



City of Bartlett
A. Keith McDonald, Mayor

BOARD OF MAYOR AND ALDERMEN MEETING AGENDA

TUESDAY, AUGUST 23, 2022 - BARTLETT CITY HALL - 6:00 PM

INVOCATION

Opening Prayer by Eric Maddux, New Hope Christian Church

FUTURE MEETINGS

Family Assistance Commission, August 29 at 6 p.m.

City Beautiful Commission, September 1 at 6:30 p.m.

Industrial Development Board, September 1 at 7 p.m.

Planning Commission, September 6 at 7 p.m.

Bartlett Station Commission, September 7 at 7:30 a.m.

Parks and Recreation Advisory Board, September 8 at 6 p.m.

RECOGNITIONS

Suicide Awareness Month Proclamation

Official Business of the Day

MINUTES ACCEPTANCE

Minutes of the August 9, 2022 Board of Mayor and Aldermen Regular Meeting

UNFINISHED BUSINESS

- I **Second Reading of Ordinance 22-05, an ordinance amending the existing sign ordinance; Title 14, Chapter 4, Section 14-401(1) "Abandoned signs," Section 14-401(39) "Political signs," Section 14-401(51) "Temporary signs," Section 14-402 "General requirements," Section 14-410 "Moving signs prohibited," Section 4-426 "Political signs restricted," Section 14-446 "Private sale sign permitted," Section 14-452 "Signs permitted in other districts," and Section 14-471 "Establishment of a special sign corridor," of the Codified Ordinances of the City of Bartlett, Tennessee. (Kim Taylor, Director of Planning and Economic Development). The Public Hearing is set for September 13, 2022.**

CONSENT AGENDA**1 Special event permit for Big Jim's Christmas Trees and Pumpkin Sales. (Jim Brown, Director of Code Enforcement)**

The event will be held September 21 thru December 21 at 6777 Stage Road, 9:00 a.m.-9:00 p.m.

2 Special event permit for Christmas in Bartlett Market and Festivities. (Jim Brown, Director of Code Enforcement)

The event will be held on Friday, December 9 from 4:30 p.m. to 7:30 p.m. and Saturday, December 10 from 9:00 a.m. to 4:00 p.m. at W.J. Freeman Park.

3 Purchase two Chevrolet Traverse police vehicles. (Jeff Cox, Police Chief)

Recommend purchasing two 2023 Chevrolet Traverse police vehicles using the State of Tennessee Vehicle Contract #209 from Columbia CDJR for \$27,286.60 per vehicle at a total cost of \$54,573.20.

Funds are available in Account 124.48124.935.

4 Purchase two Ford F550 trucks with dump beds. (Matt Crenshaw, Assistant Director of Public Works)

Request authorization to purchase two Ford F550 trucks with dump bed from Ford of Murfreesboro at \$88,600.00 each for a total cost of \$177,200.00. Ford of Murfreesboro is a sole-source provider. Funds are available in Account 122.48122.935.

5 Purchase of one Knuckleboom loader. (Matt Crenshaw, Assistant Director of Public Works)

Request authorization to purchase one Knuckleboom loader from Sourcewell/Stringfellow at a total cost of \$217,411.55. Sourcewell/Stringfellow is a sole-source provider. Funds are available in Account 122.48122.935.

6 2022 Facility maintenance fee payment to the Tennessee Department of Environment and Conservation. (Rick McClanahan, Director of Engineering)

The City's current number of water system connections is 20,350 at \$1.30 per connection. The City's total is \$26,455.00. Funds are available in Account 510.51200.644.

7 Subdivision contract for Elmore Kenwood Subdivision. (John Horne, Assistant Director of Engineering)

The developer, Dan Hesse, will pay \$7,375.00 in City fees. The bond is set at \$0.00.

8 Subdivision contract for Lucky Hull East Subdivision. (John Horne, Assistant Director of Engineering)

The developer, Deborah Thomas, will pay \$1,700.00 in City fees. The bond is set at \$0.00.

NEW BUSINESS

1 Proposal to rename Municipal Park to the Mark Brown Municipal Park and the Fire Department Training Center to the Terry Wiggins Fire Training Center. (A. Keith McDonald, Mayor)

2 Set a public hearing for September 27, 2022 for Resolution 28-22, a resolution to approve a special use permit for Joyce's Gardens Planned Unit Residential Development located at 6778 Old Brownsville Road within the "RS-10" single family residential zoning districts. (Kim Taylor, Director of Planning and Economic Development)

3 Set a public hearing for September 27, 2022 for Resolution 29-22, a resolution approving a special use permit to allow a tattoo and body piercing establishment to be located at 2965 North Germantown Road Suites 129 and 130, within the "C-H" Highway Business zoning district. (Kim Taylor, Director of Planning and Economic Development)

OPEN DISCUSSION

ADJOURNMENT



City of Bartlett

A. Keith McDonald, Mayor

BOARD OF MAYOR AND ALDERMEN MEETING MINUTES

TUESDAY, AUGUST 9, 2022 - BARTLETT CITY HALL - 6:00 PM

ATTENDANCE

Mayor A. Keith McDonald: Present, Alderman W.C. Pleasant: Absent, Alderman Mandy Young: Present, Alderman David Parsons: Present, Alderman Bobby Simmons: Present, Vice Mayor Jack Young: Present, Alderman Kevin Quinn: Present.

INVOCATION

Opening Prayer by Michael Gill, New Hope Christian Church

FUTURE MEETINGS

Parks and Recreation Advisory Board, August 11 at 6 p.m.

Historic Preservation Commission, August 15 at 7 p.m.

Bartlett Arts Council, August 16 at 6 p.m.

BPACC Advisory Board, August 16 at 6 p.m.

Board of Zoning Appeals, August 18 at 6:30 p.m.

RECOGNITIONS

*****Official Business of the Day*****

MINUTES ACCEPTANCE

Minutes of the July 26, 2022 Board of Mayor and Aldermen Regular Meeting

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Bobby Simmons, Alderman
SECONDER:	David Parsons, Alderman
AYES:	Mandy Young, David Parsons, Bobby Simmons, Jack Young, Kevin Quinn

PUBLIC HEARING

Individuals will have a maximum of three minutes to speak either for or against the item, with a total of 20 minutes for each side.

Minutes Acceptance: Minutes of Aug 9, 2022 6:00 PM (MINUTES ACCEPTANCE)

1. Ordinance 22-03, an ordinance adopting certain newer editions of the International Codes, as amended.

No one spoke for or against.

Adjourned at 6:03 p.m.

2. Ordinance 22-04, an ordinance to amend Title 13, Chapter I Property Maintenance Regulations by adopting the 2021 Edition of the International Property Maintenance Code, as amended, and deleting Chapter 4, Location of Fences on Private Property.

No one spoke for or against.

Adjourned at 6:04 p.m.

UNFINISHED BUSINESS

- 1 **Third Reading of Ordinance 22-03, an ordinance adopting certain newer editions of the International Codes, as amended. (Jim Brown, Director of Code Enforcement)**

RESULT:	APPROVED ON THIRD AND FINAL RE [UNANIMOUS]
MOVER:	Jack Young, Vice Mayor
SECONDER:	Bobby Simmons, Alderman
AYES:	Mandy Young, David Parsons, Bobby Simmons, Jack Young, Kevin Quinn

- 2 **Third Reading of Ordinance 22-04, an ordinance to amend Title 13, Chapter I Property Maintenance Regulations by adopting the 2021 Edition of the International Property Maintenance Code, as amended, and deleting Chapter 4, Location of Fences on Private Property. (Jim Brown, Director of Code Enforcement)**

Alderman Parsons asked when this ordinance is effective. Mayor McDonald stated that is was upon passage. Director of Code Enforcement Jim Brown agreed upon passage; however, Code Enforcement was permitting compliance until September 15, 2022 to allow for more time.

RESULT:	APPROVED ON THIRD AND FINAL RE [UNANIMOUS]
MOVER:	Jack Young, Vice Mayor
SECONDER:	David Parsons, Alderman
AYES:	Mandy Young, David Parsons, Bobby Simmons, Jack Young, Kevin Quinn

CONSENT AGENDA

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jack Young, Vice Mayor
SECONDER:	David Parsons, Alderman
AYES:	Mandy Young, David Parsons, Bobby Simmons, Jack Young, Kevin Quinn

- 1 **Bid for Spinner cycle bikes. (Shan Criswell, Director of Parks and Recreation)**

Recommend accepting the lowest bid from FitworX at a total cost of \$32,525.00. Funds are available in Account 11044900.939.

2 Authorization to auction surplus property. (Dick Phebus, Director of Finance)

Fifteen items have been identified as having a potential auction-value of \$500 or more and will be auctioned on GovDeals.com

NEW BUSINESS

I Contract for Fletcher Creek Sewer System Flow Metering & Analysis. (John Horne, Assistant Director of Engineering)

Recommend accepting the design contract proposal from Barge Design Solutions, Inc. in the amount of \$49,750.00. Funds are available in Account 312.48312.772.805.

Assistant Director of Engineering John Horne explained that the City of Memphis had requested the City of Bartlett install three large sewer storage tanks, two at the proposed Union Depot development and Stage Road and US Highway 70 and the other at US Highway 64 and Santa Valley. The City of Memphis also asked that the City require future developments in Fletcher Creek to install individual, small, sewer holding tanks. Mr. Horne explained that last year the City of Memphis agreed to allow the Union Depot Sewer Plan to proceed with the following conditions: The Developer (Grant) would be required to construct two underground sewer storage tanks on the proposed Union Depot site. Tank #1 would be 280,000 gallons and Tank #2 would be 260,000 gallons. The developer agreed to construct these two tanks as a part of the Phase I Site Development. Once in operation, they will be owned and maintained by Bartlett Public Works. These two tanks will accommodate the sewer flow for all phases of Union Depot. Although these tanks will accommodate Union Depot sewer flows, they are not large enough to accommodate future flows for future developments. Barge Design Solutions was hired to use the City of Memphis Sewer Model and determine if an expansion of each of the two tanks could accommodate future sewer flows in this basin. Their results concluded that each tank could be expanded by 30,000 gallons. Sewer flow meters are needed to complete the modeling for the Union Depot storage tanks and their expansions.

Alderman Simmons asked if the meters would report sewer flows. Mr. Horne stated the meters will monitor and control flows and the tanks will only be used during high rain events.

Mayor McDonald stated this is analyzing and anticipating the flows and what size tank is needed.

Alderman Parson confirmed that the anticipated flows are based on the anticipated use of the rezoned property.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Parsons, Alderman
SECONDER:	Jack Young, Vice Mayor
AYES:	Mandy Young, David Parsons, Bobby Simmons, Jack Young, Kevin Quinn

2 Resolution 30-22, a resolution to delete uncollectible accounts from utility customers accounts receivable in the amount of \$38,723.91. (Dick Phebus, Director of Finance)

Director of Finance Dick Phebus explained that while these accounts are written off, balances are recorded and if individuals apply to re-establish water utilities, they must pay the outstanding balance before water services are obtained.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jack Young, Vice Mayor
SECONDER:	Mandy Young, Alderman
AYES:	Mandy Young, David Parsons, Bobby Simmons, Jack Young, Kevin Quinn

3 Amend Sign Ordinance Section 14-402 (4) (a)

Director of Planning and Economic Development Kim Taylor stated that due to recent legislative changes and to meet the need for temporary signage the existing ordinance required amendment and explained those amendments.

Alderman Jack Young motioned to approve prior to amendment and Alderman Parsons seconded. Discussion began with Alderman Mandy Young. She questioned the exemption of the American flag. Ms. Taylor explained that the American flag is permitted. Alderman M. Young inquired about statutes and Ms. Taylor stated those would fall under holidays and those time limits. Alderman M. Young expressed concerns over enough Code Enforcement staffing to police statues and signage. Mayor McDonald instructed Alderman Young that she could bring an amendment to the ordinance at either of the next two readings specifying her proposed changes. Alderman Kevin Quinn expressed concern for Halloween Cove needing more than 30 days to decorate. He noted Section 14-402 (4) (a) regarding holiday signs be changed from 30 consecutive days to 60. He noted Section 14-402 (d) regarding temporary free-standing signs be changed from the quantity of two signs to six signs and to strike out the line, "display period not to exceed sixty days per lot for all such signs in any calendar year". He used the continued support of St. Jude as an example. Alderman Jack Young expressed concern over removing the 60 days, then the signage would no longer be temporary. City Attorney Ed McKenney stated removing the 60 days could result in potential problems for the City. Alderman Mandy Young asked in lieu of removing the 60 days if it could be changed to exclude non-profit signage. As there were issues with revising (d), Alderman Quinn retracted that change for this reading and motioned to amend Section 14-402 (4) Additional permitted on-premises signs by changing the verbiage from "Within residential districts, holiday lights and decorations, including inflatables, up to 30 consecutive days before a nationally-recognized holiday, and removed within seven days after the holiday." to "Within residential districts, holiday lights and decorations, including inflatables, up to 60 consecutive days before a nationally-recognized holiday, and removed within seven days after the holiday."

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kevin Quinn, Alderman
SECONDER:	Bobby Simmons, Alderman
AYES:	Mandy Young, David Parsons, Bobby Simmons, Jack Young, Kevin Quinn

4 First Reading of Ordinance 22-05, an ordinance amending the existing sign ordinance; Title 14, Chapter 4, Section 14-401(1) "Abandoned signs," Section 14-401(39) "Political signs," Section 14-401(51) "Temporary signs," Section 14-402 "General requirements," Section 14-410 "Moving signs prohibited," Section 4-426 "Political signs restricted," Section 14-446 "Private sale sign permitted," Section 14-452 "Signs permitted in other districts," and Section 14-471 "Establishment of a special sign corridor," of the Codified Ordinances of the City of Bartlett, Tennessee. (Kim Taylor, Director of Planning and Economic Development)

Amended Section 14-402 (4) Additional permitted on-premises signs by changing the verbiage from "Within residential districts, holiday lights and decorations, including inflatables, up to 30 consecutive days before a nationally-recognized holiday, and removed within seven days after the holiday." to "Within residential districts, holiday lights and decorations, including inflatables, up to 60 consecutive days before a nationally-recognized holiday, and removed within seven days after the holiday." The Public Hearing is set for September 13, 2022.

Minutes Acceptance: Minutes of Aug 9, 2022 6:00 PM (MINUTES ACCEPTANCE)

RESULT:	APPROVED ON FIRST READING, AS AMENDED [UNANIMOUS]	Next:
	8/23/2022 6:00 PM	
MOVER:	Jack Young, Vice Mayor	
SECONDER:	Mandy Young, Alderman	
AYES:	Mandy Young, David Parsons, Bobby Simmons, Jack Young, Kevin Quinn	

OPEN DISCUSSION

Shirley Jackson, 6127 Yorkhill Dr., spoke against having signage for 60 days. She stated she didn't want to see any signs for 60 days and definitely not more signs.

Lou Geater, 6778 Coral Hill, thanked Alderman Quinn and Alderman Mandy Young for their proposed amendments to the Sign Ordinance. He said it became an issue of free speech and saw various signs on his way to the meeting. He said he did not want the ordinance to be used by residents as a way to have Code Enforcement settle personal vendettas.

Alderman Quinn stated he had a couple of signs in his yard supporting Bartlett Athletics and the Bartlett Fine Arts and would hate to be limited to displaying those for only 60 days.

Mayor McDonald said for him personally he has seen when everybody displays whatever signage they want for however long they want and it can lower property values. He understands and believes in the freedom of speech but also understands property rights. He said signs on one person's property can impede on another person's rights. He asked all to consider this as most residents in Bartlett consider their home to be their number one investment. He stated for him personally, anything that would diminish that, he would oppose.

Marva Jackson Malone, 6819 Old Brownsville Road asked if the new water treatment plant would be large enough to accommodate new homes. The Engineering team agreed it would.

