
- D. Discuss and/or Take Action on First Reading on Section 9 of Bill #2016-16, Ordinance No. 930, An Ordinance of the City of Fairview, Tennessee Adopting the Annual Budget and Tax Rate for the Fiscal Year 2016-2017 - Daugherty
- E. Discuss and/or Take Action on Resolution 08-16, A Resolution to Set a Public Hearing for the Purpose of Obtaining Public Comment on the Property Tax Rate for the City of Fairview, Tennessee for the Fiscal Year 2017 - Daugherty
- F. Discuss and/or Take Action on First Reading of Bill #2016-16, Ordinance No. 930, An Ordinance of the City of Fairview, Tennessee Adopting the Annual Budget and Tax Rate for the Fiscal Year Beginning July 1, 2016 and Ending June 30, 2017 - Daugherty
- G. Discuss and/or Take Action on Resolution No. 07-16, A Resolution to Set a Public Hearing for the Purpose of Obtaining Public Comment on the Proposed Budget for the City of Fairview, Tennessee for Fiscal Year 2017 - Daugherty

**11. City Manager Items for Discussion**

- A. Miscellaneous Updates –
- B. City Attorney Comments -

**12. Communications from the Mayor and Commissioners**

**13. Adjournment**



Bill # 2016-08

ORDINANCE NO. 922

**AN ORDINANCE FOR AN AMENDMENT TO THE CITY OF FAIRVIEW, TENNESSEE, BUDGET FOR FISCAL YEAR 2015 – 2016 BUDGET**

**Be it Ordained by the City of Fairview, Tennessee as follows:**

**WHEREAS**, the Board of Commissioners of the City of Fairview, Tennessee, have determined that the Budget for Fiscal Year 2015 - 2016 (beginning July 1, 2015 and running through June 30, 2016) should be amended to reflect the final expenditures for the Fiscal Year, and:

**WHEREAS**, the Board of Commissioners of the City of Fairview, Tennessee adopted the fiscal year 2015 – 2016 budget by passage of Ordinance Number 891 on June 30, 2015, and

**WHEREAS**, pursuant to the Tennessee state Constitution, Article II, Section 24, no public money shall be expended except pursuant to appropriations made by law, and

**WHEREAS**, pursuant to Tennessee Code Annotated § 6-56-209, the Board of Commissioners has the authority to authorize the Finance Director to transfer money from one appropriation to another within the same fund, and

**NOW THEREFORE BE IT ORDAINED BY THE CITY OF FAIRVIEW, TENNESSEE THAT CHANGES BE MADE TO THE FISCAL YEAR 2015-2016 BUDGET AS FOLLOWS:**

Section 1. Ordinance 891 is hereby amended to appropriate \$10,595 from Unassigned General Fund Balance to pay for interest and closing costs of the Tax Anticipation Note.

**General Fund**

Appropriate From			
Account #	Current Balance	Appropriation	New Balance
110-27100	\$975,360.00	\$ 10,595.00	\$965,035.00

Expenditures			
Account #	Current Balance	Appropriation	New Balance
110-49000-623	\$ 403,811.00	\$ 10,595.00	\$414,406.00

Section 2. The Financial Officer is hereby authorized to make said changes in the accounting system.

**BE IT FURTHER ORDAINED**, If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction; such holding will not affect any other portion of this Ordinance.

**BE IT FINALLY ORDAINED**, that this Ordinance shall take effect fifteen days (15) days after its first passage or upon second reading, whichever is later, the public welfare requiring it.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY RECORDER

APPROVED AS TO FORM:

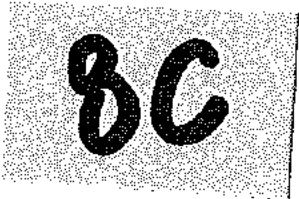
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CITY ATTORNEY

Passed First Reading

April 21, 2014

Passed Second Reading

\_\_\_\_\_



Bill # 2016-09

ORDINANCE NO. 923

**AN ORDINANCE FOR AN AMENDMENT TO THE CITY OF FAIRVIEW, TENNESSEE, BUDGET FOR FISCAL YEAR 2015 – 2016 BUDGET**

**Be it Ordained by the City of Fairview, Tennessee as follows:**

**WHEREAS**, the Board of Commissioners of the City of Fairview, Tennessee, have determined that the Budget for Fiscal Year 2015 - 2016 (beginning July 1, 2015 and running through June 30, 2016) should be amended to reflect the final expenditures for the Fiscal Year, and:

**WHEREAS**, the Board of Commissioners of the City of Fairview, Tennessee adopted the fiscal year 2015 – 2016 budget by passage of Ordinance Number 891 on June 30, 2015, and

**WHEREAS**, pursuant to the Tennessee state Constitution, Article II, Section 24, no public money shall be expended except pursuant to appropriations made by law, and

**WHEREAS**, pursuant to Tennessee Code Annotated § 6-56-209, the Board of Commissioners has the authority to authorize the Finance Director to transfer money from one appropriation to another within the same fund, and

**NOW THEREFORE BE IT ORDAINED BY THE CITY OF FAIRVIEW, TENNESSEE THAT CHANGES BE MADE TO THE FISCAL YEAR 2015-2016 BUDGET AS FOLLOWS:**

Section 1. Ordinance 891 is hereby amended to appropriate \$1,800 from Unassigned General Fund Balance to pay for interest and closing costs of the Grant Anticipation Note.

**General Fund**

**Appropriate From Unassigned General Fund Balance**

Account #	Current Balance	Appropriation	New Balance
110-27100	\$965,035.00	\$1,800.00	\$963,235.00

**Expenditures**

Account #	Current Budget	Amendment Amt	New Budget Amt
110-49000-624	\$214,372.82	\$ 1,800.00	\$ 216,172.82

Section 2. The Financial Officer is hereby authorized to make said changes in the accounting system.

**BE IT FURTHER ORDAINED**, If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction; such holding will not affect any other portion of this Ordinance.

**BE IT FINALLY ORDAINED**, that this Ordinance shall take effect fifteen days (15) days after its first passage or upon second reading, whichever is later, the public welfare requiring it.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY RECORDER

**APPROVED AS TO FORM:**

\_\_\_\_\_  
CITY ATTORNEY

**Passed First Reading**

April 21, 2016

**Passed Second Reading**

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Bill # 2016-10

**ORDINANCE NO. 924**

**AN ORDINANCE FOR AN AMENDMENT TO THE CITY OF FAIRVIEW, TENNESSEE, BUDGET FOR FISCAL YEAR 2015 – 2016 BUDGET**

**Be it Ordained by the City of Fairview, Tennessee as follows:**

**WHEREAS**, the Board of Commissioners of the City of Fairview, Tennessee, have determined that the Budget for Fiscal Year 2015 - 2016 (beginning July 1, 2015 and running through June 30, 2016) should be amended to reflect the final expenditures for the Fiscal Year, and:

**WHEREAS**, the Board of Commissioners of the City of Fairview, Tennessee adopted the fiscal year 2015 – 2016 budget by passage of Ordinance Number 891 on June 30, 2015, and

**WHEREAS**, pursuant to the Tennessee state Constitution, Article II, Section 24, no public money shall be expended except pursuant to appropriations made by law, and

**WHEREAS**, pursuant to Tennessee Code Annotated § 6-56-209, the Board of Commissioners has the authority to authorize the Finance Director to transfer money from one appropriation to another within the same fund, and

**NOW THEREFORE BE IT ORDAINED BY THE CITY OF FAIRVIEW, TENNESSEE THAT CHANGES BE MADE TO THE FISCAL YEAR 2015-2016 BUDGET AS FOLLOWS:**

Section 1. Ordinance 891 is hereby amended to reallocate \$32,575 from Fleet Maintenance Gas Expenditures to Gen Gov OASI \$2,850; Medicare \$665; Unemployment \$75; Telephone \$16,600; ½ Mixed Drinks \$1,400; and Medical and Eye Reimbursements of \$3,750; City Court: \$1,500; Part-time Wages \$1,500; Finance Memberships \$250; Registration Fees \$500; Parks: \$5,000 Repair & Maintenance of Buildings.

