



REQUEST: Ordinance 26-06, Ordinance to Amend Title 7, Fire Protection and Fireworks, Chapters 1, 4, and 6, and Title 12, Building, Utility, Etc. Codes, Chapters 1 and 5, Nolensville Municipal Code
Ordinance 26-07, Ordinance to Amend Plan Review, Permitting and Inspection Fees contained in Appendix B, Nolensville Municipal Code

SUBMITTED BY: Chuck Downham, Assistant Town Manager

DATE: April 21, 2026

ATTACHMENTS: Ordinance 26-06, Ordinance to Amend Title 7, Fire Protection and Fireworks, Chapters 1, 4, and 6, and Title 12, Building, Utility, Etc. Codes, Chapters 1 and 5, Nolensville Municipal Code
Ordinance 26-07, Ordinance to Amend Plan Review, Permitting and Inspection Fees contained in Appendix B, Nolensville Municipal Code
Ordinance 25-31
IPS/CLP – Policy Guide for Public Chapter 140

PURPOSE:

To consider approval of Ordinance 26-06 to amend various provisions of Title 7, Fire Protection and Fireworks, Chapters 1, 4, and 6 regarding various permit fees and operational permit requirements as well as Title 12, Building, Utility, Etc. Codes, Chapter 1, to further create a fee structure for appeals to the Board of Construction Appeals. Additionally, to also consider approval of Ordinance 26-07 to amend various plan review, permitting, and inspection fees for Building Codes, Engineering, Planning and Fire Departments as part of the Town of Nolensville’s annual budget process.

Town staff prepared a proposed amendment to Ordinance 26-06 to provide for two additional separate amendments to the ordinance approved on initial first reading by the Board of Commissioners. The first amendment involves an amendment to Title 12, Chapter 1, Section 12-101 regarding provisions for emergency shelters. The second amendment involves an amendment to Title 12, Chapter 5, Section 12-503, to provide a requirement for a contractor constructing a pool to submit a financial surety (letter of credit) to the Town to ensure public infrastructure including sidewalks, trails, curbing, planting strips and/or pavement damaged during pool construction are properly and timely repaired.

BACKGROUND:

In 2024, the Board of Commissioners approved Ordinance 24-05 that amended the Municipal Code for various plan review, permitting, and inspection fees as an initial step toward reducing the disparity between fees and expenditures for plan review, permitting and inspection services. In 2025, the Board of Commissioners approved Ordinance 25-17 and later Ordinance 25-31 that repealed and replaced the initial comprehensive fee schedule contained in Exhibit B of the

Municipal Code with a more up-to-date fee schedule that continued to reduce the gap between fees and related services.

The Town of Nolensville also received notification from the Institute for Public Service/Center for Local Planning (IPS/CLP), of the requirements associated with Public Chapter 140 passed this past year by the Tennessee General Assembly (attached). In essence, local governments should comply with rational nexus and rough proportionality requirements established by the U.S. Supreme Court commonly referred to as the “Nollan/Dolan test”. Plan review, permitting and inspection fees charged by the Town must comply with rational nexus and rough proportionality. Best practices, as outlined in the publication from IPS/CLP recommend a jurisdiction conduct a comprehensive review of fees and to compile the fees into one publicly accessible document. The analysis should establish a reasonable and defensible cost basis for all fees that exceed the \$250.00 threshold provided in the statute. Town staff performed a comprehensive review and detailed cost analysis of all plan review, permitting, and inspection fees with specific focus on those fees that exceeded the \$250.00 threshold. The analysis revealed that many of the plan review, permitting, and inspection fees charged by the Town of Nolensville are both reasonable and proportionate while also providing a basis for continued adjustment of said fees to further reduce the disparity between fees and corresponding expenditures for effort (labor, software, equipment, etc.).

Town staff has prepared a comprehensive fee schedule revision utilizing edit track to identify where revisions are recommended for various plan review, permitting, and inspection fees including new fees being introduced including most notably fees to be charged by the Fire Department. The comprehensive fee schedule is attached to Ordinance 26-07 as Exhibit A to the ordinance. Ordinance 26-07 provides for the repeal of the current fee schedule contained in Appendix B to the Municipal Code and replacement of the fee schedule with the fee schedule contained in Exhibit A.