ADJOURNMENT

Meeting adjourned at 6:44 PM

W.C. Pleasant, Register to the
Board of Mayor and Aldermen

A. Keith McDonald, Mayor

Minutes Acceptance: Minutes of Aug 9, 2022 6:00 PM (MINUTES ACCEPTANCE)



Board of Mayor and Aldermen

6400 Stage Road
Bartlett, TN 38134

SCHEDULED

ORDINANCE (ID # 3189)

Meeting: 08/23/22 06:00 PM

Department: Planning and Economic Development

Category: Amendment

Prepared By: Penny Medlock

Initiator: Kim Taylor

Sponsors:

DOC ID: 3189 A

Ordinance 22-05, an ordinance amending the existing sign ordinance; Title 14, Chapter 4, Section 14-401(1) "Abandoned signs," Section 14-401(39) "Political signs," Section 14-401(51) "Temporary signs," Section 14-402 "General requirements," Section 14-410 "Moving signs prohibited," Section 14-426 "Political signs restricted," Section 14-446 "Private sale sign permitted," Section 14-452 "Signs permitted in other districts," and Section 14-471 "Establishment of a special sign corridor," of the Codified Ordinances of the City of Bartlett, Tennessee.

WHEREAS, Title 14, Chapter 4, Sections 14-401(1), 14-401(39), 14-401(51), 14-402, 14-410, 14-426, and 14-452 contain some provisions that are now inadequate or that could use clarity; and

WHEREAS, Title 14, Chapter 4, Section 14-471, identifies one specific location as a special sign corridor; that is now being broadened to include an additional location in the City; and

WHEREAS, the Planning Commission of the City of Bartlett, Tennessee has reviewed and approved the existing Sign Ordinance and the proposed amendments on August 1, 2022 and recommends adoption of the existing Sign Ordinance with the proposed amendments, by the Board of Mayor and Aldermen; and

WHEREAS, the Board of Mayor and Aldermen of the City of Bartlett, Tennessee, desire to adopt the existing Sign Ordinance with the proposed amendments to the said Title, Chapter and Sections; and

WHEREAS, in accordance with Tenn. Code Ann. Section 13-7-203, the Board of Mayor and Aldermen held a public hearing on September 9, 2022 to obtain citizen input into the existing Sign Ordinance and the proposed amendments; and

WHEREAS, said public hearing notice was published in a newspaper of general publication at least fifteen days prior to the aforementioned public hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF BARTLETT, TENNESSEE, THAT THE EXISTING SIGN ORDINANCE IS ADOPTED AND THAT:

Section 1. Title 14, Chapter 4, Section 14-401, Definitions, is hereby amended to read as follows:

14-401(1). Definition of “Abandoned signs.” This subsection is hereby deleted and replaced with the following language: “A sign which was lawfully placed on the property in conjunction with a particular use, that use having been subsequently discontinued for: (1) the period of time provided under Tenn. Code Ann. § 13-7-208(g) if the use is an industrial, commercial or other business use; or (2) a period of thirty days or more, for all other types of uses, or (3) a sign pertaining to an event or purpose that has passed in time, or (4) a permitted sign for which the permit has expired.”

14-401(39). Definition of “Political signs.” This subsection is hereby modified to add the following language: Political signs are considered to be temporary signs that require no permit. Regulations regarding temporary signs are addressed in Section 14-402(4). (Ord. #79-10, May 1979, as amended by Ord. #85-22, Oct. 1985, Ord. #87-18, Feb. 1988; Ord. #91-3, June 1991; Ord. #95-13, Sept. 1995; Ord. #00-03, March 2003, and Ord. #13-01 March 2013).

14-401(51). Definition of “Temporary signs.” This subsection is hereby deleted and replaced with the following language: A temporary sign is any sign, handbill, or poster which is placed to advertise or announce a social/special event, or which pertains to a particular event or occurrence, or which is not permanently anchored or secured to a building and not having supports or braces permanently secured in the ground, and that is used for a limited time period, and without regard to message. Examples of temporary signs include, but are not limited to, “portable signs,” “political signs,” “election signs,” “real estate signs,” “garage sale signs,” “baby announcements,” “lost pet signs,” or any other non-commercial message. The term “temporary signs” does not include any government sign. Home occupation signs shall be considered commercial signs, and are not allowed within any residential district.

Section 2. That Title 14, Chapter 4, Section 14-402, “**General requirements**,” is hereby amended to be titled “General requirements, findings, purpose and intent, effect, exempt signs, and additional permitted signs;” and is hereby modified to include the existing language as “Subsection 1” and is hereby amended to add the following language as subsections 2 and 3:

14-402(2). Findings, purpose and intent, effect, exempt signs, and additional permitted on-premise signs.

(a) Findings. The Board of Mayor and Aldermen of the City of Bartlett hereby finds as follows:

- (1) Exterior signs have a strong visual impact on the character and quality of the community.
 - (2) Signs provide an important medium through which individuals may convey a variety of messages.
 - (3) As a prominent part of the scenery, signs attract the viewing public, affect the safety of vehicular traffic, and their suitability or appropriateness helps to set the tone for the neighborhood.
 - (4) The City relies upon its scenery and physical beauty to attract businesses and residents, both current and prospective, and aesthetic considerations affect economic value.
 - (5) Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.
 - (6) The City's zoning regulations have always included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the city and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within the city has a positive impact on traffic safety and the appearance of the community.
- (b) Purpose and intent.** It is not the purpose or intent of this chapter to regulate the message displayed on any sign; nor is it the purpose or intent of this chapter to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside of a building. The purpose and intent of this chapter is to:
- (1) Protect and enhance the City's historic and residential character and its economic base through the provision of appropriate and aesthetic signage.
 - (2) Regulate the number, location, size, type, illumination and other physical characteristics of signs within the City in order to minimize

their distracting effect upon motorists, bicyclists or pedestrians, which is a threat to traffic safety and is harmful to the appearance of the community.

- (3) Seek to balance the need for the protection of public health, safety, welfare and community aesthetics, with the desire to protect the freedom of speech, and prevent discrimination in the application of free speech principles and tenets through the use of content-neutral regulations.
- (4) Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the City.

(c) Effect. A sign may be erected, mounted, displayed or maintained in the City if it is in conformance with the provisions of these regulations. The effect of these regulations, as more specifically set forth herein, is to:

- (1) Allow a wide variety of sign types in commercial districts, and a more limited variety of signs in other districts, subject to the standards set forth in this chapter.
- (2) In all zoning districts except residential, allow certain small, unobtrusive signs incidental to the principal use of a site when in compliance with the requirements of this chapter.
- (3) Provide for temporary signs in limited circumstances.
- (4) Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.
- (5) Promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to cluttered, distracting and/or illegible signs.
- (6) Protect the beauty of the City's built environment by encouraging signs that are compatible with the architectural style, characteristics and scale of the building to which it is to be attached or the property to which it pertains; to encourage signs that are compatible with adjacent buildings and businesses and landscape designs; and to advance the City's goals of quality development.

- (7) Except to the extent expressly preempted by state or federal law, to ensure signs are constructed, installed and maintained in a safe and satisfactory manner, and to protect the public from unsafe signs.
- (8) Protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape and ensuring that signs are in harmony with buildings, neighborhoods, and conforming signs in the area and precluding sign types that create a nuisance to the occupancy or use of other properties as a result of their physical characteristics, such as their size (area), height, number, illumination and movement.
- (9) Provide consistent sign design standards.
- (10) Encourage signs that are of a quality design, that are pleasing in appearance and are appropriate in size, materials and illumination to the surrounding neighborhood.
- (11) Provide an improved visual environment for the citizens and visitors to the City.
- (12) Provide for the enforcement of the provisions of this article.
(Ord. #79-10, May 1979, as amended by Ord. #91-3, June 1991, modified).

(3) Exempt signs.

The following on-premises signs are exempt from the operation of these sign regulations, provided that they are not placed or constructed so as to create a hazard of any kind through the obstruction of vision by motorists and pedestrians.

- (a) Within all districts, permanent signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property with permission, as appropriate, from the State, the United States of America, or the City of Bartlett.
- (b) Within all districts, legal notices and official instruments from the

State, the United States of America, or the City of Bartlett.

- (c) Special event signs for community events sponsored in whole or part by the City of Bartlett.
- (d) Any sign inside an athletic field or other enclosed outdoor space, where the sign is not legible from more than three (3) feet beyond the lot line of the site on which it is located.

(4) Additional permitted on-premise signs.

The following on-premises signs are permitted, provided that they are not placed or constructed so as to create a hazard of any kind through the obstruction of vision by motorists and pedestrians

- (a) Within residential districts, holiday lights and decorations, including inflatables, up to ~~30~~ 60 consecutive days before a nationally-recognized holiday, and removed within seven days after the holiday.
- (b) Within residential districts, lights and decorations, including inflatables, up to 31 consecutive days or one month, whichever is shorter, during any nationally-recognized month-long commemoration-type event, and removed within seven days after the commemoration-type event concludes.
- (c) Within all districts, public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards.
- (d) Within residential districts, temporary freestanding signs shall be limited to two per lot at any given time and a display period not to exceed sixty days per lot for all such signs in any calendar year. Such signs include, but are not limited to, political preference signs, and social/special event signs. Notwithstanding the foregoing, additional temporary freestanding signs may be displayed as follows:
 - i. During any period when a parcel is offered for sale or property within the parcel is offered for lease, one additional temporary freestanding sign advertising such sale or lease may be displayed.
 - ii. Pursuant to Tenn. Code Ann. § 2-7-143, and subject to any

homeowner association covenants, restrictions or rules to which Tenn. Code Ann. § 2-7-143 applies, in residential districts, one additional temporary freestanding sign per candidate, issue, or subject, may be placed per lot and per street frontage on any developed or vacant private property by the owner of the property or any lawful resident of a residence on the property that is located more than one hundred feet (100') from a polling place up to 60 days before the first day voting begins.

- iii. Pursuant to Tenn. Code Ann. § 2-7-143, in commercial and industrial districts, one additional temporary freestanding sign per candidate, issue, or subject may be placed per lot and per street frontage on developed or vacant private property by the owner of the property that is located more than one hundred feet (100') from a polling place up to 60 days before the first day voting begins.
- iv. Specifications: Sign area/removal.

Within residential districts, a temporary freestanding sign may not exceed sixteen square feet per side (double face signs are allowed) in size, with a maximum height of six feet from grade. Such signs cannot be within the public right-of-way for a road or within a pedestrian easement and must be located at least 10 feet back from the curb or edge of the pavement. Signs on corner lots may be no closer to the corner than 35 feet from the intersecting lines of the corner curbs. Such signs must be removed within seven days after the sale of the property, the issuance of a certificate of occupancy, the election, or the social/special event.

Within commercial and industrial districts, a temporary freestanding sign may not exceed thirty-two square feet per side (double face signs are allowed) in size, with a maximum height of six feet from grade. Such signs cannot be within the public right-of-way for a road or within a pedestrian easement. Signs less than 16 square feet must be at least 10 feet from the curb or edge of the pavement; 16 square feet signs must be located at least 40 feet back from the curb or edge of the pavement; and 32 square foot signs must be located at least 60 feet from the curb or edge of the pavement. Such signs must be removed within seven days after the election or social/special event.

- (e) Within all districts, signs carried by a person when the person does not receive any financial compensation. A handheld sign is any sign that is held by or otherwise mounted on a person (i.e., sandwich board). Clothing and hats are not considered signs. A handheld sign is not included in the maximum number of allowed signs but must be held by a person. A handheld sign that is placed on the ground or propped against something becomes a ground mounted sign and is counted toward the maximum limit of 1 per candidate/issue/subject. Because handheld signs displayed within the public right-of-way can distract motorists or place sign holders too close to moving cars, any individual carrying a handheld sign is required to stand on the sidewalk or, if none, at least six feet from the edge of the pavement of the road.
- (f) Within residential districts, one (1) flagpole and two (2) non-commercial flags per pole per lot. No flag shall exceed five (5) feet by eight (8) feet. Flagpoles must be a maximum of twenty-five (25') in height or no higher than the highest point of the principal building's roof, whichever is lower, measured from finished grade. Flagpoles must meet the minimum setback requirements for the respective district.
- (g) Within commercial and industrial districts, one flag pole and two flags per pole per one hundred feet (100') of frontage on a right-of-way, up to a maximum of six flag poles and twelve flags. The flags may contain a logo and shall be subject to a maximum height of eighty feet (80'), measured from finished grade. Flagpoles must meet the minimum setback requirements for the respective district.

Section 3. That Title 14, Chapter 4, Section 14-410, "**Moving signs prohibited**," is hereby modified to delete the second sentence. (Ord. #79-10, May 1979, as amended by Ord. #13-01, March 2013).

Section 4. That Title 14, Chapter 4, Section 14-426, "**Political signs restricted**," is hereby deleted.

Section 5. That Title 14, Section 4, Section, 14-446, "**Private sale sign permitted**," is hereby deleted.

Section 6. That Title 14, Section 4, Section, 14-452, "**Signs permitted in other districts**," is hereby deleted.

Section 7. That Title 14, Section 4, Section, 14-471, “**Establishment of a special sign corridor**” is hereby modified to be titled “Establishment of special sign corridors” and is hereby modified to read as follows: “Special sign corridors are hereby established for those tracts of land of five (5) acres or more, or a single cohesive development that is five (5) acres or more in the City of Bartlett located east of Fletcher Creek with road frontage on U.S. Highway 64 and along Germantown Parkway from Highway 64 north to a point 2,000’ north of Highway 64, and having C-H Highway Commercial Zoning and for those tracts of land of five (5) acres or more, or a single cohesive development that is five (5) acres or more in the City of Bartlett with road frontage of at least one thousand feet (1,000’) on U.S. Highway 70, north of Highway 64 to a point 2,000’ feet north of Highway 64, and having O-R-I Zoning. Each tract of land meeting these criteria shall be allowed a ground sign with a maximum area of two-hundred (200) square feet and a maximum height of twenty feet (20’), and a maximum width of ten feet (10’). Setback, lighting, landscaping, and base material requirements are set forth in §14-464 and §14-465 of this chapter. Wall or building signs shall be controlled by § 14-447 and §14-448 of this chapter.”

Section 8. Severability.

Should any provision of this Ordinance be rendered unconstitutional or null and void by a Court of Law, legislative act or otherwise, all other provisions of this Ordinance shall remain in full force and effect.

Section 9. Effective Date. BE IT FURTHER ORDAINED that this ordinance shall take effect upon its passage on third and final reading, the public welfare requiring it.

First Reading:	August 9, 2022
Second Reading:	August 23, 2022
Third Reading:	September 13, 2022

W. C. Pleasant Register to the Board
of Mayor and Aldermen

A. Keith McDonald
Mayor

ATTEST: _____
Penny Medlock
City Clerk

CHAPTER 4

SIGN ORDINANCE

SECTION

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14-401. Definitions. The following definitions shall apply to the use of terms within this chapter:

(1) "Abandoned signs." A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, project or activity conducted or a product available on the premises where such sign is displayed.

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(2) "Animated sign." Any sign which includes any moving parts. For purposes of this ordinance, this term does not refer to flashing or changing, all of which are separately defined.

(3) "Area measurement of sign." The area of a sign shall be measured by one (1) or two (2) of the smallest, contiguous geometric shapes: square; rectangle; circle; half circle and triangle.

Measurement Examples



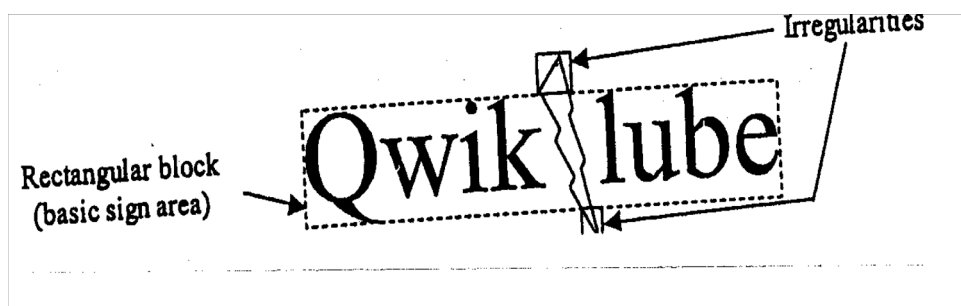
Curves



Any pictorial element is part of a sign and extends outside of the geometric shapes shall be treated as an irregularity rather than an extension of the lettering.