**General Fund**

Reallocate From Account #	Current Approp.	Amended Amt.	New Appropriation
110-42152-331	\$125,000.00	\$ 34,090.00	\$92,425.00

Reallocate to Account #	Current Approp	Amended Amt.	New Appropriation
110-41000-141	\$ 6,817.00	\$ 2,850.00	\$ 9,667.00
110-41000-142	\$ 1,594.00	\$ 665.00	\$ 2,259.00
110-41000-147	\$ 216.00	\$ 75.00	\$ 291.00
110-41000-245	\$60,000.00	\$16,600.00	\$76,600.00
110-41000-272	\$ 4,500.00	\$1,385.00	\$ 5,885.00
110-41000-522	\$ 0	\$ 3,750.00	\$ 3,750.00
110-41210-124	\$ 3,000.00	\$ 1,500.00	\$ 4,500.00
110-41500-230	\$ 350.00	\$ 250.00	\$ 600.00
110-41500-235	\$ 1,500.00	\$ 500.00	\$ 2,000.00
110-44700-266	\$41,000.00	\$ 5,000.00	\$46,000.00

Section 2. The Financial Officer is hereby authorized to make said changes in the accounting system.

**BE IT FURTHER ORDAINED**, If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction; such holding will not affect any other portion of this Ordinance.

**BE IT FINALLY ORDAINED**, that this Ordinance shall take effect fifteen days (15) days after its first passage or upon second reading, whichever is later, the public welfare requiring it.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

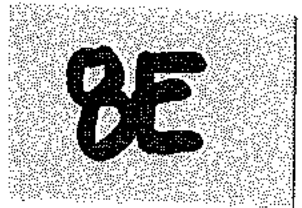
Passed First Reading

April 21, 2014

Passed Second Reading

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Bill # 2016-11

ORDINANCE NO. 925

**AN ORDINANCE FOR AN AMENDMENT TO THE CITY OF FAIRVIEW,  
TENNESSEE, BUDGET FOR FISCAL YEAR 2015 – 2016 BUDGET**

**Be it Ordained by the City of Fairview, Tennessee as follows:**

**WHEREAS**, the Board of Commissioners of the City of Fairview, Tennessee, have determined that the Budget for Fiscal Year 2015 - 2016 (beginning July 1, 2015 and running through June 30, 2016) should be amended to reflect the final expenditures for the Fiscal Year, and:

**WHEREAS**, the Board of Commissioners of the City of Fairview, Tennessee adopted the fiscal year 2015 – 2016 budget by passage of Ordinance Number 891 on June 30, 2015, and

**WHEREAS**, pursuant to the Tennessee state Constitution, Article II, Section 24, no public money shall be expended except pursuant to appropriations made by law, and

**WHEREAS**, pursuant to Tennessee Code Annotated § 6-56-209, the Board of Commissioners has the authority to authorize the Finance Director to transfer money from one appropriation to another within the same fund, and

**NOW THEREFORE BE IT ORDAINED BY THE CITY OF FAIRVIEW, TENNESSEE THAT CHANGES BE MADE TO THE FISCAL YEAR 2015-2016 BUDGET AS FOLLOWS:**

Section 1. Ordinance 891 is hereby amended to reallocate \$35,000 from the Police Department Salaries line item for \$30,000 into Police Department Overtime, \$3,000 into Police Department Part-time Salaries and \$2,000 into Police Department Repair & Maintenance of Machinery & Equipment.

**General Fund**

**Reallocate From**

Account #	Current Balance	Reallocation Amt.	New Balance
110-42100-110	\$308,043.00	\$ 35,000.00	\$273,043.00

**Reallocate to**

Account #	Current Balance	Amount	New Balance
110-42100-112	\$ 25,000.00	\$ 30,000.00	\$ 55,000.00
110-42100-113	\$ 26,560.00	\$ 3,000.00	\$ 29,560.00
110-42100-262	\$ 1,000.00	\$ 2,000.00	\$ 3,000.00

Section 2. The Financial Officer is hereby authorized to make said changes in the accounting system.

**BE IT FURTHER ORDAINED**, If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction; such holding will not affect any other portion of this Ordinance.

**BE IT FINALLY ORDAINED**, that this Ordinance shall take effect fifteen days (15) days after its first passage or upon second reading, whichever is later, the public welfare requiring it.

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CITY RECORDER**

**APPROVED AS TO FORM:**

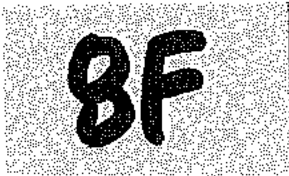
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**CITY ATTORNEY**

**Passed First Reading**

April 21, 2014

**Passed Second Reading**

\_\_\_\_\_



Bill # 2016-12

**ORDINANCE NO. 926**

**AN ORDINANCE FOR AN AMENDMENT TO THE CITY OF FAIRVIEW, TENNESSEE, BUDGET FOR FISCAL YEAR 2015 – 2016 BUDGET**

**Be it Ordained by the City of Fairview, Tennessee as follows:**

**WHEREAS**, the Board of Commissioners of the City of Fairview, Tennessee, have determined that the Budget for Fiscal Year 2015 - 2016 (beginning July 1, 2015 and running through June 30, 2016) should be amended to reflect the final expenditures for the Fiscal Year, and:

**WHEREAS**, the Board of Commissioners of the City of Fairview, Tennessee adopted the fiscal year 2015 – 2016 budget by passage of Ordinance Number 891 on June 30, 2015, and

**WHEREAS**, pursuant to the Tennessee state Constitution, Article II, Section 24, no public money shall be expended except pursuant to appropriations made by law, and

**WHEREAS**, pursuant to Tennessee Code Annotated § 6-56-209, the Board of Commissioners has the authority to authorize the Finance Director to transfer money from one appropriation to another within the same fund, and

**NOW THEREFORE BE IT ORDAINED BY THE CITY OF FAIRVIEW, TENNESSEE THAT CHANGES BE MADE TO THE FISCAL YEAR 2015-2016 BUDGET AS FOLLOWS:**

Section 1. Ordinance 891 is hereby amended to appropriate \$1,200 from the Tree Bank Fund for the purchase of trees planted at City Hall.

**General Fund**

**Appropriate from Tree Bank Fund Balance**

Account #	Current Balance	Appropriation	New Balance
110-27100	\$ 7,740.00	\$ 1,200.00	\$ 6,540.00

**Expenditures**

Account #	Current Balance	Amendment Amt.	New Balance
110-44700-265	\$ 1,500.00	\$ 1,200.00	\$ 2,700.00
Grounds Maintenance			

Section 2. The Financial Officer is hereby authorized to make said changes in the accounting system.

**BE IT FURTHER ORDAINED**, If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of

competent jurisdiction; such holding will not affect any other portion of this Ordinance.

**BE IT FINALLY ORDAINED**, that this Ordinance shall take effect fifteen days (15) days after its first passage or upon second reading, whichever is later, the public welfare requiring it.