Correspondingly, Town staff has prepared Ordinance 26-06 that provides for specific amendments to Title 7 regarding the introduction of various fees to be charged by the Fire Department including commercial fire alarm fees and various operational fees for pyrotechnic events and firewatch services. The ordinance also provides further clarity on the fee for an appeal to a decision of the Building Official to the Board of Construction Appeals that is provided for in the International Codes adopted by reference.

The 2024 International Building Code contains Section 423.4 pertaining to critical emergency operation facilities whereby in areas where the shelter design wind speed for tornados in accordance with Figure 304.2(1) of ICC 500 is 250 mph, 911 call stations, emergency operation centers and fire, rescue, ambulance and police stations shall comply with Table 1604.5 as a Risk Category IV structure and shall be provided with a storm shelter constructed in accordance with ICC 500. Recent amendments to the IBC no longer differentiate certain requirements for water closets and lavatories within hurricane and storm shelters and instead require such facilities regarding of the type of shelter. Town staff proposes a local amendment to the provisions pertaining to requirements for the minimum number of water closets and lavatories within a storm shelter by adopting an exception to Section 702.3 that deletes these requirements in their entirety. The reasoning for the proposed deletion is in regard to storm duration – hurricanes are long-duration storm events whereas a tornado is a short-duration storm event that would not necessitate the need for such facilities.

Town staff also prepared a proposed amendment to Title 12, Chapter 5, Section 12-503 to introduce a requirement for a pool contractor to post a financial surety to ensure repair of an damaged public infrastructure resulting from the construction of a pool. Public infrastructure including sidewalks, curbing and drainage structures, and/or pavement have been damaged on occasion by contractors during construction of a pool. While many contractors take responsibility for making repairs, the inclusion of a financial surety (letter of credit) similar to the financial surety required for construction of the home will provide the ability for the Town to seek relief with the surety to ensure satisfactory and timely repair of public infrastructure in the event a contractor refuses to make repairs. A similar provision currently exists in the Subdivision Regulations for the construction of homes to protect public infrastructure during construction.

FISCAL IMPACT:

Plan review, permitting, and inspection fees are significantly dependent upon development activity from year to year. With increased development activity, it is reasonable to assume that revenues will correspondingly increase. The current fees along with the recommended amendments to certain fees as well as newly created fees will provide the opportunity for the Town to realize revenues to offset plan review, permitting, and inspection services provided by Town departments. The adjustments provided in Ordinance 26-07 further reduce the disparity between fees and expenditures that were confirmed further with the comprehensive fee analysis performed in conformance with the requirements of Public Chapter 140. Town staff will continue to perform annual comprehensive analyses of plan review, permitting, and inspection fees as part of compliance with Public Chapter 140 as well as to provide an opportunity to adjust fees correspondingly to comply with the intent of Public Chapter 140.

The proposed amendments will not result in added revenues for the Town of Nolensville. Regarding the amendment to Title 12, Chapter 1, Section 12-503, the requirement for a financial surety (letter of credit) for pool construction will reduce the likelihood of a contractor not making sufficient and necessary repairs to public infrastructure damaged as a result of construction while also providing the Town a surety instrument that could be called in the event a contractor failed to make the necessary repairs to damaged infrastructure rather than the Town having to cover repair costs for damaged public infrastructure.

STAFF RECOMMENDATION:

Town staff recommends Ordinance approval of Ordinance 26-06 including proposed amendments as outlined in the staff report and provided in the draft ordinance that include an additional amendment to Title 12, Chapter 1, Section 12-101, pertaining to emergency shelter requirements, as well as Title 12, Chapter 5, Section 12-503, regarding a requirement for a financial surety to ensure timely and proper repair of public infrastructure damaged as a result of pool construction.

Additionally, Town staff recommends approval of Ordinance 26-07 to repeal the current comprehensive fee schedule contained in Appendix B of the Municipal Code and replace same with the fee schedule contained in Exhibit A to the Ordinance.