(a) An additional five percent (5%) of the permitted total square footage will be allowed for irregularities in sign copy which are in excess of the geometric shapes formed by the outermost points.

(b) For irregularities that exceed five percent (5%) of the total area, the irregularities shall be individually blocked and considered as part of the total area of the sign. Logos shall be blocked separately and considered as part of the total sign area.



(4) "Banners." Any streamer, flag-like pennant or other object, whether constructed of fabric or of other materials which, with or without insignia, attracts the attention of citizenry to a location or business.

(5) "Beacon." A sign or a sign lighting mechanism which focuses a beam of light by whatever mechanism created and regardless of intensity.

(6) "Building face or wall." All window and wall areas of a building in one plane or elevation.

(7) "Building identification sign." A sign that may be located on a building to identify the name of the building, such as a historic building.

(8) "Building official." That person designated by the board of mayor and aldermen to act as the administrator and enforcing officer of this ordinance, or his duly authorized designee.

(9) "Business identification sign." A ground or wall sign that identifies the name of the business or occupant that is located on the premises.

(10) "Changeable copy sign (manual)." A sign on which copy may be changed manually in the field, such as reader boards with changeable letters or changeable pictorial panels.

(11) "Changing sign (automatic)." A sign wherein different copy changes are shown on the same sign face by means of lighting or otherwise such as an electronically or electrically controlled public service time, temperature and date sign, message center or readerboard.

(12) "Collector street." As shown on the official City of Bartlett Major Street Plan.

(13) "Commercial complex." A group of five (5) or more businesses or enterprises sharing a common parking lot and common ingress and egress upon a single subdivided tract of record.

(14) "Commercial district." That area in the city which has been officially zoned for commercial use as retail stores, service establishments and offices, but not to include residential uses.

(15) "Construction sign." A temporary sign erected upon a construction site while physical construction is underway under a valid building permit issued by the City of Bartlett.

(16) "Copy." The wording, numbers, letters, logos and other graphics on a sign surface.

(17) "Design review commission." A commission appointed by the mayor to review and approve or disapprove all proposed signs except as otherwise specified in this ordinance.

(18) "Directional sign." A sign purveying only informational traffic control insignia such as an "in," "out," "no parking," "fire lanes," "handicap parking," etc. on private property or public property.

(19) "Directory." A sign erected to display the identity of five (5) or more occupants in a single building, business or office complex.

(20) "District." As defined under the zoning ordinance¹ and zoning district map.

(21) "Erected." This term shall mean attached, altered, built, constructed, reconstructed, enlarged or moved.

¹The zoning ordinance is included in this municipal code as Appendix B.

(22) "Face of sign." The entire area of sign on which copy could be placed, and in the instance where a double face sign is utilized the area of only one face shall be included to determine face square footage.

(23) "Flashing sign." Any sign which contains an intermittent or flashing light source, or which included the illusion of intermittent or flashing light by means of animations, or an externally mounted intermittent light source.

(24) "Front footage." The linear width measured parallel to the street frontage of the heated and enclosed structure, upon a premises not including out buildings or appurtenant structures, unless said structure has no street frontage in which instance the front footage shall be the structure's side width of principle entrance.

(25) "Ground level." Immediate surrounding grade.

(26) "Ground sign." A sign mounted at ground level.

(27) "Height of sign." The vertical distance measured from the surrounding grade to the highest point of sign or supporting structure.

(28) "Illegal signs." A sign which contravenes this ordinance, and which does not qualify as a variance sign or a nonconforming sign under this ordinance.

(29) "Interior property line." Property lines other than those forming a dedicated public right-of-way.

(30) "Lighting." That method or manner by which a sign is illuminated during the period from thirty (30) minutes prior to sundown and thirty (30) minutes after sunrise.

(31) "Lot of record." A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder of Shelby County.

(32) "Major street." As shown on the official City of Bartlett Major Street Plan.

(33) "Nonconforming sign." A sign which contravenes this sign ordinance but which was in compliance with prior regulations at the time of its erection and for which a permit as required under the prior ordinance was obtained; a sign erected under a prior variance and not in strict compliance with prior regulations is not a nonconforming sign.

(34) "Occupant." Any person, firm, corporations, partnership, or other entity in possession of a premises or a part thereof whether under lease, hold over tenancy or other interest.

(35) "Office." That building or district as defined by the zoning ordinance wherein professional treatment or professional services generally are provided as opposed to the sale, distribution or repair of goods.

(36) "Opening sign." A temporary sign erected only for that limited period during which an enterprise not theretofore in operation begins its operation initially or at a new location.

(37) "Owner." A person, firm, corporation, partnership, or other entity recorded as such on official records and including duly authorized agent, a

purchaser, devisee, and/or any person having a vested or contingent interest in the property in question.

(38) "Pole sign." A sign mounted upon the ground but which by reason of height, width or other characteristics does not qualify as a "ground sign."

(39) "Political signs." A sign erected to publish the name of a candidate or of any ballot proposition or measure to enlist votes in any official public election.

(40) "Premises." An area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

(41) "Private sale sign." A sign which is erected for a limited period to advertise the sale of individual property not in the ordinary course of business.

(42) "Primary use." A substantive use to which property or structures thereon are committed and specifically shall include uses auxiliary to the principal business or use there conducted and/or appurtenant thereto and/or directional to said principal business or uses.

(43) "Residential limited occupancy." That area or zoning district in the city specified by the zoning ordinance to include only low density single family and/or duplex construction.

(44) "Residential multi-occupancy." That area or zoning district in the city specified by the zoning ordinance for construction or erection of occupancy greater than duplex construction.

(45) "Real estate sign." A temporary sign employed to announce or display the sale of real property, said sign being erected on the property for sale.

(46) "Roof line." The edge of the main roof on the plain or elevation of the structure or building on which the sign is to be mounted. For the purpose of this ordinance, a mansard with an angle of up to forty-five (45) degrees from vertical, with or without roofing materials, is not considered a roof. Signs may be mounted on mansards, but shall not extend above the top of the mansard.

(47) "Set back." The minimum horizontal distance between either the face of curb, the edge of pavement, or the right-of-way line and the sign structure as specified in a particular section of this ordinance.

(48) "Sign." (a) Any identification, description, illustration or device which is visible from any public place, whether located on private property or public property which directs attention to a product, location, service, place, activity, person, institution or business, generally including columns, statues, roof color or design; any exterior situated merchandise or any emblem, painting, banner, pennant, or placard, designed to direct customers to, or advertise, identify or convey information; said items still constituting a sign with or without copy, except permitted on-copy internal window display, religious symbols and national flags. For the purpose of this ordinance, signs shall also include all sign structures.

(b) Unless specifically exempted, all signs, as herein described, are subject to the review and approval of the design review commission, director of planning or duly authorized representative. Meeting the minimum requirements of this ordinance shall not constitute approval of a sign. The design review commission, director of planning or duly authorized representative shall review the aesthetic appropriateness of each sign submitted for review and reserves the right to deny approval of any sign application which, in the judgment of a majority of the members, detracts from the aesthetic appeal of the property upon which such sign is proposed.

(49) "Sign structure." Any structure which supports, has supported or is capable of supporting a sign including decorative cover.

(50) "Street." A public thoroughfare which affords the principal means of access to abutting property.

(51) "Temporary signs." A sign which is not permanent and is allowed for a specific time period. Temporary signs, with the exception of real estate signs in a limited residential district and private sale signs, are subject to approval by the design review commission, director of planning or duly authorized representative. A valid temporary sign permit must be issued before erection of a temporary sign (other than the exceptions listed above) and such signs may not remain in place once the temporary sign permit has expired.

(52) "Traffic directional sign." Any sign which aids the flow of traffic.

(53) "Use." The purpose for which a building, lot, sign, or other structure is arranged, intended, designed, occupied or maintained.

(54) "Visibility triangle." To prevent traffic hazards at intersections, sight, blocking structures shall not be placed inside a triangle formed by fifty (50) foot lines along the street edges of both streets starting at the intersection of both street edges.

(55) "Wall sign." A sign providing the name or other approved information or graphics of the business, institution, or organization which is attached to or erected against the wall of a building with the face parallel to the plane of the building wall or attached to the structure as approved by the design review commission, director of planning or duly authorized representative. The sign shall extend no more than eighteen inches (18") from the building or structure. This sign may also be referred to as a "building sign."

(56) "Window sign." Any sign, temporary or permanent, advertising sales or specials attached to or within five (5) feet of glass surface of any fixed window (glazing) visible from a public right-of-way; provided however, the display of non-copy merchandise shall be permitted provided the packaging and/or labels are not so extreme as to render it substantially advertising copy. (Ord. #79-10, May 1979, as amended by Ord. #85-22, Oct. 1985, Ord. #87-18, Feb. 1988, Ord. #91-3, June 1991, Ord. #95-13, Sept. 1995, Ord. #00-03, March 2003, and Ord. #13-01, March 2013).

14-402. General requirements. The general sign requirements of this ordinance shall apply to all signs in the City of Bartlett in any district for any purpose subject only to the time compliance requirements hereinafter specified. All signs which are not expressly permitted by this ordinance are hereby declared to be illegal signs or nonconforming signs. This section does not apply to city owned or leased facilities or city approved events. (Ord. #79-10, May 1979, as amended by Ord. #91-3, June 1991, modified)

14-403. Annual sign inspection required. (1) The City of Bartlett will establish an annual sign inspection for all permitted signs located on businesses in the city unless specifically exempted by this ordinance.

(2) The annual sign inspection fee for businesses in the City of Bartlett shall be established and may be changed from time to time by resolution. (Ord. #88-3, March 1988, as amended by Ord. #13-01, March 2013)

14-404. Nationally or state registered logos and trade emblems permitted/approved. Nationally or state registered, logos, trade emblems or graphic pictorials shall be permitted if included within the allotted sign square footage upon specific review and approval of the design review commission, director of planning or duly authorized representative. (Ord. #91-3, June 1991, as amended by Ord. #13-01, March 2013)

14-405. Obscene copy prohibited. Signs which contain words or pictures of an obscene, indecent or immoral character which would offend public morals or decency are absolutely prohibited. (Ord. #79-10, May 1979)

14-406. Traffic control copy prohibited. Signs which contain or are an imitation of an official traffic sign or signal, such as, "stop," "go slow," "caution," "danger," "warning," or similar words are absolutely prohibited. (Ord. #79-10, May 1979)

14-407. Confusing or obstructive signs prohibited. Signs which are of a size, location, movement, content, coloring or manner or illumination which may be confused with or construed as a traffic control device or which hides from view any traffic or street sign or signal are absolutely prohibited. (Ord. #79-10, May 1979)

14-408. Changeable copy signs. (1) Changeable copy signs with interchangeable letters are permitted subject to the inclusion of same within allotted sign square footage and enclosed under locked and vandal proof case, said case and structure subject to design review commission review, director of planning or duly authorized representative and approval, and only for public facilities, such as city hall, performing arts centers, churches, schools, theater

marquees and gasoline price signs for service stations. No other changeable copy signs shall be allowed under this ordinance.

(2) Public facilities, such as city hall, performing arts centers, churches, and high or secondary schools may, in lieu of the changeable copy ground sign, utilize an electronic changeable ground sign (LED). This type of sign shall not advertise or promote any product and will have text only messages, amber in color and message duration of three (3) minutes. Messages shall not scroll, flash or imitate motion. These signs shall be consistent with the size requirements for ground signs.

Electronic changeable gas price signs shall be allowed at locations selling gasoline and diesel automobile fuel. The size, color and location of these signs are subject to the approval of the design review commission.

All electronic changeable signs shall come equipped with dimming technology that automatically adjusts the display's brightness based on ambient light conditions. The brightness of the electronic changeable signs shall not exceed 0.3 foot candles above ambient light conditions.

The following electronic signs are prohibited in all districts:

(a) Electronic graphic displays. Electronic signs displaying both text and pictorial images. These signs have the technical capacity to display high-quality, photo-like images in addition to text information.

(b) Electronic video displays. Electronic sign whose display is characterized by motion and pictorial imagery. These signs may possess the ability to display television-like images and programs.

(3) City-owned or leased buildings or city-sponsored events are exempt from the sign ordinance. (Ord. #91-3, June 1991, modified, as amended by Ord. #13-01, March 2013)

14-409. Misleading signs prohibited. Signs which advertise an activity, business, product, or service not conducted on the premises upon which a sign is located are prohibited. (Ord. #79-10, May 1979)

14-410. Moving signs prohibited. Signs which have any moving parts or which by design or illumination have the appearance of moving parts are absolutely prohibited. Hand-held signs advertising businesses, products or services are specifically prohibited. (Ord. #79-10, May 1979, as amended by Ord. #13-01, March 2013)

14-411. Changing signs. Changing signs are controlled as provided in § 14-408 above. (Ord. #79-10, May 1979, as amended by Ord. #13-01, March 2013)

14-412. Banners, pennants, streamers, light strings, spinners prohibited; exceptions. Notwithstanding other provisions of this chapter, a commercial business may display a sale or special event sign or banner on the

storefront elevation of the business not to exceed a face area of thirty-two (32) square feet on two (2) separate occasions in a twelve (12) month period. These signs or banners shall be further subject to the general requirements of this chapter. These sale or special event signs and banners will be approved by the building official and will not be reviewed by the design review commission. The sign or banner may be displayed for a maximum period of fourteen (14) days and there shall be a period of at least sixty (60) days between the display of such signs or banners.

All other signs which contain or consist of banners, pennants, posters, ribbons, awnings, streamers, strings of lights, spinners, dimensional characters, statues, trade emblems or other similar objects, with or without copy, are absolutely prohibited, except as provided in §§ 14-413, 14-434 and 14-440. (Ord. #79-10, May 1979, modified, as amended by Ord. #07-12, Sept. 2007, and Ord. #13-01, March 2013)

14-413. Special signage for approved sidewalk sales. (1) In addition to the aforementioned signage allowed in commercial districts, there is hereinafter allowed in conjunction with an approved outdoor sale by multiple businesses in a shopping center one temporary banner, in conformance with § 14-434, on each street face on which the shopping center fronts. Each banner shall be located a minimum of fifteen (15) feet from the face of the curb, be mounted not over five (5) feet in height, and outside of any traffic visibility triangle.

(2) Temporary signage authorized by this section may be in place only for the duration of the outdoor sales event plus one day in advance.

(3) In addition to the window signage permitted by § 14-431 a two (2) foot by three (3) foot professionally made sign bearing the official "sidewalk sale" logo and other indication of participation in the discounts or other aspects of the event is allowed in the window of each participating business for the same length of time as the banners described herein.

(4) No sign allowed under this section will require a sign permit, nor require approval of the design review commission, but will be subject to inspection by the building official and all other provisions of the City of Bartlett Sign Ordinance. (Ord. #79-10, May 1979, as amended by Ord. #94-7, June 1994, and Ord. #02-03, March 2002)

14-414. Awnings exceptions. (1) Awnings recognized as architecturally necessary which contribute rather than detract from the legislative intent of this ordinance, with or without lettering or insignia, may be installed with the specific approval of the design review commission, director of planning or duly authorized representative.

(2) For the purposes of measuring sign area to be placed on an awning, the entire surface of an internally illuminated awning containing sign copy shall be counted as sign area, unless said illumination is restricted to a transparent

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area designed to illuminate solely the sign copy area, in which case only the copy area will be considered when determining signage. (Ord. #79-10, May 1979, as amended by Ord. #95-13, Sept. 1995, and Ord. #13-01, March 2013)

14-415. Reflective materials prohibited. Signs which contain mirrors, highly polished surfaces or other materials being substantially reflective in nature are prohibited. (Ord. #79-10, May 1979)

14-416. Structurally unsound signs prohibited. Signs which are structurally unsound or which are rendered structurally sound by guy wires or unapproved facing are prohibited. (Ord. #79-10, May 1979)

14-417. Vehicle signs prohibited. (1) Any vehicle which has any sign, or other copy, wrapped or painted on it or suspended from it or otherwise attached to it shall be parked at the rear of the building where said business is located as close to said business' building as parking space will permit. If there is insufficient space to allow said vehicle to be parked at the rear of said building, it shall be parked at the side of said building and as close to said building as parking space will permit.