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CITY RECORDER**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**CITY ATTORNEY**

**Passed First Reading**

April 21, 2011

**Passed Second Reading**

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9A

BILL # 2016-13

ORDINANCE NO. 927

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF FAIRVIEW, TENNESSEE, BY REPEALING, TITLE 9, CHAPTER 3, SECTIONS 9-301 THROUGH 9-304, "CHARITABLE SOLICITORS" AND TO RE-DESIGNATE AND RE-NUMBER SAID TITLE, CHAPTER AND SECTION AS FAIRVIEW, TENNESSEE, MUNICIPAL CODE, TITLE 9, CHAPTER 3, SECTIONS 9-301 THROUGH 9-311, "SOLICITORS," AND TITLE 9, CHAPTER 3, SECTIONS 9-312 THROUGH 9-316 "DELIVERY OF UNSOLICITED PUBLICATIONS."**

**Be it Ordained by the City of Fairview, Tennessee as follows:**

**WHEREAS**, the Board of Commissioners of the City of Fairview, Tennessee, have determined that the Municipal Code of the City of Fairview, Tennessee would be more easily enforced by the City of Fairview, Tennessee, staff and would be more responsive to all the citizens of the City of Fairview, Tennessee, by the repealing of, Title 9, Chapter 3, Sections 9-301 through 9-304, "Charitable Solicitors" and revising, re-designating and re-numbering said section as Title 9, Chapter 3, Sections 9-301 through 9-311 "Solicitors," and Title 9, Chapter 3, Sections 9-312 through 9-316, "Delivery of Unsolicited Publications."

**Therefore, Be it Ordained by the City of Fairview, Tennessee as follows:**

**Fairview, Tennessee, Municipal Code Title 9, Chapter 3, Sections 9-301 through 9-304, "Charitable Solicitors" is hereby repealed.**

Fairview, Tennessee, Municipal Code is hereby amended by the addition of Title 9, Chapter 3, Sections 9-301 through 9-311, "Solicitors" and Title 9, Chapter 3, Sections 9-312 through 9-316 "Delivery of Unsolicited Publications." As amended is as follows:

**TITLE 9**

**I. SOLICITORS<sup>1</sup>**

**CHAPTER 3**

- 9-301 Permit required.**
  - 9-302 Definition.**
-

**9-303 Prerequisites for a permit.**

**9-304. Denial of a permit**

**9-305. Exhibition of permit**

**9-306. Exemptions**

**9-307. Rules Regulations and Procedures.**

**9-308. Enforcement.**

**9-309. Revocation or suspension of permit**

**9-310. Reapplication**

**9-311. Violations; penalties.**

II.

**9-312. Purpose and Definitions.**

**9-313. Rules Regulations and Procedures.**

**9-314. Obligations of publishers and distributors.**

**9-315. Enforcement by the City.**

**9-316. Violations; penalties.**

**9-301. Permit Required.** No person shall engage in the business of being a solicitor for any purpose without first having obtained a permit. Persons desiring a permit as provided for in this article shall file an application with the City of Fairview Codes Department on a form provided by the Codes Department. No permit will be issued by the Department until the application is processed and a fee paid by the applicant in an amount to be established by Resolution by the Board of Commissioners of the City of Fairview, Tennessee. When issued, the permit shall be valid for a period of one(1) year from the date of issue (if not revoked for cause) and maybe renewed by the holder for an additional year for unlimited years but no longer than one(1) year at a time upon payment of the then existing permit fee. Applications for permits in the form required by the City Codes Department shall be completed in their entirety submitted to the Codes Department and all fees paid at least seven (7) days prior to the commencement of any solicitation within the City by the Applicant.

**9-302. Definition.** As used in this Chapter and Section, the following words shall have the indicated meaning:

Solicitor means any individual(s) or group of individual(s) traveling either by foot, wagon, automobile, motor truck or any other type of conveyance (public or private) from place to place, taking or attempting to take orders for the sale of any goods, wares and merchandise, personal property for current or future delivery, or for services to be furnished or performed currently or in the future, whether or not such individual has, carries or exposes for sale a sample of the subject product for sale or whether such individual is collecting advance payments on such sales or not.

**9-303. Prerequisites for a permit.** (1). As listed on the application for permit provided by the City.

**9-304. Denial of a permit.** Any applicant for a permit to Solicit who is denied the permit by the City of Fairview Codes Department may appeal to the board of Commissioners within fifteen (15) days from the date of denial of the permit. The time to appeal begins the date the permit is denied.

The decision of the Board of Commissioners at the hearing of a denial of the issuance of a permit pursuant to this Chapter shall be final subject to the Permittee's right of appeal in accordance with the appeal rights available to the Permittee from a decision of the Board of Commissioners pursuant to the Statutes of the State of Tennessee.

**9-305. Exhibition of permit**

Any solicitor required by this Chapter to have a permit shall exhibit such permit at the request of any policeman, Codes Inspector or the person solicited.

**9-306. Exemptions.** The following shall be exempt from the permit requirements of this Chapter and Section, but shall be subject to the other provisions herein contained:

(a). Any person exempt from the permit requirements of this article by virtue of State of Tennessee or Federal Law.

(b). Any person under eighteen (18) years of age, when engaged in the business of solicitation under the direct supervision of any school or recognized charitable organization or religious organization.

(c). Any person who is the duly authorized representative or agent of any church, charitable or labor organization, education or fraternal organization, or of any political group seeking funds or membership or contacting member or electors; however, such person must be able to establish their representation of any such group or groups.

(d). Any person engaging in business solely at a city-recognized or authorized market or event, provided that all transactions are conducted solely within the corporate boundaries of the City recognized market or event and that the rules, regulations and requirements of the City recognized market or event are fully observed by the person.

**9-307. Rules Regulations and Procedures.**

(a). No person, whether permitted pursuant to the provisions of the Chapter and Section or not, shall not stop or remain in any one (1) location in any street, alley or public place within the corporate limits of the city to conduct business as a solicitor for longer than is necessary to make a sale to a customer wishing to engage in a transaction.

(b) No solicitor permitted pursuant to this Chapter and Sections shall solicit at any dwelling or residence except between the hours of 9:00 A.M. and 6:00 P.M., Monday through Saturday, without an appointment.

(c). No solicitor, permitted pursuant to this Chapter and Sections, shall barter, sell, or offer for sale any goods, wares, or merchandise, or actively solicit funds on property against the wishes or desires of the property owner, tenant, or occupant of such property, or group of properties as expressed through a "no solicitation" or "no trespassing" sign, or a sign displaying words of similar import and meaning, or any other means.

(d). Except as permitted by the City, it shall be unlawful for an permittee, or any person on the permittee's behalf, to shout, cry, whistle, blow a horn, ring a bell, use or employ any flashing lights on any vehicle, or any other device, or use any sound devise including but not limited to loud speakers or sound amplifiers for the purpose of attracting attention to any goods, wares, merchandise, or service which the permittee proposes to sell.

#### **9-308. Enforcement.**

(a). It shall be the duty of any law enforcement officer or codes inspector to require any person seen soliciting who is no known by such officer or official to be duly permitted to solicit within the corporate boundaries of the City, to show proof of a permit duly issued by the City to the person soliciting and to enforce the provisions of this article against any person found to be violating the provisions of this Chapter and Section.

(b). It shall be the duty of any law enforcement office or codes inspector to examine all persons in their territories subject to the provisions of this article to verify compliance with this article and to enforce the provisions of this article. Any person found by said City officials to be in violation of this Chapter and Section shall be issued a Citation for the violator to appear and answer such violation charges in the City Court of Fairview, Tennessee.

(c). When the conduct of any solicitor is whether permitted or not is adversarial to the public health, public safety, and general welfare as to the point of being a nuisance, any law enforcement officer or codes inspector shall have the authority to summarily order the immediate cessation of the soliciting and issue a Citation for the violator to appear and answer such violation charges in the City Court of Fairview, Tennessee.

#### **9-309. Revocation or suspension of permit**

(1). Permits issued under the provisions of this Chapter may be revoked by the board of Commissioners after notice and hearing, for any of the following causes:

(a). Fraud, misrepresentation, or incorrect statement contained in the application for permit, or made in the course of carrying on the business of solicitor.

(b). Any violation of this chapter.