(2) Only in the event of a situation or location where there is no rear or side parking space will such vehicle be permitted to park in the front of said business, and then only in the area closest to the front of said business' building.

(3) In no event shall any such vehicle be parked off of or away from the premise which owns it, except during the normal course of business, such as deliveries, picking up merchandise or service calls. The building official may direct that violating vehicles be removed at the owner's expense by towing. (Ord. #91-3, June 1991, as amended by Ord. #13-01, March 2013)

14-418. Sign lighting restricted. Internal and external sign illumination and/or back lighting shall be permitted, provided that all sign lighting shall be for illumination and not in and of itself by color or design constitute an attraction and that same be further so shaded, shielded or directed that the light intensity will not be objectionable to surrounding areas, said lighting subject to the approval of the design review commission, director of planning or duly authorized representative. (Ord. #79-10, May 1979 as amended by Ord. #13-01, March 2013)

14-419. Lighted open signs. (1) Any business establishment, service organization, or other commercial enterprise located in a commercial, office, or industrial district shall be entitled to utilize or display one (1) exposed neon tube or internally lighted self-contained manufactured type sign, which may exhibit the word "OPEN" and no other copy of any description and may use no more than two (2) colors.

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(2) Any sign displayed under the terms of this section shall be no greater in overall size than four (4) square feet and shall be located on the inside of the front window, in a horizontal or vertical position in an authorized location approved by the building official.

(3) Signs displayed in accordance with the provisions of this section shall be in addition to all other signs allowed under the sign ordinance. This sign will not require the approval of the design review commission and will not require a sign permit and be included in the annual inspection provided in § 14-455 of this chapter. (Ord. #00-03, March 2000 as amended by Ord. #13-01, March 2013)

14-420. Beacon lights prohibited. Beacon lights are hereby prohibited in the City of Bartlett. (Ord. #79-10, May 1979)

14-421. Illumination not to interfere with traffic signals. Neither the direct nor reflected light from primary light sources shall be permitted to create a traffic hazard to the operators of motor vehicles on public streets. (Ord. #79-10, May 1979)

14-422. Exposed bulbs prohibited. Exposed bulbs shall not be permitted on the exterior surface of any sign. (Ord. #79-10, May 1979)

14-423. Abandoned signs prohibited. All signs and sign structures that no longer correctly direct or exhort any person, advertise a bona fide business in progress, lessor, owner, project or activity conducted or product available shall be removed and the exterior of the building repaired or restored to original condition by the owner of said property within thirty (30) days from the cessation of said activity. The landlord/owner may not lease the premises until said conditions are met. (Ord. #79-10, May 1979, as amended by Ord. #95-13, Sept. 1995, and Ord. #00-03, March 2000)

14-424. Pole and other signs prohibited. Pole signs are absolutely prohibited and only those ground mounted signs specifically allowed and defined by this ordinance shall be permitted. (Ord. #79-10, May 1979)

14-425. Multi-face sign restricted. All signs that exhibit more than two (2) faces are absolutely prohibited; provided further that no double-face signs shall be permitted if the distance between the back of the faces is at any point greater than twelve (12) inches.

Exception: More than twelve (12) inches in depth may be granted on a case-by-case basis by the design review commission. (Ord. #00-03, March 2000)

14-426. Political signs restricted. (1) Political signs. Signs relating to the election of a candidate for public office or the passage of any ballot proposition or measure shall be permitted, subject to the following conditions:

(a) Signs shall not exceed eighteen (18) by twenty-four (24) inches or four hundred thirty-two (432) square inches in size.

(b) No sign shall be erected or displayed earlier than forty-five (45) days before the election day to which it relates, nor later than five (5) days following such election.

(c) Signs shall not be attached to any utility pole or upon any public right-of-way or public property, and be no closer than fifteen (15) feet to the face of the curb or five (5) feet to the back of the sidewalk and shall be permitted only upon occupied privately owned lots with the consent of the owner.

(d) Signs shall not be erected in such a manner that they will or reasonably may be expected to interfere with, obstruct, confuse or mislead traffic.

(e) Signs not erected or maintained in accordance with the provisions of this section shall be the responsibility of the owner of the property upon which the sign is located, shall be deemed a public nuisance, and may be abated, without notice, by such property owner, the candidate or person advocating the vote described on the sign, or the city building official.

(2) Political sign distributor's permit. (a) Any candidate or political committee desiring to distribute, cause to be distributed, display, place, or erect any political sign shall file an application with the building department upon forms to be furnished by said building department, and provide such pertinent information as said building department may require.

(b) Forthwith upon filing such application, said building department shall issue a political sign distributor's permit to the applicant, together with a serial number therein. No fee shall be charged in connection with the issuance of such permit.

(3) Polling place signs. No signs will be allowed at polling places earlier than one (1) day before an election or early voting period and must be removed not later than one (1) day after said election or early voting period. For signs at polling places no permit or bond will be required, but the requirements of all other subsections of this section will apply. (Ord. #00-17, Aug. 2000, as amended by Ord. #07-16, Nov. 2007)

14-427. Sign erection permits refused. No permit for the construction or erection of any sign not in strict compliance with this chapter shall be issued from the effective date of the ordinance comprising this chapter and then only after the approval of same by the design review commission,

director of planning or duly authorized representative. (Ord. #79-10, May 1979 as amended by Ord. #13-01, March 2013)

14-428. Sign as a nonconforming primary use--exception. In the circumstances where a sign itself is a primary use of the property upon which it is erected as defined under this chapter the burden shall be upon the owner of said sign to document within sixty (60) days from the effective date of the ordinance comprising this chapter:

(1) That the sign is in fact a nonconforming sign legally erected without variance under prior regulations.

(2) That the sign is in fact the primary use of the property, being neither auxiliary to, nor appurtenant to, nor directional to, nor the advertisement of adjacent businesses or uses; upon proper documentation as above provided the use may be continued and the owner shall make application within the sixty (60) days of the effective date of the ordinance comprising this chapter to the design review commission in the ordinary course, whose responsibility it shall be, upon the advice and recommendation of the police chief, fire chief and building inspector, to require such modifications in size, copy, and location with respect to streets, ingress and egress, lighting and traffic parameters, to remove hazards to safety and/or encroachments upon adjacent occupants. The failure of documentation shall render the sign an illegal sign subject to removal and the penalties hereinafter provided. (Ord. #79-10, May 1979, as amended by Ord. #91-3, June 1991)

14-429. Off-premises signs prohibited. All signs must be located upon the physical property of the occupant, goods or services exhorted, except as provided in § 14-427. (Ord. #79-10, May 1979)

14-430. Window signs prohibited. All window signs are prohibited generally, except for those provided for in § 14-431; provided, however, an occupant may elect to utilize window space for location of a permanent wall sign, in which case the square footage of the window sign shall be included in the calculation of allotted square footage; provided, further and in addition to sign footage allotments, all occupants shall be permitted to use a window or door sign in addition to other sign allotments of area not to exceed two (2) square feet to display the identity of the business, hours of operation, credit information, telephone numbers, or other general information. (Ord. #91-3, June 1991)

14-431. Permitted window signs. (1) In addition to any other sign allotment permitted by the City of Bartlett Sign Ordinance, any retail or other commercial enterprise shall be permitted to utilize: fifteen percent (15%) of its window area for window signs provided no window may be covered more than thirty percent (30%). Where windows are provided in more than one (1) side of the building, the window signs shall be separately calculated for each side of the

building and the window signs shall conform to the above regulations for each side of the building.

For the purposes of this ordinance, an individual window is defined as a piece of glass surrounded by a frame. The individual window area is calculated on the basis of the area within the frame whether or not it is separated by Muntin Bar(s). The total window area shall include the frame and glass area.

(2) All such window signs must be neat in appearance and professionally prepared or professional in appearance.

(3) All business are allowed a minimum of six (6) square feet of window signs.

(4) Signs allowed under this section will be submitted to the city staff along with the proper size calculations for review and approval. Signs allowed under this section will not require a sign permit, nor require approval of the design review commission, but will require a determination by city staff. If the city staff determines that the proposed window signs are inappropriate and inconsistent with this ordinance, the staff may refer the window signs to the DRC for review and approval. Window signs will be subject to inspection by the building department's sign inspector and all other provisions of the City of Bartlett Sign Ordinance. (Ord. #91-3, June 1991 as amended by Ord. #13-01, March 2013)

14-432. Billboards prohibited—exception. Billboards are absolutely prohibited as off-premises signs provided however, billboards which constitute the primary and nonconforming use of property as provided in § 14-428 hereof shall be permitted to remain subject to the limited review in § 14-428. (Ord. #79-10, May 1979)

14-433. Street number signs permitted. In addition to whatever sign allotment is available to an occupant said occupant shall be additionally entitled to display a street number, provided however, said street number shall not exceed one and one half (1½) square feet of face area. (Ord. #79-10, May 1979)

14-434. Grand opening signs and closing signs permitted. Notwithstanding other provisions of this chapter, a newly established or relocated commercial business, in addition to the hereinafter specified sign allotment, may, for a period of twenty (20) days, display a grand opening sign or banner on the storefront elevation of the business not to exceed a face area of thirty-two (32) square feet, and further subject to the general requirements of this chapter. Also, an established business may have a one (1) time closing sign (going out of business) for a period of thirty (30) days not to exceed thirty-two (32) square feet and mounted on the inside surface of the window. Further, temporary uses permitted by the zoning ordinance but not otherwise provided for herein may have a sign meeting these requirements. In any case, no opening or closing ground mounted signs will be permitted. Opening and

closing signs and banners and other temporary signs described herein will be approved by the building official and will not be reviewed by the design review commission. A one (1) time extension, for up to thirty (30) days for the display of a grand opening sign or banner may be approved at the discretion of the building official, if an application for permanent signage has been submitted for review by the design review commission. (Ord. #79-10, May 1979, Ord. #85-22, § 5, Oct. 1985, as amended by Ord. #91-5, June 1991, Ord. #95-13, Sept. 1995, and Ord. #01-17, Nov. 2001, modified, and replaced by Ord. #10-01, March 2010)

14-435. Special provisions for service stations. A service station which is solely engaged in the retail distribution of petroleum and petroleum products in addition to the sign allotment hereinafter provided shall be further entitled to the following additional signs:

(1) One (1) permanent price sign per street front said sign not to exceed four (4) square feet in face area, and located upon the pump island nearest to said street or upon the face of the station building or canopy.

(2) Gas branding signs shall be permitted on the gas pumps not to exceed four (4) square feet. Advertising shall also be permitted on the pumps not to exceed two (2) square feet.

(3) Signs displaying the federal and state stamps, octane ratings, pump use directions, no smoking signs and other signs as required by federal, state and local authorities provided that the accumulated total square footage of same shall not exceed two (2) square feet per pump island.

(4) Electronic changeable gas price signs shall be allowed at locations selling gasoline and diesel automobile fuel. The size, color and location of these signs are subject to the approval of the design review commission.

(5) All signs permitted under § 14-435 and other signs required by state and federal law provided same are of size no greater than the minimum requirements of said law and for design, size and lighting shall be approved by the design review commission, director of planning or duly authorized representative. (Ord. #79-10, May 1979, as amended by Ord. #85-22, Oct. 1985, and Ord. #13-01, March 2013)

14-436. Historical markers permitted. The City of Bartlett exclusively upon the affirmative vote of two-thirds (2/3) of the entire board shall be permitted to erect historical markers provided same are attractively designed and safely located. (Ord. #79-10, May 1979)

14-437. Street signs and public service signs permitted. Signs erected by the City of Bartlett to identify the streets or provide direction to public services and/or buildings shall be permitted. (Ord. #79-10, May 1979, as amended by Ord. #85-22, Oct. 1985, and Ord. #13-01, March 2013)

14-438. Directional signs in complexes permitted. Every commercial complex shall be permitted upon the approval of the design review commission to erect certain directional control signs in parking areas or at entrances and exits provided that said directional signs do not exceed two (2) square feet in face area and are set back no less than ten (10) feet from the curb or street right-of-way and do not exceed in height five (5) feet, provided however, this section shall not be interpreted to prohibit directional signs applied to the driving surface itself subject to the approval of the design review commission, director of planning or duly authorized representative. The design review commission may approve larger directional signs if they determine that the directional signage is appropriate and in keeping with the scale of the building. (Ord. #79-10, May 1979, as amended by Ord. #85-22, Oct. 1985, and Ord. #13-01, March 2013)

14-439. Club and organization identification signs prohibited. Non profit organizations, clubs and/or service organizations shall be bound by the same standards and regulations as hereinafter provided for commercial areas and no off premises signs shall be permitted; provided however, the City of Bartlett may erect sign supports at the major entrances to the city for the display of said non-profit organizations, clubs and service organizations subject to the approval of the design review commission, director of planning or duly authorized representative. (Ord. #79-10, May 1979, as amended by Ord. #13-01, March 2013)

14-440. Construction and real estate signs. (1) Construction signs.

(a) During the course of physical construction of any commercial, office institutional or industrial building, under a valid building permit issued by the City of Bartlett, a ground sign not to exceed thirty-two (32) square feet shall be permitted; provided, however, said construction signs shall be of height no greater than eight (8) feet. The sign shall be located on the physical property for which the building permit is issued, and located no less than thirty (30) feet from the curb or street right-of-way; provided, further, construction signs must obtain approval from the design review commission, director of planning or duly authorized representative and a temporary sign permit before erection of said sign.

(b) In addition to the foregoing, during the construction of any residential structure, a ground sign not to exceed six (6) square feet in sign area and of height no greater than three (3) feet shall be permitted and shall meet the other requirements of this chapter.

(2) Real estate signs. (a) One (1) ground sign or wall sign advertising the sale or lease of real estate shall be permitted upon the physical property for sale or lease, provided said signs do not exceed dimensions of:

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(i) Two (2) feet by three (3) feet (total maximum square footage of six (6) square feet, with a maximum of two (2) sides on a single plane of material) in a limited occupancy residential district; or

(ii) Twenty (20) square feet (both sides if used for copy calculated in said allotment) in all other districts.

(b) Further the maximum height of said sign shall be:

(i) Three (3) feet in residential districts and

(ii) Five (5) feet in all other districts.

(c) Said signs shall be set back no less than fifteen (15) feet from the face of curb or street right-of-way.

(d) Non-residential real estate signs shall be approved by the building official as temporary signs and a sign permit issued. Signs are to be reviewed and renewed every six (6) months.

(3) Time limits for construction and real estate signs. All construction signs and real estate signs, except off-premises subdivision directional signs under § 14-442, shall be permitted without prior approval by the design review commission and shall be permitted to stand for a period not to exceed ninety (90) days without formal approval of the design review commission, except for construction in a commercial or office district, which construction signs shall be permitted to stand no longer than the period during which construction is physically in progress under a valid building permit.

(4) Flags/banners. Well maintained flags and/or banners attached to flag poles shall be allowed at model home/sales office sites, which are to be staffed at least forty (40) hours per week and located within residential subdivisions.

The number of flags and/or banners allowed shall be limited to one (1) for each fifteen (15) feet of lot width at the curb, but in no case shall it exceed six (6) per lot.

Placement of the flags and/or banners shall be allowed across the front yard or, front yards on corner lots, and may be placed in one (1) or more rows or in a cluster.

The height of the flag/banner pole shall not exceed fourteen (14) feet from ground level and must be located a minimum twelve (12) feet and a minimum of two (2) feet from the interior edge of the sidewalk.

Pennants, balloons, streamers or other attention attracting devices are not permitted.

(5) Signage. One (1) professionally built, properly maintained thirty-two (32) square feet maximum area sign, showing the builder's name and logo, the hours of operation and contact information on one or both sides shall be allowed at model home sites. The area around the sign shall be landscaped with evergreen shrubs or seasonal plants to form a landscaped base for the sign. Sign location must be a minimum of fifteen (15) feet from the curb, generally centered on the street frontage of the addressed property; maximum height ten (10) feet.