- (c). Conviction of any crime or misdemeanor.
- (d) Conducting the business of solicitor in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to health, safety, or general welfare of the public.
- (2). Notice of the hearing for revocation of a permit shall be given by the City Recorder in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed to the permittee at his last known address by certified mail return receipt requested or hand delivered by a City Police Officer to the permittee's last known address at least five (5) days prior to the date set for the hearing.
- (3). When reasonably necessary in the public interest the City Manager may suspend a permit pending the revocation hearing.
- (4). The decision of the Board of Commissioners at the hearing to revoke a permit issued pursuant to this Chapter shall be final subject to the Permittee's right of appeal from a decision of the Board of Commissioners in accordance with the appeal rights available to the Permittee pursuant to the Statutes of the State of Tennessee.

**9-310. Reapplication.** No permittee whose permit has been revoked for any cause shall make further application for a permit until a period of six (6) months has elapsed since the last revocation.

**9-311. Violations; penalties.**

(a). In addition to any other action the City may take against A permit holder who violates the provisions of the Chapter and Sections 9-301 through 9-311, such violation shall be punishable by a penalty of up to Fifty Dollars (\$50.00) for each offense. Each day a violation is allowed to continue from the date of the original citation shall constitute a separate offense... In addition to the civil fine herein imposed, the City may seek injunctive relief against individuals or entities for multiple offenses.

**II. Delivery of Unsolicited Publications**

**9-312 . Purpose and Definitions.**

- (a) The Board of Commissioners of the City of Fairview, Tennessee, finds and declares that to protect the people against the nuisance of an incident to the promiscuous distribution of handbills and circulars, with the resulting detriment and danger to public health and safety, the public interest, convenience requires the regulation thereof and, to that end, the purposes of this section are specifically declared to be as follows:
  - (1) To protect local residents against trespassing by solicitors, canvassers or handbill distributors upon the private property of such residents if they have given reasonable notice that they do not wish to be solicited by such persons or do not desire to receive handbills or advertising matter;

- (2) To protect the people against the health and safety menace and the expense incident to the littering of the streets and public places by the promiscuous and controlled distribution of advertising matter and commercial and noncommercial handbills;
- (3) To preserve the people's constitutional right to receive and disseminate information.

(b) Unsolicited publication means a publication to which no owner or occupant of the premises to which it is delivered currently subscribes or has not requested.

(c) The following words, terms, and phrases, when used in this section, have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

Commercial handbill means and includes any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature.

- (1) Which advertises for sale any merchandise, product, commodity, or thing;
- (2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interests thereof by sales;
- (3) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given, or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety, and good order; provided, that nothing contained in this clause shall be derived to authorize the holding, giving, or taking place of any meeting, theatrical performance, exhibition, or event of any kind without a license, where such license is or may be required by any law of this state, or under any ordinance of this city;
- (4) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

Newspaper means and includes any newspaper of general circulation, as defined by general law, any newspaper duly entered with the United States Postal Service, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer, as provided by general law; and, in addition thereto, shall mean and include any periodical or current

magazine regularly published with not less than four (4) issues per year, and sold to the public.

Noncommercial handbill means and includes any printed or written matter, any sample or device, circular, leaflet, pamphlet, newspaper, magazine, paper booklet, or any other printed or otherwise reproduced original or copies of any matter or literature not included in the aforesaid definitions of a commercial handbills or a newspaper.

Obscene means material which depicts or describes sexual conduct that is objectionable or offensive to accepted standards of decency which the average person, applying contemporary community standards would find, taken as a whole, appeals to prurient interests or material which depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law, which, taken as a whole, lacks serious literary, artistic, political, or scientific value.

Person means and includes any person, firm, partnership, association, corporation, company, or organization of any kind.

Private premises means and includes any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited, uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

Public place means and includes any and all streets, boulevards, avenues, lanes, alleys, or other public ways, and any and all public parks, squares, spaces, plazas, grounds, and buildings.

(d) No person shall post, stick, stamp, paint, or otherwise affix, or cause the same to be done by any person, any notice, placard, bill, card, poster, advertisement, or other paper or devise calculated to attract the attention of the public, to or upon any sidewalk, crosswalk, curb or curbstone, flagstone, or any other portion or part of any public way or public place, or any lamppost, electric light, telegraph, telephone or trolley line pole, railway structure, hydrant, shade tree or tree-box, or upon the piers, columns, trusses, girders, railings, gates, or other parts of any public bridge or viaduct, or other public structure or building, or upon any pole, box or fixture of the fire alarm, except such as may be authorized or required by the laws of the United States or the State of Tennessee, and the ordinances of the City of Fairview.

### **9-313. Rules Regulations and Procedures.**

(a) It shall be unlawful for any person to deposit, place, throw, scatter, or cast any commercial or noncommercial handbill in or upon any public place within the city; provided, however, that it shall not be unlawful for any person to hand out or distribute, without charge to the received thereof, any

commercial or noncommercial handbill in any public place to any person willing to accept such handbill.

- (b) It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any automobile or other vehicle. The provisions of this section shall not be deemed to prohibit the handing, transmitting or distributing of any commercial or noncommercial handbill to the owner or other occupant of any automobile or other vehicle, who is willing to accept the same.
- (c) It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any private premises which are uninhabited or vacant.
- (d) It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill upon any premises, if requested by anyone thereon not to do so, or if there is placed on such premises in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisements," or any similar notice, indicating in any manner that the occupants of such premises do not desire to be molested or to have their right of privacy disturbed, or to have any such commercial or noncommercial handbills left upon such premises.
  - (1) No person shall throw, deposit, or distribute any commercial or noncommercial handbill in or upon private premises, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises. Mailboxes may not be so used when so prohibited by federal postal law or regulations.
  - (2) The provisions of this section shall not apply to the distribution of mail by the United States or to newspapers; except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property.
- (e) It shall be unlawful for any person to post, hand out, distribute or transmit any sign or any handbill:
  - (1) Which is reasonably likely to incite or to produce imminent lawless action; or
  - (2) Which is obscene or unlawful.
- (f) This section shall not be deemed to repeal, amend or modify any ordinance ever ordained, either prohibiting, regulating or licensing canvassers, hawkers, peddlers, transient merchants, or any person using the public streets or places for any private business or enterprise, or for commercial sales, not covered herein.

**9-314. Obligations of publishers and distributors.**

(a). Any publisher delivering or causing delivery of an unsolicited publication to a location within the City of Fairview shall:

(1). Provide reasonable methods, including but not limited to, telephonic means, e-mail means and regular mail means, to allow owners and or occupants of premises located within the City of Fairview to communicate to the publisher that they do not wish to receive the unsolicited publication issued by the publisher; notice of all such methods shall be regularly included in, on or with the unsolicited publications issued by the publisher;

(2). Initiate and implement a process or system whereby the addresses of all persons making requests for no delivery pursuant to section (a)(1) hereto are timely communicated to any and all applicable distributors responsible for distributing the unsolicited publication(s) issued by the publisher;

(3). initiate, implements and utilize a process or system to timely follow up with all applicable distributors to ensure compliance with requests made pursuant to section (a)(1) hereto;

(4). Upon written request from the Codes Director of the City of Fairview, Tennessee, provide the Codes Director with contact information for any applicable distributor of unsolicited material within the corporate boundaries of the City of Fairview, Tennessee to allow the city to follow up with that distributor relative to any complaint received by the City from a resident regarding delivery of an unsolicited publication after making a request pursuant to section (a) (1) hereto; and

(b). Any distributor delivering unsolicited publications in the Corporate Limits of the City of Fairview shall;

(1). Not distribute unsolicited materials to any address where the owner or occupant has made a request for no delivery and such request has been communicated to the distributor by the publisher.