(6) Lighting. Lighting of the sign shall be allowed at model home sites so that prospective homebuyers can obtain the information at night. For security purposes, low-intensity lighting of the house is also allowed.

(7) Permit required. Builders shall be required to submit drawings of the model home lot, the flags and or banners, the signage and the sign's landscaping plan to the building official who will have the authority to issue a permit.

(8) Builder's pre-sale or custom construction sign. In lieu of the permitted 2' x 3' realtor sign and the 2' x 3' construction sign, there may be placed a sign, maximum area of twelve (12) square feet and maximum height eight (8) feet, identifying the builder and the sale of the house or the builder and nature of the custom construction of the house. This sign must be removed at the time the property is issued a use and occupancy permit. This sign must be located a minimum of fifteen (15) feet back from the curb. (Ord. #79-10, May 1979, as amended by Ord. #87-18, Feb. 1988, Ord. #91-3, June 1991, Ord. #91-5, June 1991, Ord. #95-13, Sept. 1995, Ord. #00-03, March 2000, Ord. #06-17, Aug. 2006, Ord. #07-12, Sept. 2007, and Ord. #13-01, March 2013)

14-441. Subdivision identification signs permitted. In limited occupancy residential districts of a subdivision, as defined by a formally filed and duly recorded subdivision plat, there shall be permitted no more than two (2) subdivision identification signs at the subdivision entrance on every major connector street entering said subdivision, provided that said subdivision identification signs are permanent and approved ground signs and contain only the name of the subdivision, do not exceed twenty-five (25) square feet in sign area and are set back no less than twenty (20) feet from the face of curb or street right-of-way. The height of said subdivision identification sign shall not exceed six (6) feet. However, in the event the developer or builder has elected or shall elect to utilize a fence, pillars, post or other ornamental or decorative structure which is commonly known as a "subdivision entrance," then all subdivision identification signs must be exclusively located on such structures rather than ground signs, and such signs must comply with § 14-469 of this chapter, and shall not exceed twenty-five (25) square feet in sign area per sign.

Subdivision entrance features such as fences, signs, structures and landscaping are permitted on common open space, designated on the subdivision final plat, and for which a homeowner's association is responsible for ownership and maintenance of said sign, structure and features. Such fences, signs, structures and landscaping are subject to approval by the design review commission.

A subdivision identification sign may also be placed on a corner lot with administrative approval if the following criteria are met:

(1) The sign will be constructed of durable structural and exterior materials. These will be cast concrete, brick or stone.

(2) The sign will be located on a corner lot with a location and an access/maintenance easement approved by the city engineer.

(3) The sign may be placed, with the property owner's permission, on a lot in an older established neighborhood or may be part of a new subdivision approval where there will be no Home Owners Association (HOA) or Common Open Space (COS).

(4) The sign will have three (3) basic parts; the footing, the body and a cap. The actual nameplate will be placed within the area of the body portion of the structure.

(5) The body portion will have a maximum face area of twenty-five (25) square feet. The maximum height of the sign structure will be six (6) feet.

(6) The neighborhood identification sign plate may occupy up to fifty percent (50%) of the face area of the structure. This plate will be a cast concrete panel.

(7) The sign becomes the property of the City of Bartlett, after a one time maintenance fee is paid.

(8) Yard maintenance, including the city easement, is the responsibility of the property owner. (Ord. #91-3, June 1991, as amended by Ord. #07-13, Sept. 2007))

14-442. Temporary subdivision signs permitted. While a formally recorded subdivision, approved on a plat of record, is under physical construction there shall be permitted two (2) temporary off-premise signs of no more than sixteen (16) square feet per side, and a height of no more than six (6) feet. The sign content may include, but not be limited to the subdivision name, directions to the location, price and builder(s) name. The sign shall consist of a single plank, both sides of which could display content, and must have a professional, finished appearance. The developer must pull a temporary sign permit, which should be renewable annually at the discretion of the building official. One (1) on-premise sign is allowed at each major entrance with a maximum of two (2) on-premise signs per subdivision. The on-premise signs may be no more than thirty-two (32) square feet per side and a maximum height of nine (9) feet with the same requirements as off-premise signs. (Ord. #91-3, June 1991, as amended by Ord. #08-14, Jan. 2009)

14-443. Identification signs in multi-family districts permitted. All multi-family projects, either apartments or condominiums, may display one (1) externally lighted ground sign for identification at each of its entrances, not to exceed two (2) signs regardless of the number of entrances. Said signs shall not exceed twenty-five (25) square feet in face area, may be double faced, shall not exceed six (6) feet in height, shall be placed no less than forty (40) feet from any adjacent property line and shall be no less than fifteen (15) feet from the curb or street right-of-way and meet all landscaping requirements.

(Ord. #79-10, May 1979, as amended by Ord. #91-5, June 1991, and Ord. #95-13, Sept. 1995)

14-444. Residential shielding required. All residential districts, limited occupancy and/or multi-family, shall be protected from sign display or lighting incident thereto so as to prevent as much as possible the visible encroachment of same upon the residences in said areas, and it shall be the right and obligation of the design review commission, director of planning or duly authorized representative to accommodate same in the course of review and approval. (Ord. #79-10, May 1979, as amended by Ord. #13-01, March 2013)

14-445. Signs of non-profit organizations restricted. Churches, schools, clubs, and non-profit organizations generally shall be subject to the same restrictions as provided for offices and commercial businesses. However, churches and schools may use changeable copy signs in accordance with § 14-408 of this chapter. (Ord. #91-3, June 1991)

14-446. Private sale sign permitted. In residential districts, one (1) private sale sign is permitted, provided that said sign is a ground sign upon the premises where the sale is conducted, of square footage not to exceed three (3) feet, and subject to the general requirements of this chapter, and set back from the curb or street right-of-way no less than fifteen (15) feet, and shall be permitted for no longer than five (5) days. One (1) off-premises sign will be permitted for a period not to exceed two (2) days. The building official may remove and dispose of any off-premises sign remaining more than two (2) days or creating a traffic hazard. (Ord. #91-3, June 1991)

14-447. Wall sign requirements generally. (1) All wall signs permitted by this section shall be permanently affixed to the wall of the structure upon which the front footage is calculated under § 14-401(22) whose premises it exerts; provided

(2) With approval of the design review commission, director of planning or duly authorized representative, a wall sign may be affixed to a side wall or a rear wall, but the permitting of such shall not act to increase either the allowed square footage nor the number of signs allowed, nor shall the manner of calculating the allowable square footage be affected.

(3) All wall signs shall be mounted with the face parallel to the plane of the structure wall upon which it is mounted and the face of the sign shall not extend more than eighteen (18) inches from said building wall upon which it is mounted, said mounting to be approved by the design review commission, director of planning or duly authorized representative upon the review and recommendation of the building department. (Ord. #80-11, May 1980, as amended by Ord. #13-01, March 2013)

14-448. Signs permitted in a commercial and office district.

(1) Signs for commercial enterprise buildings with one hundred feet (100') or less building frontage and within one hundred feet (100') of the street right-of-way. Every business establishment, retailer, service organization or other commercial enterprise specifically located in a commercial or office district shall be entitled to no more than two (2) signs of total accumulated square footage not to exceed one (1) square foot of sign for every foot of building footage. They may have either two (2) wall signs or one (1) wall sign and a ground sign, where permitted, that do not exceed one hundred (100) square feet of total sign area.

Provided however, that commercial enterprises on a corner lot may have two (2) business identification wall signs and a ground sign. The size of the wall signs shall be based on one (1) square foot for every lineal foot of building frontage facing a street, less the area of the ground sign on that side of the building. The total square footage of signage for the building and ground signs may exceed one hundred (100) square feet, but the square footage of the wall sign and ground sign combined on each side of the building may not exceed one hundred (100) square feet.

These signs are subject to the following restrictions:

(a) Notwithstanding the building footage the minimum square footage sign allotment shall be thirty (30) square feet.

(b) Notwithstanding the building front footage the maximum square footage of total signs shall not exceed one hundred (100) square feet, except as provided above for corner lots.

(c) The allotted square footage must be displayed on wall signs or wall signs and a ground sign or permanent window sign.

(d) If a wall sign is selected it shall not be mounted higher than the roof line and must be physically located on the premises of the building whose enterprise it exhorts.

(e) Multi-tenant buildings are not restricted as to number of signs permitted. However, the allotment of one (1) square foot of sign area for each linear foot of tenant frontage applies.

(f) There shall be no roof-mounted signs.

(g) All such signs are otherwise subject to the design review commission, director of planning or duly authorized representative for approval, permit, inspection, and the general provisions of this chapter.

(2) Signs for commercial enterprise buildings with greater than one hundred (100) lineal feet of building frontage and setback more than one hundred feet (100') from the street right-of-way. Every business establishment, retailer, service organization or other commercial enterprise specifically located in a commercial or office district shall be entitled to signs as provided below:

Total sign area:

(a) All buildings with greater than one hundred (100) lineal feet (lf) in frontage shall be allowed a total of one hundred (100) square feet

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in sign area for the first one hundred lineal feet (100 lf) of building frontage. In addition they shall be allowed additional square footage based on the following sign area chart:

SIGN AREA CHART		
Distance from right-of-way	Sign area calculation	Maximum sign area
Within 100'	1 sq. ft for every 1 lf. of the first 100' of building frontage	100 sq. ft.
101' to 249'	1 sq. ft for every 1 lf. of the first 100' of building frontage plus 0.25 sq. ft. for every 1 lf. of building frontage greater than 100'	200 sq. ft.
250' to 499'	1 sq. ft for every 1 lf. of the first 100' of building frontage plus 0.5 sq. ft. for every 1 lf. of building frontage greater than 100'	300 sq. ft.
500' to 749'	1 sq. ft for every 1 lf. of the first 100' of building frontage plus 0.75 sq. ft. for every 1 lf. of building frontage greater than 100'	400 sq. ft.
Greater than 750'	1 sq. ft for every 1 lf. of the first 100' of building frontage plus 1 sq. ft. for every 1 lf. of building frontage greater than 100'	500 sq. ft.

(b) The allotted square footage may be displayed on a wall sign or a combination of wall signs and a ground sign.

(c) If a wall sign is selected it shall not be mounted higher than the roof line and must be physically located on the premises of the building whose enterprise it exhorts.

(d) There may be a maximum of one (1) wall sign for each one hundred feet (100') of building frontage.

(e) The maximum size for any one (1) wall sign shall be the greater of three hundred (300) square feet or sixty percent (60%) of the total wall signage allotment permitted, whichever is greater.

(f) Multi-tenant buildings are not restricted as to number of signs permitted. However, the allotment of one (1) square foot of sign

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area for each linear foot of tenant frontage applies, subject to the above chart.

(g) There shall be no roof-mounted signs.

(h) All such signs are otherwise subject to the design review commission approval, permit, inspection, and the general provisions of this chapter. (Ord. #79-10, May 1979, as amended by Ord. #87-18, Feb. 1988, and Ord. #13-01, March 2013)

14-449. Entrance sign for commercial, industrial or office complexes. In addition to any other signs allowed under the terms of this chapter, any commercial, industrial or office complex which qualifies to have a directory or project identification sign but does not desire to utilize a directory or project identification sign as permitted by § 14-451 of this chapter, may display, subject to approval by the design review commission, director of planning or duly authorized representative, complex identification signs at its main entrance, or main entrances, if said complex has frontage and entrances on two (2) major streets, in accordance with the following restrictions:

(1) If single face ground signs, then no larger than twenty-five (25) square feet.

(2) Any ground signs approved must comply with § 14-465 (ground sign restrictions), except that it shall have only a single face.

(3) In lieu of single face ground signs, a sign which does not exceed twenty-five (25) square feet and meets the requirements of § 14-465 of this chapter may be approved.

(4) Any sign approved under the provisions of this section shall exclusively contain the name of the complex it identifies, together with the street number or numbers if desired, and shall not contain tenant information or advertising copy.

(5) No more than two (2) signs for each main entrance may be approved. One (1) sign must be placed on either side of said entrance, and two (2) entrances on the same street will not qualify the complex for additional signs. (Ord. #91-3, June 1991, as amended by Ord. #13-01, March 2013)

14-450. Theater marquee signs. (1) Any theater which is engaged in the business of showing motion pictures shall, if it has more than four (4) screens, be entitled to, in addition to any other signs it may be allowed, a sign which complies with § 14-465 (project sign) as to size, height and setback, except that the name of the project and the titles of movies shall be submitted for the names of the businesses or occupants and shall be changeable copy type signs and must comply with § 14-408 of this chapter.

(2) Any theater which has four (4) or fewer screens shall be allowed an additional ground sign which must comply with § 14-465 of this chapter and which may also have the changeable copy feature.

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(3) All signs allowed under or in accordance with this section shall be used exclusively to display the name of theaters and movie titles. (Ord. #91-3, June 1991)

14-451. Directory and project identification signs. In a project or development wherein five (5) or more businesses, tenants or occupants are contained, with individual street frontage, a common parking lot a total square footage of at least ten thousand (10,000) square feet in said project, there shall be permitted, in addition to the allotted square footage heretofore recited, a ground sign on each major road frontage, subject to the following restrictions:

(1) The directory or project sign shall be set back no less than twenty (20) feet from the curb or street right-of-way, however, with the approval of the design review commission, set-back may be reduced to ten (10) feet if the required twenty (20) foot setback creates a hardship as to parking or visibility of sign.

(2) The height of said directory or project sign shall be determined as shown below, but in no instance shall it exceed twenty (20) feet, regardless of the number of occupants.

SQUARE FEET IN CENTER	MAXIMUM PROJECT SIGN HEIGHT
10,000 - 24,999	6 feet
25,000 - 99,999	10 feet
100,000 and over	20 feet

(3) The maximum width of said project sign shall be no more than ten (10) feet, and maximum height no more than twenty (20) feet. The design review commission reserves the right to approve the architectural details of the sign structure, as well as the copy area of the sign itself.

(4) Said signs may be internally lighted, but only with the white lighting of intensity and focus not to infringe upon neighboring properties or street traffic.

(5) The area between the bottom of the face of the project sign shall be of solid construction and shall not be landscaping or shrubbery and shall have a brick or decorative stone base.

(6) The name of the center itself must exclusively be located upon the top of the project or directory sign, said name designation to be the same width as the overall sign and of vertical height no more than five (5) feet.

(7) The collective square footage of tenant signage shall not exceed one hundred twenty (120) square feet. No single tenant shall be allowed more than twenty-five (25) square feet of sign area. The allotment of tenant signage and sign size up to the maximum area herein described, is the responsibility of the property owner or his designated agent.

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(8) After initial approval of the directory sign, changes of names or copy on the tenant signs may be made upon approval by the building official without appearing before the design review commission.

(9) All project and directory signs shall be ground signs, and the face of said sign shall be located not more than three (3) feet and not less than two (2) feet from the surrounding grade, and the face shall be rectangular in shape; it is specifically prohibited to have spaces or gaps between occupant signs and the center designation signs.

(10) The design review commission shall be required to approve all project and/or directory signs prior to installation, and the same are further subject to the general requirements of this section. (Ord. #79-10, May 1979, as amended by Ord. #80-6, May 1980, Ord. #85-22, Oct. 1985, and Ord. #95-13, Sept. 1995)

14-452. Signs permitted in other districts. In districts other than those hereinbefore defined as residential limited occupancy, residential multi-occupancy, office and commercial districts, signs shall be permitted no more comprehensive than those permitted in the district which in the discretion of the design review commission most closely approximates the additional classification; provided, however, the design review commission upon thorough review of the proposed sign in said district shall refer same along with its accompanying recommendation of the board of mayor and aldermen for final approval and with a proposal for terms of amendment to the sign ordinance to accommodate the unaddressed use classification. (Ord. #79-10, May 1979)

14-453. Applications. (1) The application for sign approval and check list shall include the submission requirements and all appropriate fees. These requirements may be changed from time to time and the sign permit applications and check list shall be revised accordingly.

(2) No application shall be brought before the design review commission without a completed checklist attached to the application and the required sign application fee.