(2). In making deliveries, use their best efforts to place publications in proximity to the entrances of the units to which the distributor intends delivery; unsolicited publications (other than those in properly located and maintained newspaper boxes or racks) should not be placed on streets, sidewalks, public rights-of-way, or other public property and shall not be distributed by placing them at intervals along a block. Or by placing several near the entrance to a multi-unit building, other than in direct relation to the number of publications requested by the occupants of the block or building;

(3). Take any corrective measures requested by the City of Fairview after its completion of any investigation into complaints received by the City from a resident regarding delivery of any unsolicited publication(s) after making a request pursuant to section (a)(1) hereof;

**9-315. Enforcement by the City.**

(a). Any resident of the City of Fairview wishing to lodge a complaint regarding delivery of an unsolicited article in violation of this chapter to the property upon which they reside or own shall provide the following information the City of Fairview, Tennessee Codes Department.

(1). The name of the Requesting person.

(2). The address that is the subject of the request.

(3). The name and publication date of the unsolicited publication that is the subject of this complaint/report.

Penalties.

**9-316. Violations; penalties.**

(a). In addition to any other action the City may take against A permit holder who violates the provisions of the Chapter and Sections 9-312 through 9-316, such violation shall be punishable by a penalty of up to Fifty Dollars (\$50.00) for each offense. Each day a violation is allowed to continue from the date of the original citation shall constitute a separate offense. In addition to the civil fine herein imposed, the City may seek injunctive relief against individuals or entities for multiple offenses.

**BE IT FURTHER ORDAINED**, If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction, such holding will not affect any other portion of this Ordinance.

**BE IT FINALLY ORDAINED**, that this Ordinance shall take effect fifteen days (15) days after its first passage or upon second reading, or publication of this Ordinance in a newspaper of general circulation within the City of Fairview, Tennessee whichever is later, the public welfare requiring it.

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**MAYOR**

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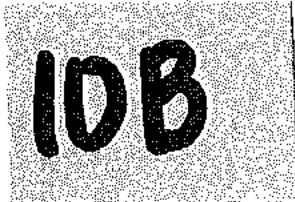
**CITY RECORDER**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**CITY ATTORNEY**

**Passed First Reading** \_\_\_\_\_

**Passed Second Reading** \_\_\_\_\_



Bill # 2016-15

ORDINANCE NO. 929

**AN ORDINANCE FOR AN AMENDMENT TO THE CITY OF FAIRVIEW,  
TENNESSEE, BUDGET FOR FISCAL YEAR 2015 – 2016 BUDGET**

**Be it Ordained by the City of Fairview, Tennessee as follows:**

**WHEREAS**, the Board of Commissioners of the City of Fairview, Tennessee, have determined that the Budget for Fiscal Year 2015 - 2016 (beginning July 1, 2015 and running through June 30, 2016) should be amended to reflect the final expenditures for the Fiscal Year, and:

**WHEREAS**, the Board of Commissioners of the City of Fairview, Tennessee adopted the fiscal year 2015 – 2016 budget by passage of Ordinance Number 891 on June 30, 2015, and

**WHEREAS**, pursuant to the Tennessee state Constitution, Article II, Section 24, no public money shall be expended except pursuant to appropriations made by law, and

**WHEREAS**, pursuant to Tennessee Code Annotated § 6-56-209, the Board of Commissioners has the authority to authorize the Finance Director to transfer money from one appropriation to another within the same fund, and

**NOW THEREFORE BE IT ORDAINED BY THE CITY OF FAIRVIEW, TENNESSEE THAT CHANGES BE MADE TO THE FISCAL YEAR 2015-2016 BUDGET AS FOLLOWS:**

Section 1. Ordinance 891 is hereby amended to appropriate \$12,000 out of the Drug Fund to pay for shortfalls in the salary, overtime, tuition and machinery line items.

**Drug Fund**

Reallocate From

Account #	Current Balance	Reallocation Amt.	New Balance
619-27100	\$64,202.00	\$ 12,000.00	\$52,202.00

**Expenditures**

Account #	Current Budget	Amended Amt	New Budget
619-42129-110	\$ 35,619.00	\$ 1,500.00	\$ 37,119.00
619-42129-112	\$ 500.00	\$ 5,000.00	\$ 5,500.00
619-42129-235	\$ 500.00	\$ 1,500.00	\$ 2,000.00
619-42129-940	\$ 6,000.00	\$ 4,000.00	\$ 10,000.00

Section 2. The Financial Officer is hereby authorized to make said changes in the accounting system.



**BE IT FURTHER ORDAINED**, If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction; such holding will not affect any other portion of this Ordinance.

**BE IT FINALLY ORDAINED**, that this Ordinance shall take effect fifteen days (15) days after its first passage or upon second reading, whichever is later, the public welfare requiring it.

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CITY RECORDER**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**CITY ATTORNEY**

**Passed First Reading** \_\_\_\_\_

**Passed Second Reading** \_\_\_\_\_

100

**ORDINANCE 15-04**

**AN ORDINANCE TO AMEND SPRING HILL MUNICIPAL CODE, CHAPTER 5, IMPACT FEE-PURPOSES AND ADMINISTRATION**

**WHEREAS**, the Board of Mayor and Aldermen for the City of Spring Hill may, pursuant to its charter and the general laws of the State of Tennessee, have right to enact and amend the Spring Hill Municipal Code. Said amendments being within the adopted purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community; and

**WHEREAS**, the Board of Mayor and Alderman of the City of Spring Hill desires to update Roadway Impact Fees in order to establish a fund and fee schedule, to be dedicated toward the construction of arterial roadway improvements.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Mayor and Alderman for the City of Spring Hill, Tennessee, that the Spring Hill Municipal Code, Chapter 5, Impact Fee-Purposes and Administration be amended as follows, including the adoption of the attached Roadway Impact Fee Schedule:

**IMPACT FEE - PURPOSES AND ADMINISTRATION**

**SECTION**

- 5-501. Short title.
- 5-502. Findings.
- 5-503. Intent.
- 5-504. Authority.
- 5-505. Definitions.
- 5-506. Applicability of impact fee.
- 5-507. Imposition of impact fee.
- 5-508. Capital improvements program.
- 5-509. Administration of impact fee.
- 5-510. Bonding of excess facility projects.
- 5-511. Refunds.
- 5-512. Appeals.
- 5-513. Effect of impact fee on zoning and subdivision regulations.
- 5-514. Impact fee as additional and supplemental requirement.
- 5-515. Variances and exceptions.
- 5-516. Credits.

**5-501. Short title.** This chapter shall be known and cited as the Spring Hill Development Public Facilities Privilege Tax and Impact Fee chapter. (1995 Code, §501)

**5-502. Findings.** The Board of Mayor and Aldermen ("Board" or "Council") hereby finds and declares that:

(1) The City is committed to the provision of public facilities and services at levels attainable within its resources to cure any existing public service deficiencies in already developed areas;

(2) Such facilities and services levels will be provided by the City utilizing available funds allocated via the capital budget and capital improvements programming processes and relying upon the funding sources indicated therein;

(3) However, new residential and nonresidential development is aggregated in certain development subareas within areas annexed after the Saturn announcement in July of 1985 (the subareas). Such development causes and imposes increased and excessive demands on city public facilities and services including, without limitation, sanitary sewers, storm sewers, water lines, water tanks, a fire hall, fire trucks and police cars, safety and rescue equipment, public works machinery, roads, and parks that would not otherwise be necessary;

(4) Planning and zoning projections indicate that such development will continue and will place ever increasing demands on the City to provide necessary public facilities;

(5) The development potential and property values of properties in the designated development areas are strongly influenced and encouraged by city policy as expressed in the City Zoning Ordinance and map;

(6) To the extent that such developments in recently annexed areas place demands on the public facility infrastructure those demands should be satisfied by shifting the responsibility for financing the provision of such facilities from the public at large to the developments actually creating the demands;

(7) The amount of the impact fee and privilege tax (hereinafter individually and collectively sometimes referred to as "impact fees") to be imposed shall be determined by the cost of the additional public facilities needed to support such development, which public facilities shall be identified in the capital improvements program; and