(3) (a) All new multi-tenant commercial or office complexes shall submit to the design review commission a sign policy for future wall tenant signage. This may be submitted with or without a site plan application but must be submitted prior to the application for tenant signage. All sign policy proposals shall follow the sign policy guidelines. Upon the approval of the sign policy, the planning director or designee will have the authority to approve tenant signage or forward the sign application to the design review commission. All tenant signage must have the landlord's or leasing agent's approval with the sign application.

(b) Sign policy guidelines. (i) Elevation sketch or elevation plan shall indicate where signs are to be located on the building, windows, or doors etc.;

- (ii) Maximum sign cabinet height or letter height;
- (iii) Maximum sign area;
- (iv) Typography;
- (v) A statement of permitted use of national or regional chain store typography or logo;
- (vi) Materials (aluminum thickness);
- (vii) Lighting (neon type, color and size, LED, fluorescent tube with UL standards, etc.);
- (viii) Colors (PMS numbers); and
- (ix) Installation and mounting materials.

(4) A tenant/owner representative shall be encouraged to attend the design review commission meeting with the sign company representative. (Ord. #79-10, May 1979, as amended by Ord. #85-22, Oct. 1985, Ord. #95-13, Sept. 1995, Ord. #00-03, March 2000, Ord. #09-06, March 2009, and Ord. #13-01, March 2013)

14-454. Scope of authority. The design review commission,¹ director of planning or duly authorized representative shall not have the authority to alter or amend the sign ordinance nor to approve a sign not in conformity herewith and is directed to cooperate with the building official in the enforcement of same, including but not limited to the following functions:

(1) The design review commission, director of planning or duly authorized representative, upon approving a sign, shall forward the application to the building official with approval noted thereon.

(2) The design review commission, director of planning or duly authorized representative may take other action within its authority to insure safety, eliminate hazards, eliminate encroachment upon public streets and property and encroachment upon adjoining land or uses.

(3) The design review commission, director of planning or duly authorized representative, while it may not approve signs in violation of this chapter, said design review commission, director of planning or duly authorized representative has the specific and general authority to refuse approval of signs, otherwise in compliance with this chapter, which because of unsafe location, unsafe construction, distracting design, insufficient structure and/or encroachment upon surrounding property, violate the spirit of this chapter, which is dedicated to the safety and public welfare of all citizens and businesses in the City of Bartlett.

(4) The Building Official of the City of Bartlett shall have the authority to approve the moving of a sign from one address or location to another address or location within the same shopping center, provided the sign is not altered or

¹Municipal code reference

Design review commission: title 2, chapter 1.

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changed as to its design or size when it is moved, and continues to advertise or identify the same business.

(5) The building official shall also have the authority to approve a change in or to the copy only of a sign, if the sign is to remain at the same location and continues to advertise or identify the same business as long as the design or size is not changed. (Ord. #79-10, May 1979, as amended by Ord. #91-5, June 1991, Ord. #95-13, Sept. 1995, and Ord. #13-01, March 2013)

14-455. Permit fees required. Every owner, erector or other applicant for a sign permit shall, with this application, submit a sign application fee. Once approved a sign permit fee will be required. Signs will be inspected annually and an annual sign inspection fee will be collected. These fees shall be established and may be changed as needed by resolution. (Ord. #79-10, May 1979, as amended by Ord. #85-22, Oct. 1985, Ord. #95-13, Sept. 1995, and Ord. #13-01, March 2013)

14-456. Sign permit restrictive. A sign permit shall exclusively warrant and permit the erection of the sign of type, construction, color, lighting, layout and design as specifically approved by the design review commission, director of planning or duly authorized representative and if the final erection varies in any respect from the approved design or location, the same shall be considered an illegal sign. Further, should the sign specified under an application not be erected within a period of six (6) months then the permit is rendered null and void requiring renewed application and review by the design review commission, director of planning or duly authorized representative to consider the permit in view of changed circumstances. (Ord. #79-10, May 1979, as amended by Ord. #13-01, March 2013)

14-457. Enforcement--building official designated. The building official is hereby authorized and directed to enforce all of the provisions of this chapter. Upon presentation of proper credentials the building official or his duly authorized representative shall be permitted by the owner or occupant to enter at reasonable times any building, structure or premises in the City of Bartlett to perform any duty imposed upon him by this chapter. (Ord. #79-10, May 1979)

14-458. Appeal from decision of the building official. Any persons aggrieved by any decision or order of the building official, director of planning or duly authorized representative with regard to this sign ordinance may appeal, within a period not to exceed ten (10) days from said action, to the design review commission by serving written notice to the building official, director of planning or duly authorized representative who, in turn, shall immediately transmit the notice to the design review commission which shall meet to hear said appeal within forty-five (45) days thereafter. (Ord. #79-10, May 1979, as amended by Ord. #95-13, Sept. 1995, and Ord. #13-01, March 2013)

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14-459. Appeal from decision of the design review commission.¹

The decision of the design review commission may be appealed directly to the board of mayor and aldermen upon written notice of appeal to the board within five (5) days of said action. This appeal shall be heard at a regularly scheduled meeting of the board of mayor and aldermen. The board of mayor and aldermen may accept, reject or modify the action of the design review commission. Any action on an appeal from the design review commission shall require a minimum of four (4) affirmative votes of the board of mayor and aldermen and in the absence thereof the action of the design review commission shall become final and binding. (Ord. #79-10, May 1979)

14-460. Notice to remove illegal sign. In addition to the other rights and privileges created hereby, the building official, upon determining that a sign, sign structure or appurtenance thereto, is in violation of the sign ordinance, may, in addition to other penalties, deliver notice to the owner and/or occupant to remove same within ten (10) days, and upon noncompliance, the building official may cause to be issued summons by the clerk of the city court, citing the violator to appear and answer the charge of violation before the Bartlett City Court, which finding may be appealed as any other conviction of the sign ordinance violations to the circuit court. (Ord. #79-10, May 1979, as amended by Ord. #91-3, June 1991)

14-461. Removal of unsafe structures. Upon notice by the chief building official to the owner or occupant of property upon which an illegal sign, or unsafe sign, unsafe sign structure or unsafe appurtenance thereto, is located, the said owner or occupant, within twenty-four (24) hours, shall remove same, or in the alternative with the leave of the mayor, the building official may remove same or provide for its removal immediately and the cost of said removal is to be borne by the owner and/or occupant. (Ord. #85-22, Oct. 1985)

14-462. Repair and/or replacement of signs. It shall be the obligation of the building official to maintain routine inspections upon all signs in the City of Bartlett, independently and/or upon the referral of the design review commission, to insure all signs are reasonably maintained, promptly repaired, remains in compliance with this chapter and still exhorts the business of the occupant. In the event that the building official determines that a sign is deficient as above recited he shall cause to be delivered a formal written notice to the owner and/or occupant directing the correction of the deficiency within ten (10) days.

¹Municipal code reference

Design review commission: title 2, chapter 1.

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Upon failure to properly correct the deficiency of said notice, within the time allotted, the sign shall be rendered an illegal sign subject to the enforcement provision as hereinabove provided. (Ord. #79-10, May 1979)

14-463. Provisions of federal and state law excepted. No provision of this chapter shall contravene by term or application any existing or later enacted statute or regulation of the federal or state governments and in the event of said conflict the provisions of state and/or federal regulations shall control and signs permitted by said statute may be erected in size, dimensions, set back and design at the minimum requirements of the state and/or federal law or regulation, and subject to the review and approval of the design review commission and upon reference to the city attorney upon his certification of the law to the commission. (Ord. #79-10, May 1979)

14-464. Conditions for ground sign exception. The design review commission, director of planning or duly authorized representative may at its discretion approve a ground sign as one of the two (2) signs (one (1) of three (3) signs for corner lots) allowed by this section, provided it shall not increase the number of signs allowed nor the amount of square footage and further subject to the following conditions:

(1) The enterprise of the owner or occupant is not located within a commercial complex and is thus not legally entitled to signage upon a project or directory sign; and

(2) The building or enterprise does contain but a single occupant; provided, however, subject to review of the design review commission, director of planning or duly authorized representative, the commission has the authority to approve ground signs for multiple occupancy buildings, where a strict application of this section would constitute an inequity, and provided no more than one (1) ground sign is permitted per building, and is not approved when a project or directory sign is used.

(3) The erection of a ground sign will not in any way create a safety hazard, encroach on adjoining properties or impede visibility nor constitute on the frontage such congestion with other signs so as to adversely affect traffic or belabor the identification of other services; and

(4) The owner or occupant has physical frontage upon the street whereon the ground sign is to be located.

(5) The ground sign and its specific location must receive the approval of the design review commission with regard to traffic visibility, ingress, egress, pedestrian visibility, and the propensity for safety hazards upon consideration of the existing businesses and the possibility of future occupancy at or near the location, the proximity to critical traffic point, school children traffic, traffic signals, or school crossings. (Ord. #80-9, May 1980, as amended by Ord. #85-22, Oct. 1985, and Ord. #13-01, March 2013)

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14-465. Ground sign restrictions.¹ Upon the review, approval and certification of the conditions for ground sign exception by the design review commission, director of planning or duly authorized representative, the owner or occupant may erect in place of a wall sign, provided it shall not increase the number of signs allowed, a ground sign subject to the following requirements:

(1) A ground sign and supporting structure shall not be over six (6) feet in overall height.

(2) A ground sign shall contain no more than twenty-five (25) square feet of sign surface on either of its faces and shall have no more than two (2) faces. The supporting structure is not included in the sign square footage calculation. Ground signs listing between two (2) and four (4) building occupants as provided under § 14-464(2) shall contain no more than thirty-two (32) square feet of sign surface on either of its faces and shall have no more than two (2) faces. In cases with multiple occupants, the sign faces shall be consistent in design and color.

(3) A ground sign shall be no less than ten feet (10') from the curb line, effective with the adoption of this section.²

(4) A ground sign shall be no less than fifteen feet (15') from any adjoining property, in use or vacant, or curb cut or ingress and egress to any other enterprise.

(5) A ground sign may be externally or internally lighted. Subject to the specific approval of same by the design review commission, director of planning or duly authorized representative. External lights shall not shine onto adjacent property or public streets so as to create a traffic hazard or public nuisance.

(6) The area between the bottom of the face of the ground sign shall be of solid construction and shall not be landscaping or shrubbery.

(7) The ground sign shall have a decorative or stone base.

(8) The accepted ground sign shall be landscaped for a distance of three feet (3') in all directions so as to protect the sign from vehicular traffic and inhibit pedestrian traffic in and about the sign, and if located in a parking area exposed to vehicular traffic shall have a six inch (6") solid curb on all sides exposed to such traffic.

(9) The location, size, and direction of said accepted ground sign shall be subject to review and approval of the design review commission, director of planning or duly authorized representative. (Ord. #87-18, Feb. 1988, as amended by Ord. #91-3, June 1991, Ord. #05-08, Oct. 2005, and Ord. #13-01, March 2013)

¹See Attachment C, Planting Screen for Ground Signs, located at the end of this chapter.

²The original ordinance is Ord. #87-18, Feb. 1988.

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14-466. Informational signs. (1) Any business, club, or other organization may, with approval of the design review commission, director of planning or duly authorized representative, in addition to any other signs allowed under this ordinance, erect informational signs upon demonstrating a valid need for such sign.

(2) An informational sign shall be defined as any sign designed exclusively to convey information to the general public in any commercial or business district or complex or residential district where signs are authorized.

(3) The design review commission shall specify the size and location of such signs and shall not approve as informational signs any sign where the request appears to be an attempt by a business or organization to obtain additional sign allowance as a means of calling attention to said business or organization. (Ord. #80-5, May 1980, as amended by Ord. #13-01, March 2013)

14-467. Signs erected on buildings not enclosed and heated. Notwithstanding the definition of front footage in § 14-401(22) a business may qualify for signage as outlined in § 14-448 under the following conditions:

(1) The building is an existing building or is approved by the planning commission and the design review commission.

(2) The business is operated under an unenclosed structure which is not enclosed and heated because of the nature of the business.

(3) The business is carried on solely in said open type building or structure; the structure being neither appurtenant to nor issued in conjunction with an enclosed structure.

(4) If more than one (1) structure is used, even though connected in some manner, sign allowance shall only be claimed or allowed on one (1) such structure, which shall be the principal structure on which the principal entrance to said business is located.

(5) Nothing in this section shall be construed to permit a business to claim sign allowance for porches, breezeways, awnings or other type overhead covers.

(6) All signs allowed under this section shall be subject to approval of the design review commission, director of planning or duly authorized representative and shall meet all other requirements of this chapter. (Ord. #80-8, May 1980, as amended by Ord. #13-01, March 2013)

14-468. Vending machine signs regulated. (1) Vending machines defined. A vending machine shall for the purpose of this section be defined as any device used to dispense goods or products by either mechanical or manual operation by coin.

(2) Unlighted vending machines. Any unlighted vending machine shall not be considered to be a sign as contemplated by this section provided, that the location of same must be submitted to the design review commission

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which may require shielding or enclosure if the number, size or location of same constitute an encroachment upon adjoining businesses or the public generally.

(3) Lighted vending machines. Any lighted vending machine shall not be considered to be a separate sign, but if visible to the public from any street located off the business premises, the lighted area of said machine shall be calculated in determining the amount of square footage allowed to said business even though the machine shall not be considered to be a separate sign. (Ord. #80-10, May 1980)

14-469. Signs on ornamental or decorative structures. (1) In addition to areas where signs may be placed as provided in this chapter, signs may also be placed in the following locations with approval of the design review commission.

- (a) Fences;
- (b) Pillars;
- (c) Posts; or

(d) Other ornamental or decorative structures either existing or which may in the future be approved by the planning commission and/or the design review commission.

(2) Any sign so approved must be mounted flat against the plane of said structure and shall extend away from said plane no more than six (6) inches, said mounting to be approved by the design review commission.

(3) Only external lighting may be utilized to light any sign approved under this section.

(4) Any sign approved under this section must meet all other requirements of this chapter, and shall not create a safety or health hazard to the general public. (Ord. #80-12, May 1980)

14-470. Signs for industrial park zoning. (1) Only three (3) signs per single tenant building shall be permitted, a ground sign and two (2) building signs. The ground sign shall not be more than one hundred (100) square feet in area, nor over ten (10) feet in height. The ground sign may be illuminated with industrial type spot lighting, back lighting, or internal lighting. Flashing or intermittent illumination is prohibited. The sign area for building (wall) signs shall be based upon the Sign Area Chart provided in § 14-448 above.

(2) On multi-tenant buildings, wall signs shall be permitted based on square footage not to exceed one (1) square foot of sign for every linear foot of building frontage occupied by the business or enterprise, subject to the following restrictions:

- (a) No business or enterprise shall have more than one (1) sign.
- (b) Notwithstanding the amount of building frontage, each business shall be allowed a minimum sign allotment of thirty (30) square feet.

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(c) The allotted sign footage must be displayed on a wall or permanent window sign.

(d) If a wall sign is selected it shall not be mounted higher than the roof line; and must be located on the premises of the enterprise it exhorts.

(e) No sign shall be a roof mounted sign, and must comply with § 14-401(44).

(3) In addition to the wall signs permitted in the preceding subsection, a multi-tenant building owner shall be entitled to a ground sign, which shall exclusively be used to identify the building and shall contain no tenant identification or advertising copy. The owner shall be entitled to a minimum of twenty-five (25) square feet of sign surface and a maximum of one hundred (100) square feet of sign surface, based on the total square feet contained in the building, one (1) square foot being allowed for every one hundred (100) square feet of floor space and subject to the minimum and maximum hereinbefore stated.