(8) The Board of Mayor and Aldermen, after careful consideration of the matter, hereby finds and declares that an impact fee imposed upon residential and nonresidential development in order to finance specified major public facilities in designated development areas the demand for which is created by such development is in the best interest of the general welfare of the City and its residents, is equitable, does not impose an unfair burden on such development by forcing developers and builders to pay more than their fair or proportionate share of the cost, and deems it advisable to adopt this chapter as hereinafter set forth. (1995 Code, § 5-502)

**5-503. Intent.** This chapter is intended to impose an impact fee at the time of building permit or certificate of occupancy issuance, in an amount based upon the gross square footage of residential or nonresidential development and number of such units in order to finance public

facilities, the demand for which is generated by new development in annexed development subareas. The City will meet, to the extent finances permit through the use of general city revenues, all capital improvement needs associated with existing development. Only needs created by new development in the designated development areas will be met by impact fees. Impact fees shall not exceed the cost of providing capital improvements for which the need is substantially attributable to those developments that pay the fees. The fees shall be spent on new or enlarged capital facilities improvements that substantially benefit those developments that pay the fees. (1995 Code, § 5-503)

**5-504. Authority.** This chapter is passed pursuant to the general laws of the State of Tennessee, the charter of the City of Spring Hill, including Tennessee Code Annotated, § 6-2-201(14) and (15), and Priv. Acts 1988, ch. 173 (HB 2436) of the Tennessee General Assembly. The provisions of this chapter shall not be construed to limit the power of the City to adopt such chapter pursuant to any other source of local authority or to utilize any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this chapter. (1995 Code, § 5-504)

**5-505. Definitions.** As used in this chapter, the following words and terms shall have the following meanings, unless another meaning is plainly intended:

(1) "Building permit" shall mean the permit required for new construction and additions pursuant to the International Building Code heretofore adopted. The term "building permit", as used herein, shall not be deemed to include permits required for remodeling, rehabilitation, or other improvements to an existing structure or rebuilding a damaged or destroyed structure, provided there is no increase in gross floor area or number of dwelling units resulting therefrom.

(2) "Capital budget" means a separate budget dedicated to financing capital improvements.

(3) "Capital improvements" means public facilities that are treated as capitalized expenses according to generally accepted accounting principles and does not include costs associated with the operation, administration, maintenance, or replacement of capital improvements, nor does it include administrative facilities.

(4) "Capital improvement plan" shall be a part of the comprehensive plan adopted by Resolution No. 94-1.

(5) "Capital improvements" shall mean any and/or all of the following, and including acquisition of land, construction, improvements, equipping, and installing of same and which facilities are identified in the capital improvements plan to be financed by the imposition of an impact fee:

- (a) Parks and recreational facilities;
- (b) Road systems;

(c) Sanitary sewers and wastewater treatment facilities;  
(d) Water treatment and distribution facilities;  
(e) Storm and flood control facilities;  
(f) Police and fire facilities;  
(g) Solid waste facilities;  
(h) Other facilities the costs of which may be substantially attributed to new development; and

(6) "Capital improvements program" means the official adopted schedule of capital improvements to be undertaken.

(7) "Council/Board" means the duly constituted governing body of the City of Spring Hill, State of Tennessee.

(8) "Development" shall mean any man-made change to improved or unimproved real property, the use of any principal structure or land, or any other activity that requires issuance of a building permit.

(9) "Development subareas" shall mean the city limits and the Urban Growth Boundary in which development potential may create the need for capital improvements program to be funded by impact fees.

(10) "Development subarea map" shall mean areas annexed to the City of Spring Hill since July of 1982 as if fully set out.

(11) "Gross floor area" means the total square feet of enclosed space on the floor or floors comprising the structure.

(12) "Impact fee" shall mean any construction privilege tax charge, fee, or assessment levied as a condition of issuance of a building permit or development approval when any portion of the revenues collected is intended to fund any portion of the costs of capital improvements or any public facilities.

(13) "Impact fee coefficient" shall mean the charge per square foot of nonresidential development or per dwelling unit as calculated for each designated development subarea by dividing total public facility costs by the gross square footage and/or number of dwelling units.

(14) "Residential development" means any development approved by the local government for residential use.

(15) "Site" means the land on which development takes place.

(16) "City" means the City of Spring Hill, a duly constituted political subdivision of the State of Tennessee.

(17) "Zoning districts" are those areas designated in the Zoning Ordinance as being reserved for specific land uses, subject to development and use regulations specified in the ordinance.

(18) "Zoning Ordinance" means the official adopted zoning map and text regulating all development and land use in Spring Hill, Tennessee. (1995 Code, § 5-505)

**5-506. Applicability of impact fee.** This chapter shall be uniformly applicable to development that occurs within the city limits and the Urban Growth Boundary. (1995 Code, § 5-506)

**5-507. Imposition of impact fee.**

(1) No building permit shall be issued for a development in unless the impact fee is imposed and calculated pursuant to this chapter.

(2) Impact fees shall not exceed the cost of providing capital improvements for which the need is reasonably attributable to those developments that pay the fees. The fees shall be spent on new or enlarged capital improvements that reasonably benefit those developments that pay the fees.

(3) That portion of impact fee revenues reasonably attributable to the equitable assessment described in subsection (2) of this section may be spent on new or enlarged capital improvements that will reasonably benefit anticipated future development rather than those developments that have paid the fee.

(4) Impact fees that are assessed against new development shall be assessed in such a manner that any new development having the same impacts on capital facilities shall be assessed the same impact fee. This provision notwithstanding, the local governing body may contribute from the general fund any part or all of the impact fee assessed against certain new development that achieves other policies, including, but not limited to, the provision of affordable housing and the retention of existing employment or the generation of new employment. (1995 Code, § 5-507)

**5-508. Capital improvements program.** To service the projected development, capital improvements will be required to be provided and financed via impact fees. (1995 Code, § 5-508) In the specific case of roadway impact fees, only roadways classified as arterial roadways are eligible for use of roadway impact fees.

**5-509. Administration of impact fee.**

(1) Transfer of funds to finance department. Upon receipt of impact fees, the City Finance Department shall be responsible for placement of such funds into separate accounts as hereinafter specified. All such funds shall be deposited in interest-bearing accounts in a bank

authorized to receive deposits of city funds. Interest earned by each account shall be credited to that account and shall be used solely for the purposes specified for funds of such account. The City Engineer, or his or her designee, shall be responsible for oversight of the program and ensuring that impact fees are properly expended towards eligible projects.

(2) Establishment and maintenance of accounts. The City Finance Department shall establish separate accounts and maintain records for each such account whereby impact fees collected can be segregated.

(3) Maintenance of records. The City Finance Department shall maintain and keep accurate financial records for each such account that shall show the source and disbursement of all revenues; that shall account for all monies received; that shall ensure that the disbursement of funds from each account shall be used solely and exclusively for the provision of projects specified in the capital improvements program for the particular development subarea; and that shall provide an annual accounting for each impact fee account showing the source and amount of all funds collected and the projects that were funded.

(4) Review and modification. The City shall review, in conjunction with the capital budget and capital improvements plan adoption processes, the development potential of the City and the capital improvements plan and make such modifications to impact fee schedules as are deemed necessary every three years as a result of:

- (a) Development occurring in the prior years;
- (b) Capital development potential of the City and the capital improvements actually constructed;
- (c) Changing facility needs;
- (d) Inflation;
- (e) Revised cost estimates for capital improvements;
- (f) Changes in the availability of other funding sources applicable to public facility projects; and
- (g) Such other factors as may be relevant. (1995 Code, § 5-509)

**5-510. Bonding of excess facility projects.** The City may issue bonds, revenue certificates, and other obligations of indebtedness in such manner and subject to such limitations as may be provided by law in furtherance of the provision of capital improvement projects. Funds pledged toward retirement of bonds, revenue certificates, or other obligations of indebtedness for such projects may include the fees and taxes herein imposed and impact fees and other city revenues as may be allocated by the City Council. Impact fees paid pursuant to this chapter, however, shall be restricted to use solely and exclusively for financing directly, or as a pledge against bonds, revenue certificates, and other obligations of indebtedness for the cost of capital improvements as specified herein. (1995 Code, § 5-510)

**5-511. Refunds.**

(1) The current owner or contract purchaser of property on which an impact fee has been paid may apply for a refund of such fee if:

(a) The City has failed to provide a capital improvement eligible for use of funds paid within six (6) years of the date of payment of the impact fee, or

(b) The project for which a building permit has been issued has been altered resulting in a decrease in the amount of the impact fee due.

(2) A petition for refund must be filed within one (1) year of the event giving rise to the right to claim a refund.

(3) The petition for refund must be submitted to the City Engineer, or his or her designee, on a form provided by the City for such purpose.

(4) Within one (1) month of the date of receipt of a petition for refund, the City Engineer, or his or her duly designated agent, must provide the petitioners in writing, with a decision on the refund request including the reasons for the decision. If a refund is due petitioner, the City Engineer, or his or her duly designated agent, shall notify the Finance Department and request that a refund payment be made to petitioner. The City Engineer, or his or her designee, shall publicly disclose all refunds made on behalf of the City to the Board of Mayor and Alderman in a public meeting.

(5) Petitioner may appeal the determination of the City Engineer to the City Council. (1995 Code, § 5-511)

**5-512. Appeals.** After determination of the applicability of the impact fee, an applicant for a building permit or a property owner may appeal the amount of the impact fee or refund due to the City Council. The applicant must file a notice of appeal with the City Council within thirty (30) days following the determination of the applicability of the impact fee ordinance, the impact fee, or refund due. If the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to the municipal counsel in an amount equal to the impact fee due, as calculated by the City Engineer, or his or her designee, the chief building official shall issue the building permit. The filing of an appeal shall not stay the collection of the impact fee due unless a bond or other sufficient surety has been filed. (1995 Code, § 5-512)

**5-513. Effect of impact fee on zoning and subdivision regulations.** This chapter shall not affect, in any manner, the permissible use of property, density of development, design and improvement standards and requirements, or any other aspect of the development of land or provision of capital improvements subject to the zoning and subdivision regulations or other regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development. (1995 Code, § 5-513)

**5-514. Impact fee as additional and supplemental requirement.** The impact fee is additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land or the issuance of building permits. It is intended to be consistent with and to further the objectives and policies of the capital improvements plan, and



other city policies, ordinances, and resolutions by which the City seeks to ensure the provision of public facilities in conjunction with the development of land. In no event shall a property owner be obligated to pay for capital improvements in an amount in excess of the amount calculated pursuant to this and any other impact fee or similar ordinance; but, provided that a property owner may be required to pay, pursuant to city ordinances, regulations, or policies, for other capital improvements in addition to the impact fee for capital improvements as specified herein. (1995 Code, § 5-514)

**5-515. Variances and exceptions.** Petitions for variances and exceptions to the application of this chapter shall be made to the Mayor in accordance with procedures to be established by resolution of the City Council. (1995 Code, § 5-515)

**5-516. Credits.**

(1) A property owner may elect, with written permission of the Council, to construct an eligible capital improvement listed in the capital improvements plan. If the property owner elects to make such improvement, the property owner must enter into an agreement with the City prior to issuance of any building permit. The agreement must establish the estimated cost of the improvement, the schedule for initiation and completion of the improvement, a requirement that the improvement be completed to city standards, and such other terms and conditions as deemed necessary by the City. The City must review the improvement plan, verify costs and time schedules, determine if the improvement is an eligible improvement, and determine the amount of the applicable credit for such improvement to be applied to the otherwise applicable impact fee prior to issuance of any building permit. In no event may the City provide a refund for a credit that is greater than the applicable impact fee. If, however, the amount of the credit is calculated to be greater than the amount of the impact fee due, the property owner may utilize such excess credit toward the impact fees imposed on other building permits for development on the same site and in the same ownership.

(2) No credits shall be given for the construction of local on-site facilities required by zoning, subdivision, or other city regulations. (1995 Code, § 5-516)

**5-517. Roadway Impact Fee Schedules.** The Board of Mayor and Aldermen shall review the roadway impact fee schedule at least every three (3) years or on a sooner basis as deemed necessary by the Board of Mayor and Aldermen. In the event that a proposal is presented to eliminate roadway impact fees or reduce the roadway impact fee schedule below an amount based on capital improvement needs, an amendment to this Ordinance shall have to pass two-thirds (2/3) vote to repeal or significantly reduce roadway impact fees.

**5-518. Roadway Impact Fee Calculations.** For each land use, a demand factor shall be determined for use in calculating the appropriate roadway impact fee. The demand factors shall be based on the estimated trip generation rates for various land uses as identified in the latest edition of the ITE Trip Generation. In order to avoid double counting of vehicular trips between land uses, the ITE Trip Generation rate shall be divided by two (2) to determine the appropriate demand factor.

The base trip cost shall be determined by dividing the cost of the projected arterial roadway projects by the estimated daily trips projected for a ten (10)-year horizon. This calculation is detailed in Exhibit A -- Base Trip Calculation.

**5-519. Severability.** If any section, phrase, sentence or portion of this Ordinance is held invalid or unconstitutional, same shall not affect the validity of the remaining portions hereof.

Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee, on this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Rick Graham, Mayor

ATTEST:

\_\_\_\_\_  
April Goad, City Recorder

LEGAL FORM APPROVED:

\_\_\_\_\_  
Patrick M. Carter, City Attorney

Passed on First Reading: \_\_\_\_\_

Passed on Second Reading: \_\_\_\_\_

## CITY OF SPRING HILL IMPACT FEE SCHEDULE

EXHIBIT B	UNIT	Trip Generator Rate	Demand Factor	Adjusted Base Trip Cost	Economic Adjustment Coefficient	Proposed Fee per unit
Single Family Detached	Each	9.52	4.76	\$219	0.5	\$521
Hotel/Motel	Room	8.17	4.09	\$219	0.3	\$268
Golf Course	Acre	5.04	2.52	\$219	0.33	\$182
Recreational/Comm Ctr	1000sq ft	1.62	0.81	\$219	0.33	\$59
Elementary School	Student	1.29	0.65	\$219	0.33	\$47
Middle/Jr High School	Student	1.62	0.81	\$219	0.33	\$59
High School	Student	1.71	0.86	\$219	0.33	\$62
Community College	Student	1.2	0.60	\$219	0.33	\$43
Day Care Center	Student	4.38	2.19	\$219	0.33	\$158
Nursing Home	Bed	2.74	1.37	\$219	0.33	\$99
General Office Bldg.	1000sq ft	11.03	5.52	\$219	0.3	\$362
Shopping Center/Retail	1000sq ft	42.7	21.35	\$219	0.3	\$1,403
Sit Down Restaurant	1000sq ft	127.15	63.58	\$219	0.08	\$1,114
Drive Thru Restaurant	1000sq ft	496.12	248.06	\$219	0.05	\$2,716
Gas/Service Station w Convenience Mkt	Pumps	162.78	81.39	\$219	0.3	\$5,347
Gas/Service Station	Pumps	15.65	7.83	\$219	0.3	\$514
Warehousing/Industrial	1000sq ft	6.97	3.49	\$219	0.33	\$252
Active Adult Housing	Each	3.56	1.78	\$219	0.5	\$195
Hospital	Bed	12.94	6.47	\$219	0.33	\$468
Multi Family / Apt.	Unit	6.65	3.33	\$219	0.5	\$364
Condo/Townhome	Unit	5.81	2.91	\$219	0.5	\$318

Shopping Center	An integrated group of commercial establishments that is planned, developed, owned and managed as a unit
Gasoline Service Station	Primary business is the fueling of motor vehicles. May also have ancillary facilities for servicing and repairing motor vehicles. Does not include convenience stores, and car washes are not included in this land use.