(4) Ground signs approved under the authority of this section must also comply with the requirements established for other ground signs by §§ 14-464 and 14-465 of this chapter which are not in conflict with this section, except that the six (6) foot limitation on height may be exceeded on ground signs which are allowed in excess of twenty-five (25) square feet as directed by the design review commission, but shall not exceed ten (10) feet in height. (Ord. #91-3, June 1991, as amended by Ord. #13-01, March 2013)

14-471. Establishment of a special sign corridor. A special sign corridor is hereby established for those tracts of land of five (5) acres or more in the City of Bartlett located east of Fletcher Creek with road frontage on U.S. Highway 64 and along Germantown Parkway from Highway 64 north to a point 2,000' north of Highway 64, and having C-H, Highway Commercial Zoning. Each tract of land meeting these criteria shall be allowed a ground sign with a maximum area of two-hundred (200) square feet and a maximum height of twenty feet (20'), and a maximum width of ten feet (10'). Setback, lighting, landscaping, and base material requirements are set forth in § 14-465 of this chapter. Wall or building signs shall be controlled by § 14-464 above.

14-472. Signs for motor vehicle sales. Motor vehicle sale businesses located within the special sign corridor and containing five (5) or more acres are permitted to have signage in accordance with § 14-471 above. In addition, such businesses shall be allowed to provide additional signage as follows:

Ground signs: Motor vehicle sales businesses shall be allowed to have a ground sign for each three hundred (300) lineal feet of street frontage. If this business is located on a corner lot, it shall be permitted to have an additional ground sign on the secondary street, provided that there is three hundred feet (300') of street frontage on that street. The primary

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ground sign may have a maximum area of two-hundred (200) square feet, a maximum height of twenty feet (20'), and a maximum width of ten feet (10'), each additional ground sign may have a maximum area of fifty (50) square feet, and a maximum height of fifteen feet (15'), and a maximum width of ten feet (10').

Wall Signs: Wall or building signs shall be controlled by § 14-448 above, provided however that the number of wall signs may be increased to include a sign for each major brand (Ford, Chevrolet, Dodge, Toyota, Honda etc.) of new motor vehicle sold on the premises. An addition wall sign may be provided for used cars sold on the premises. The wall sign area for all signs shall conform to the requirements of § 14-471.

All signs allowed under §§ 14-471 and 14-472 shall be subject to approval of the design review commission, director of planning or duly authorized representative and shall meet all other requirements of this chapter.

14-473. Signs for the Bartlett Station area. The provisions herein shall be applicable within the boundaries of Bartlett Station as determined by the board of mayor and aldermen.

These provisions shall supplement and, where in conflict, supersede the provisions of the sign ordinance. Except as otherwise provided, signs that are in compliance with these provisions still are subject to approval under the broader criteria of the design review commission.

(1) Elements in common. (a) To help create a common identity for the diverse parts of Bartlett Station, signage, awnings, and canopies throughout the area may be required to have elements in common. These may take the form of a logo, colors, a shape, or other features, used

- (i) As part of principal signs; or
- (ii) Elsewhere on the facades; or
- (iii) In the common signage (e.g., directory signs) located around the area.

Such elements in common may be required by the design review commission where the buildings or tenant spaces on which the signs, awnings, and canopies are placed are adjoining or are on adjoining lots, front on a common parking area, or front on the same block.

(b) Common elements shall be in accordance with adopted guidelines, if any, of the Bartlett Station Commission.

(2) Design emphasis. Emphasis under these provisions shall be on signage, awnings, and canopies as an integral part of the design of a site and building. Existing criteria for approval shall be supplemented with the following criteria that further define acceptable design parameters:

- (a) A sign, awning, or canopy shall fit into the facade so that it appears to have been designed as part of it and does not obscure or conflict with architectural elements.

(b) Colors and details of a sign, awning, or canopy shall be compatible and consistent with colors and architectural details of the facade on which it is mounted or from which it extends.

(c) Except where exceptional design permits otherwise, lighter-color lettering on a darker background shall be used, as it is easier to read and emphasizes the message; and the darker background is less distracting when illuminated.

(d) Except where the need for elements in common is determined to be more important, unique sign designs are preferred that better identify and convey information about a particular business, typically through incorporating into the sign, in addition to the name of the business, such features as:

- (i) Illustrations;
- (ii) Three-dimensional elements (objects, shapes, lettering);
- (iii) Logos;
- (iv) Unusual lettering; or
- (v) Shapes other than or in addition to a simple rectangle.

(3) Wall sign area. On small building frontages where the provisions in § 14-448 for a minimum thirty (30) square feet of wall sign area is applicable, another ten (10) square feet of sign area shall be permitted, for a total of at least forty (40) square feet per business.

The excess over thirty (30) square feet is solely for the purpose of accommodating a second permitted wall sign on the side or rear of the building. Neither sign may have an area of more than thirty (30) square feet, and total area of both signs shall not exceed forty (40) square feet.

(4) "Can" wall signs. A "can" type wall sign consists of a metal or other box mounted on a wall, containing a light source and having a translucent panel mounted on one (1) side of the box on which the business is identified. "Can"-type wall signs with internally illuminated backgrounds but opaque or nearly opaque lettering shall not be allowed. If wall signs are internally illuminated:

(a) The sign lettering and related elements shall be internally illuminated as well, not only the background; or

(b) Individual or raceway-mounted letters shall be used instead.

(5) Shingle signs. (a) General. One (1) shingle sign that extends horizontally from the wall of a building over walkways, including public sidewalks, may be permitted for each facade of a business that has a customer entrance, especially where buildings are close to a street or pedestrian path. The permitted area of a shingle sign shall be in addition to the wall sign area permitted in subsection (4).

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(b) Mounting. Because of the potential hazard of a shingle sign falling on a walkway, mounting of the sign shall be subject to requirements of the building official.

(c) Height and ground clearance. Height, not including support structure, shall not exceed twelve feet (12'). Ground clearance for any part of a shingle sign, including support structure, shall be at least eight feet (8').

(d) Illumination. Shingle signs may not be internally illuminated.

(e) Dimensions. A shingle sign shall be in the shape of an ellipse, with uniform dimensions for all such signs in the Bartlett Station area, such dimensions to be determined by the Bartlett Station Commission.

(f) Projection. A shingle sign shall not extend more than four and one-half feet (4 1/2") from the wall of the building.

(6) Directory signs. (a) Number of businesses. A directory sign shall be permitted for a group of two (2) or more businesses. Such a sign may be permitted for businesses that are not on the same lot but are on adjoining lots, provided the sign is on the lot of one of the businesses named on the sign.

(b) Setbacks. A directory sign shall be at least six feet (6') behind the curb line of a street and not on public right-of-way.

Such a sign shall be at least ten feet (10') from any side lot line, except where the name of the business across the lot line also is displayed on the sign.

(c) Sign area and height. (i) A directory sign that is at least fifty feet (50') from any side property line may have an area of up to twenty-five (25) square feet, not including supporting structure. Such a sign may have a height of up to six feet (6'), including supporting structure.

(ii) Where a directory sign is less than fifty feet (50') from a side lot line, the height and area of the sign shall be reduced in proportion to the reduction in setback; provided that no directory sign need be reduced below a height of three feet (3') or an area of six (6) square feet, provided it is placed the maximum distance from any side lot line.

(iii) Where businesses on adjoining lots are named on a directory sign, the combined lots shall be treated as one (1) lot for purposes of determining side setbacks under this provision.

(d) Shelby Street. Because properties along Shelby Street that are part of Bartlett Station have no visibility from Stage Road, one (1) off-premises directory sign shall be allowed on each side of Stage Road at the intersection with Shelby Street; provided that no such sign may be placed on public right-of-way.

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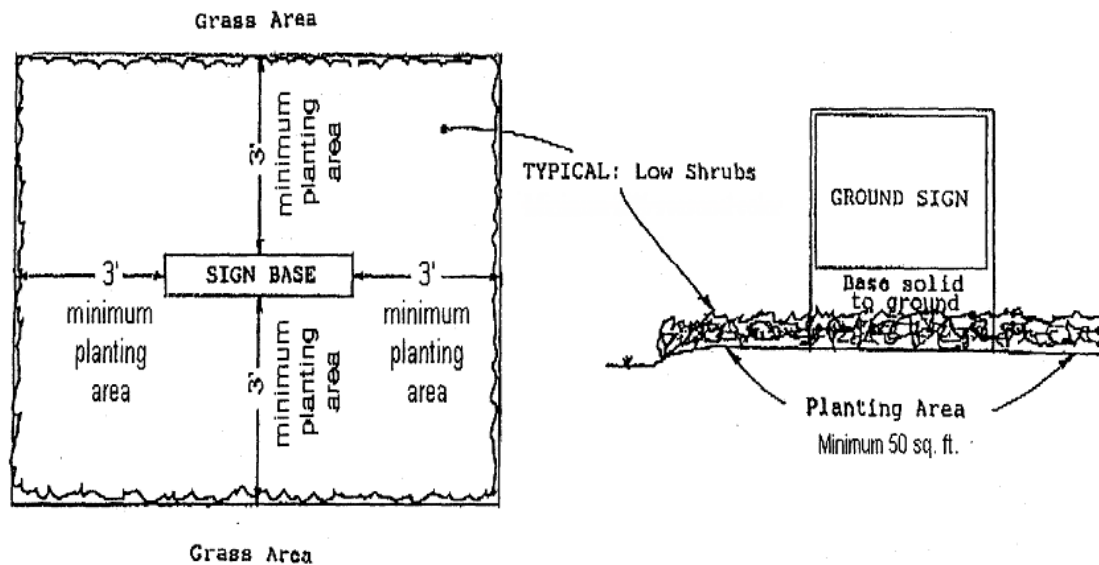
(7) Awnings, canopies. (a) Awnings and canopies on buildings and umbrellas on outdoor tables and vendor carts that are both decorative (adding color and architectural detail) and functional (providing shelter from weather for pedestrians and business patrons) shall be permitted.

(b) The director of code enforcement may require replacement of awnings that are torn, faded, or otherwise damaged.

14-474. Penalties. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than fifty dollars (\$50.00), each day's continuance of a violation constituting a separate offense. The owner of any sign, building or premises, or part thereof, where a sign in violation of this chapter shall be placed, or shall exist, and any person who may have assisted in the commission of any such violation shall be guilty as an accessory of the offense.

Attachment C Planting Screen for Ground Signs

[Sign Ordinance and Regulations, § 14-465, 'Ground Sign Restrictions,' Part 8: "The accepted ground sign shall be landscaped so as to protect the sign from vehicular traffic and inhibit pedestrian traffic in and about the sign, and if located in a parking area exposed to vehicular traffic shall have a six-inch (6") solid curb on all sides exposed to such traffic. Landscaping shall consist of a minimum planting area of fifty (50) square feet extending a minimum of three feet (3') from any edge of the sign. The use of plants that provide seasonal color is encouraged, but not required.]



Planting Screen for Ground Signs

CHAPTER 5
TREE ORDINANCE¹

¹Municipal code reference

The Bartlett Tree Ordinance, as enacted by Ord. #89-21, was replaced by Ord. #05-08, and is now in Article VI, § 23 of the Zoning Ordinance, Appendix A of this municipal code.

CHAPTER 6

TREE PROTECTION AND GRADING

SECTION

- 14-601. General requirements.
- 14-602. Submittal of written proposal.
- 14-603. Approval.
- 14-604. Right to appeal.
- 14-605. Violations.

14-601. General requirements. A permit shall be required for all grading, earthmoving, changing of elevation of property, or removal of fifteen (15) percent or more of live trees six (6) inches or greater in diameter at a point five (5) feet above the ground level with the following exception: construction on a parcel of land for an individual single-family homesite, accessory buildings or private drives. (Ord. #88-1, Feb. 1988)

14-602. Submittal of written proposal. (1) Permits for work covered by a development contract between the developer and the city may be obtained by complying with applicable regulations governing all development other than construction on a parcel of land for an individual single-family homesite, accessory buildings or private drives. Permits for all other work may be obtained after the submission to the planning commission of a written statement of the purpose of the work and a site plan which shall include:

(a) General location of all trees to be removed. On site plan applications for all construction other than single family, individual trees larger than six (6) inches in diameter shall be located and indicated by type. On subdivision plans, planned developments, and other plans involving large tracts of land, general area of tree coverage shall be located and the general type and size of trees indicated.

(b) The nature and extent of the proposed grading, earthmoving or change in elevation; and

(c) The applicant's plans for controlling on-site generated sedimentation, erosion and runoff.

(2) Any grading permit application shall be approved if it can be determined that:

(a) The grading plan, including tree removal, has been prepared and will be performed in accordance with good flood, erosion and sedimentation control practices and good forestry practices;

(b) The application provides for sufficient and timely replanting of trees to compensate for the removal of trees and foliage;

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(c) The applicant intends to complete development according to a time schedule or has taken steps to prevent any negative impacts resulting from the work proposed. (Ord. #88-1, Feb. 1988)

14-603. Approval. The planning commission shall review and approve or deny the application within thirty (30) days after the day same is submitted. In the event of denial of the application, the specific reasons for denial of same shall be set forth in writing and a copy of same shall be furnished to the applicant. (Ord. #88-1, Feb. 1988)

14-604. Right to appeal. Any dissatisfied applicant under this chapter shall appeal a denial of his application to the board of mayor and aldermen within ten (10) days after the date of the notice of denial and shall make written application to the board of mayor and aldermen to consider his application. (Ord. #88-1, Feb. 1988)

14-605. Violations. Any person violating any of the provisions of this chapter shall be guilty of an offense, an offense being defined as the clearing, grubbing and/or grading of land or the cutting of one (1) excess tree and a separate offense shall be deemed committed for each day of violation of this chapter. The foregoing provision relative to an offense shall not in any way prevent the City of Bartlett from seeking injunctive relief against a violator of this chapter, and the violation of this chapter shall be deemed a nuisance for injunctive relieve purposes. (Ord. #88-1, Feb. 1988)

**Board of Mayor and Aldermen**

6400 Stage Road
Bartlett, TN 38134

SCHEDULED**AGENDA ITEM**

Meeting: 08/23/22 06:00 PM
Department: Code Enforcement
Category: Special event permit
Prepared By: Valerie Brantley
Department Head: Jim Brown

Special event permit for Big Jim's Christmas Trees and Pumpkin Sales.



1jenkins@cityofBartlett.com
#0# 3016



APPLICATION FOR SPECIAL EVENT
OFFICE OF
BARTLETT CODE ENFORCEMENT
6382 STAGE ROAD
BARTLETT TN 38134
901-385-6425

6777 Stage Rd. 38134
Address Zip Code
9/21/22 - 12/21/22 9AM - 9PM
Dates of the Event Hours of the Event
Seasonal sales Christmas trees / Pumpkins
Type of Event (Fund Raiser, Seasonal, Tent Sale, Sidewalk Sale, Public Attraction)
Mark Boyd
Property Owner
Jimmy Wade
Special Event Permit Applicant
3607 Marietta Blvd.
Address of Applicant Bartlett TN 38134
(901) 568-0505
Phone Number Fax Number

Check all items that apply:

For information call (901) 385-6425.

- ☐ State of TN Business License, Shelby County Business License, Bartlett Business License (For Type 2 Events)
☒ Letter of Permission
☒ Insurance
☒ Tents (Fire Retardant letter included)
☒ Special Event Checklist
☒ Map
☒ Sign or Banner

\$60.00 Special Event Fee
\$4.00 Permit Issuing Fee
\$ 2% Credit Card Fee
\$ Total Permit Fee

James R. Wade 8/3/2022
Responsible Person Date

**** Notify building department 10 days prior to Special Event to be held unless it is a Public Attraction which requires approval from the Board of Mayor & Aldermen. ****

APPROVAL

This application is not a permit and grants no rights or privileges.

Special Event Checklist

Event: Sale of Christmas Tree Pumpkins
 Location: 6777 Stage Rd 38134
 Dates: 9/21/22 - 12/21/22
 Type of special event: (Check one.)

☐ *Type 1: Noncommercial Events.* Fund-raising or non-commercial events held outside an enclosed permanent structure, including parades, advertised demonstrations, or events, including structures used in conjunction with the event.

☒ *Type 2: Special Seasonal Events.* Farmers' market, Christmas tree sales, fruit, flower or vegetable sales, or sale of other seasonal products, when sold other than on the site where grown, constructed or assembled.

☐ *Type 3: Commercial Events.* Significant commercial events such as tent sales, sidewalk sales, trade shows, merchandise sales, product demonstrations or transient merchants.