<sup>1</sup> Demand Factors are based upon trip generation rates divided by two (2). Trip Generation rates are derived from Trip Generation 9th Edition published by the Institute of Traffic Engineers.

<sup>2</sup> All unit fees are rounded to the nearest five dollars.

## CITY OF SPRING HILL IMPACT FEE SCHEDULE

EXHIBIT C	UNIT	Trip Generator Ratio	Demand Factor	Adjusted Base Trip Cost	Economic Adjustment Coefficient	Proposed Fee per unit
Single Family Detached	Each	9.52	4.76	\$219	0.5	\$521
Hotel/Motel	Room	8.17	4.09	\$219	0.6	\$537
Golf Course	Acre	5.04	2.52	\$219	0.67	\$370
Recreational/Comin Ctr	1000sq ft	1.62	0.81	\$219	0.67	\$119
Elementary School	Student	1.29	0.65	\$219	0.67	\$95
Middle/Jr High School	Student	1.62	0.81	\$219	0.67	\$119
High School	Student	1.71	0.86	\$219	0.67	\$125
Community College	Student	1.2	0.60	\$219	0.67	\$88
Day Care Center	Student	4.38	2.19	\$219	0.67	\$321
Nursing Home	Bed	2.74	1.37	\$219	0.67	\$201
General Office Bldg.	1000sq ft	11.03	5.52	\$219	0.6	\$725
Shopping Center/Retail	1000sq ft	42.7	21.35	\$219	0.6	\$2,805
Sit Down Restaurant	1000sq ft	127.15	63.58	\$219	0.16	\$2,228
Drive Thru Restaurant	1000sq ft	496.12	248.06	\$219	0.1	\$5,433
Gas/Service Station w Convenience Mkt	Pumps	162.78	81.39	\$219	0.6	\$10,695
Gas/Service Station	Pumps	15.65	7.83	\$219	0.6	\$1,028
Warehousing/Industrial	1000sq ft	6.97	3.49	\$219	0.67	\$511
Active Adult Housing	Each	3.56	1.78	\$219	0.5	\$195
Hospital	Bed	12.94	6.47	\$219	0.67	\$949
Multi Family / Apt.	Unit	6.65	3.33	\$219	0.5	\$364
Condo/Townhome	Unit	5.81	2.91	\$219	0.5	\$318

Shopping Center	An integrated group of commercial establishments that is planned, developed, owned and managed as a unit
Gasoline Service Station	Primary business is the fueling of motor vehicles. May also have ancillary facilities for servicing and repairing motor vehicles. Does not include convenience stores, and car washes are not included in this land use.

<sup>1</sup> Demand Factors are based upon trip generation rates divided by two (2). Trip Generation rates are derived from Trip Generation 9th Edition published by the Institute of Traffic Engineers.

<sup>2</sup> All unit fees are rounded to the nearest five dollars.

## CITY OF SPRING HILL IMPACT FEE SCHEDULE

EXHIBIT D	UNIT	Trip Generator Rate	Demand Factor	Adjusted Base Trip Cost	Economic Adjustment Coefficient	Proposed Fee per unit
Single Family Detached	Each	9.52	4.76	\$219	0.5	\$521
Hotel/Motel	Room	8.17	4.09	\$219	0.8	\$716
Golf Course	Acre	5.04	2.52	\$219	1	\$552
Recreational/Comm Ctr	1000sq ft	1.62	0.81	\$219	1	\$177
Elementary School	Student	1.29	0.65	\$219	1	\$141
Middle/Jr High School	Student	1.62	0.81	\$219	1	\$177
High School	Student	1.71	0.86	\$219	1	\$187
Community College	Student	1.2	0.60	\$219	1	\$131
Day Care Center	Student	4.38	2.19	\$219	1	\$480
Nursing Home	Bed	2.74	1.37	\$219	1	\$300
General Office Bldg.	1000sq ft	11.03	5.52	\$219	0.8	\$966
Shopping Center/Retail	1000sq ft	42.7	21.35	\$219	0.8	\$3,741
Sit Down Restaurant	1000sq ft	127.15	63.58	\$219	0.24	\$3,342
Drive Thru Restaurant	1000sq ft	496.12	248.06	\$219	0.15	\$8,149
Gas/Service Station w Convenience Mkt	Pumps	162.78	81.39	\$219	0.8	\$14,260
Gas/Service Station	Pumps	15.65	7.83	\$219	0.8	\$1,371
Warehousing/Industrial	1000sq ft	6.97	3.49	\$219	1	\$763
Active Adult Housing	Each	3.56	1.78	\$219	0.5	\$195
Hospital	Bed	12.94	6.47	\$219	1	\$1,417
Multi Family / Apt.	Unit	6.65	3.33	\$219	0.5	\$364
Condo/Townhome	Unit	5.81	2.91	\$219	0.5	\$318

Shopping Center	An integrated group of commercial establishments that is planned, developed, owned and managed as a unit
Gasoline Service Station	Primary business is the fueling of motor vehicles. May also have ancillary facilities for servicing and repairing motor vehicles. Does not include convenience stores, and car washes are not included in this land use.

<sup>1</sup> Demand Factors are based upon trip generation rates (divided by two (2)). Trip Generation rates are derived from Trip Generation 9th Edition published by the Institute of Traffic Engineers.

<sup>2</sup> All unit fees are rounded to the nearest five dollars.

CITY OF FAIRVIEW, TENNESSEE



RESOLUTION NO. 08-16

**A RESOLUTION TO SET A PUBLIC HEARING FOR THE PURPOSE OF OBTAINING PUBLIC COMMENT ON THE PROPERTY TAX RATE FOR THE CITY OF FAIRVIEW, TENNESSEE FOR FISCAL YEAR 2017.**

**WHEREAS,** The City of Fairview, Tennessee is in the process of passing a Property Tax Rate for the City for fiscal year 2017 and the Statutes of the State of Tennessee require that a public hearing be held for the purpose of obtaining the public's comments regarding the proposed Property Tax Rate and,

**WHEREAS,** the Board of Commissioners for the City of Fairview, Tennessee have determined that June 16, 2016, is an acceptable date for the conduct of such a public hearing.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF FAIRVIEW, TENNESSEE.**

1. That a public hearing for the purpose of obtaining the comments of the public regarding the property tax rate for the City of Fairview, Tennessee for fiscal year 2017 will be held at 7:00 O'Clock P.M., June 16, 2016 in the City Hall of the City of Fairview, Tennessee.

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY RECORDER**

**APPROVED AS TO FORM**

\_\_\_\_\_  
**LARRY D. CANTRELL  
CITY ATTORNEY  
FAIRVIEW, TENNESSEE**

CITY OF FAIRVIEW, TENNESSEE

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RESOLUTION NO. 07-16

**A RESOLUTION TO SET A PUBLIC HEARING FOR THE PURPOSE OF OBTAINING PUBLIC COMMENT ON THE PROPOSED BUDGET FOR THE CITY OF FAIRVIEW, TENNESSEE FOR FISCAL YEAR 2017.**

**WHEREAS**, The City of Fairview, Tennessee is in the process of passing a budget for the City for fiscal year 2017 and the Statutes of the State of Tennessee require that a public hearing be held for the purpose of obtaining the public's comments regarding the proposed Budget and,

**WHEREAS**, the Board of Commissioners for the City of Fairview, Tennessee have determined that June 16, 2016, is an acceptable date for the conduct of such a public hearing.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF FAIRVIEW, TENNESSEE.**

1. That a public hearing for the purpose of obtaining the comments of the public regarding the budget for the City of Fairview, Tennessee for fiscal year 2017 will be held at 7:00 O'Clock P.M., June 16, 2016 in the City Hall of the City of Fairview, Tennessee.

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY RECORDER

APPROVED AS TO FORM

\_\_\_\_\_  
LARRY D. CANTRELL  
CITY ATTORNEY  
FAIRVIEW, TENNESSEE