☐ *Type 4: Public Attractions.* Significant outdoor public events intended primarily for entertainment or amusement, such as carnivals, concerts, or festivals, including fireworks displays. **Requires approval by the Board of Mayor and Aldermen.**

Exempt events: (If any of these apply, the special event is exempt from the permit requirement.)

☐ *Public property.* Any special event wholly on public streets and right-of-ways or other property of the City, excluding public parks, which special event is allowed specifically or generally by action of the Board of Mayor and Aldermen.

☐ *Public parks.* Any special event held within a public park. (Although exempt from this Section, these types of special events shall be governed by other provisions of the Codified Ordinances regulating conduct in City parks and recreation areas.)

☐ *City sponsorship.* Any special event sponsored or co-sponsored by the City. Such event shall, however, be in compliance with the performance standards in Section 27.F.

☒ *Special use permit or site plan.* Any business already operating under a special use permit or site plan that authorizes the display and sale of outdoor goods or authorizes the operation of any special event as defined herein.

☐ *Yard sales.* Yard sales regulated under Article VI, Section 1 of the Zoning Ordinance.

☐ *Auctions/estate sales.* Auctions/estate sale for individual property that is not considered a special event and is conducted by duly licensed auctioneers.

☐ *Business deliveries.* Newspaper delivery or bona fide merchants who deliver goods in the regular course of business.

☐ *Certain solicitations.* Solicitors for charitable, non-profit or religious organizations who go from dwelling to dwelling, business to business, street to street, taking or attempting to take orders for goods, wares and merchandise are exempt from these provisions, provided these organizations meet the Internal Revenue Service Criteria to qualify as a charitable, non-profit or religious organization.

☐ *First Amendment activity.* The dispensing of religious pamphlets or other literature which is protected by the United States Constitution under Freedom of Speech, Religion or Press.

☐ *Political campaigning.* Campaigning for public office.

Performance standards:

	Sub- mitted ✓ or X	OK	N/A		Comments
1		✓		<i>Location.</i> Special events that do not require the use of public right-of-way shall be conducted on private property in a commercial or industrial zoning district, except that non-profit organizations may conduct special events on any property where the owner has granted permission.	
2		✓		For all special events that require the use of public right-of-way, the permit granted shall clearly specify the streets to be used for the event and the time that the streets will be closed, if applicable.	
3		✓		Type 3 outdoor sales must be conducted by an existing permanent business adjacent to and on the property of the location of the permanent business. The outdoor sales are to be conducted as an adjunct to the existing permanent business.	
4		✓		<i>Land-use compatibility.</i> The special event shall be compatible with the purpose and intent of this Section and with adjacent land uses.	
5		✓		The special event shall not impair the normal, safe and effective operation of a permanent use on the same site.	
6		✓		The special event shall not endanger or be detrimental to the public health, safety or welfare or injurious to property or improvements in the immediate vicinity of the special event, given the nature of the activity, its location on the site and its relationship to parking and access points.	
7		✓		<i>Compliance with other regulations.</i> All structures shall meet all applicable provisions of the Building Code.	
8		✓		Any temporary structure shall be promptly removed upon the cessation of the event. Within forty-eight (48) hours of cessation of the event, the site shall be returned to its previous condition, including the removal of all litter, signage, attention-attracting devices or other evidence of the special event. If the site is not returned to its previous condition, the City may restore the site at the event coordinator's expense.	

	Sub- mitted ✓ or X	OK	N/A		Comments										
9		✓		<i>Hours of operation and duration.</i> The duration and hours of operation of a special event shall be consistent with the surrounding land uses. The total duration of a special event shall not exceed the duration set forth in Table VI.27-1; however, the duration of the special event may be modified by conditions attached to the issuance of the special event permit, as set forth in Section 27.F. Table V.27-1: Special Event Maximum Duration <table><tr><th>Type of Special Event</th><th>Duration</th></tr><tr><td>Type 1: Noncommercial</td><td>30 days</td></tr><tr><td>Type 2: Special Seasonal</td><td>90 days</td></tr><tr><td>Type 3: Commercial</td><td>14 days</td></tr><tr><td>Type 4: Public Attractions</td><td>14 days</td></tr></table>	Type of Special Event	Duration	Type 1: Noncommercial	30 days	Type 2: Special Seasonal	90 days	Type 3: Commercial	14 days	Type 4: Public Attractions	14 days	
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10		✓		In addition to the maximum duration as set forth in Table VI.27-1, a shopping center may hold centralized special events, not connected to individual businesses within the shopping center, which do not exceed sixty (60) days in a calendar year. The duration of all special events in a shopping center may be extended on a case by case basis if the special event(s) take place in shopping center parking areas not required for the primary businesses.											
11		✓		<i>Frequency.</i> Except as otherwise provided herein, the maximum frequency of a special event on the same property shall be two (2) times per calendar year, excluding a shopping center. A shopping center shall be allowed to hold four (4) centralized events not connected to any individual business located within the center in addition to those events held by the individual businesses located within the shopping center.											

	Sub- mitted ✓ or X	OK	N/A		Comments
12		✓		Type 3 outdoor sales at a specific location may be permitted only as follows: a. Outdoor sales may be permitted once in each calendar month if the duration is not more than three (3) days. b. Outdoor sales may be permitted once in each calendar quarter if the duration is more than three (3) days but not more than ten (10) days. c. The minimum time between consecutive outdoor sales periods for the same business on the same property shall be fourteen (14) days from the beginning of one period to the beginning of the next period. Permitted durations are not cumulative in any time period, that is, the time periods in both "a" and "b" may not be added together.	
13		✓		<i>Traffic circulation.</i> The special event shall not cause undue traffic congestion or accident potential, given anticipated attendance and the design of adjacent streets, intersections, parking and traffic controls. All sidewalks shall be left open for pedestrian traffic unless special approval is received for blockage. No alleys, driveways, fire lanes or other access points shall be blocked by the special event unless specific approval is granted for the special event.	
14			✓	<i>Street closings.</i> The special event permit recipients shall be responsible for securing, installing and immediate removal upon cessation all barricades and signs when street closings are approved. Large Class III barricades shall be sandbagged to prevent blowing over.	

	Sub- mitted ✓ or X	OK	N/A		Comments
15		✓		<i>Fire safety.</i> The fire department shall be consulted for the following requirements and inspection, as necessary. a. Fire lanes a minimum of 20 feet in width and 12 feet in height or as otherwise approved by the Fire Chief must be provided in order to allow Fire Department access within 150 feet of all structures and on at least two sides of all two-story structures within 500 feet of the location of the special event. b. All fire hydrants in the area of the special event must be left with five (5) feet of clearance on all sides and shall be accessible from the fire lanes that are designated with the event. c. No open fires shall be permitted unless advance approval is obtained from the Fire Department. d. Fire extinguishers shall be available as determined by the Fire Chief. e. Temporary electrical wiring for the special event shall be installed in accordance with the requirements of the National Electrical Code. f. Tents shall comply with the Fire Code and applicable building codes. g. Exit signs and proper exiting aisles shall be provided in temporary special event structures.	
16		✓		<i>Off-street parking.</i> The event shall not create a parking shortage for any other use. All off-street parking surfaces used for the special event shall be concrete or asphalt.	
17		✓		<i>Public conveniences and litter control.</i> Adequate on-site rest room facilities and solid waste containers shall be provided. The applicant shall calculate the demand for such facilities and specify how the need will be addressed.	
18		✓		<i>Nuisances.</i> The special event shall not generate excessive noise, dust, smoke, glare, spillover lighting or other forms of environmental or visual pollution.	

4/25/02

Page 5 of 9

	Sub- mitted ✓ or X	OK	N/A		Comments
19		✓		<i>Area of parking lot dedicated to outdoor special events.</i> a. No more than ten (10) percent of the parking stalls required for the structure associated with the parking lot in which the special event occurs shall be permitted to be used for a special event. Regardless of how many stalls are occupied by the special event, no special event that occurs in the parking lot for a permanent structure may cause a parking shortage for primary and accessory uses associated with that structure. b. No spikes, nails, anchors or other devices shall be driven into any public street, sidewalk or parking lot surface or into any existing concrete or asphalt. Such devices may be used on private parking lots provided any damage resulting therefrom shall be fixed upon cessation of the event and removal of the devices.	
20		✓		<i>City services.</i> If the applicant requests the City to provide services or equipment, including but not limited to traffic control or security personnel, or if the City otherwise determines that services or equipment are required to protect the public health, safety, or general welfare, the applicant shall be required to reimburse the City for the cost of the services. The City may require the applicant to submit a security deposit, in an amount determined by the Chief Administrative Officer and in the form approved by the City Attorney, prior to the event to ensure that the applicant complies with this provision.	
21		✓		<i>Insurance coverage.</i> Special event permit recipients must show proof of liability insurance at time of application. If the special event will take place on public property, said certificate of insurance shall name the City as an additional insured party in an amount determined by the Chief Administrative Officer based on the nature of the special event.	

Conditions

Conditions deemed necessary to ensure compatibility with adjacent land-uses and to minimize potential adverse impacts on nearby uses:

	Required ✓ or X	N/A		Comments
22	✓		Limitations on signs.	
23	✓		Temporary arrangements for parking and traffic circulation.	
24	✓		Requirements for screening/buffering and guarantees for site restoration and cleanup following the special event.	
25	✓		Modifications or restrictions on the hours of operation, duration of the event, size of the event or other operational characteristics.	
26	✓		The posting of security in an amount required by the Permitting Official to help ensure that the operation of the event and the subsequent restoration of the site are conducted according to required special event standards and conditions of approval.	
27	✓		The provision of traffic control or security personnel to ensure the public safety and convenience.	
28	✓		Execution of a "Special event agreement" in a form acceptable to the City Attorney to ensure the indemnification of the City and that public property will be protected and/or restored to its condition prior to the special event.	

4/25/02

Page 7 of 9

Special event permit application, content and submission requirements

A complete application shall be submitted to the Permitting Official at least **ten (10) days** prior to the requested start date of any special event.

The application shall set forth and contain the following information:

	Sub- mitted ✓ or X	OK	N/A		Comments
29	✓			Name and address of the applicant.	
30	✓			Names and address of the owner of the premises on which the proposed event is to be held.	
31	✓			Written approval from the property owner agreeing to the proposed event, if the applicant is not the same as the property owner.	
32	✓			Description of the site on which the proposed event is to be held.	
33	✓			Date of the proposed event.	
34	✓			A narrative written description of the proposed event, the hours of operation, anticipated attendance, and any buildings/ structures, signs or attention-attracting devices proposed to be used in conjunction with the event, as well as a statement that the standards set forth in this Section have been satisfied. The narrative written description shall also state what public streets, if any, are requested to be used for the special event.	
35	✓			A site plan in the form and the level of detail as required by the Permitting Official, showing the location of all existing or proposed uses, structures, parking areas, outdoor display areas, signs, streets, and property lines.	
36		✓		Location and number of proposed temporary public toilets.	
37		✓		Proposed temporary potable water supplies, which shall be subject to approval by the Director of Code Enforcement, pursuant to applicable authority of the City.	
38		✓		Any other information deemed necessary by the Permitting Official to ensure compliance with the standards set forth in this Section.	

Special event permit - authorization by Permitting Official

Type 1, 2 and 3 special events (as defined in part B) may be issued a special event permit by the Permitting Official on the form provided by the City when all of the following conditions have been satisfied and continue to be met throughout the special event:

	OK ✓ or X	N/A		Comments
39			A complete application is made on the form provided by the City and a fee paid in accordance with City ordinances.	
40			The application has been reviewed and approved in writing by the Code Enforcement, Fire, Police, and Public Works Departments for traffic control and other safety concerns.	
41			An electrical plan, if required for the special event, is approved by the Director of Code Enforcement.	
42			The Permitting Official determines the following: a. The special event will comply with the special event performance standards...;	
43			b. The special event will not endanger the public health, safety, or general welfare given the nature of the activity, its location on the site, and its relationship to parking and access points;	
44			c. The special event will not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, smoke, odor, glare, litter, or visual pollution;	
45			d. The special event shall comply with all applicable state and federal health, safety, environmental and other applicable requirements.	



11/16/2004

SCHERBA INDUSTRIES

PAGE 03

CERTIFICATE OF CONFORMANCE

This is to certify that _____ 533 yards _____

Of material _____ Aeron 21 PP Black _____

Shipped to _____ Scherba Industries _____

Our Customer Order No. _____ 8617 _____

Analysis and physical properties of specification _____ PAR 21, NR1, PAR B _____

LOF # 95-507 _____

Test Reports on file at Federal Products, El Monte, California subject to examination at any time.

Date: 7/9/96 _____

Given and returned before me this _____ day of _____ 19 _____

Signed: *John Hestera*
JOHN HESTERA/TECHNICAL DIRECTOR

NOTARY PUBLIC

Boyd & Sons Real Estate & Investment, Inc.

8487 Pleasant Ridge Road
Arlington, TN 38002
829-3289

Bartlett Code Enforcement

With Your Approval, I give Jimmy Wade permission to sell Pumpkins & Christmas Trees at the Stage Rd Plaza Shopping Center at 6743 Stage Rd. Bartlett, Tenn. 38134.

I appreciate your corporation. Thank You.

Sincerely,

Mark D Boyd
Mark D Boyd

Mark D Boyd

~~*Mark D Boyd 8-20-20*~~

~~*Mark D Boyd 7-2-2020*~~

~~*Mark D Boyd 8-13-2021*~~

Mark D Boyd 8-10-2022



WADEJAM-01

SDUNCAN

DATE (MM/DD/YYYY)

8/3/2022

CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER McDonald Insurance LLC 5820 Stage Rd Bartlett, TN 38134		CONTACT NAME: PHONE (A/C, No, Ext): (901) 385-1234 FAX (A/C, No): (901) 388-9526 E-MAIL ADDRESS:	
INSURED BIG JIM'S CHRISTMAS TREES 698 Royer Ct Atlanta, GA 30342-1459		INSURER(S) AFFORDING COVERAGE INSURER A : Nationwide Assurance Company INSURER B : NATIONWIDE MUTUAL INSURANCE COMPANY INSURER C : Travelers Property and Casualty Company of America INSURER D : INSURER E : INSURER F :	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER: General Aggregate	X		ACPCG015615249935	9/2/2022	9/2/2023	EACH OCCURRENCE \$ 1,000,00 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,00 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,00 GENERAL AGGREGATE \$ 2,000,00 PRODUCTS - COMP/OP AGG \$ 2,000,00 \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO OWNED AUTOS ONLY ☐ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	☒ UMBRELLA LIAB ☒ EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$			ACPCU015615249935	9/2/2022	9/2/2023	EACH OCCURRENCE \$ 1,000,00 AGGREGATE \$ \$ 1,000,00
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	6JUB-5N17320-3-22	9/30/2022	9/30/2023	PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ 1,000,00 E.L. DISEASE - EA EMPLOYEE \$ 1,000,00 E.L. DISEASE - POLICY LIMIT \$ 1,000,00

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 City of Bartlett listed as additional insured under the blanket form CG2001

CERTIFICATE HOLDER

CANCELLATION

City of Bartlett
 6382 Stage Road
 Bartlett, TN 38134

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Sarah Duncan

**Board of Mayor and Aldermen**

6400 Stage Road
Bartlett, TN 38134

SCHEDULED**AGENDA ITEM**

Meeting: 08/23/22 06:00 PM
Department: Code Enforcement
Category: Special event permit
Prepared By: Valerie Brantley
Department Head: Jim Brown

Special event permit for Christmas in Bartlett Market and Festivities.



**APPLICATION FOR SPECIAL EVENT
OFFICE OF
BARTLETT CODE ENFORCEMENT
6382 STAGE ROAD
BARTLETT TN 38134
901-385-6425**

2629 Bartlett Blvd. 38134
Address Zip Code

Dec 9th & 10th 9th 4:30-7:30 / 10th 9:00-4:00
Dates of the Event Hours of the Event

Seasonal - Christmas Market
Type of Event (Fund Raiser, Seasonal, Tent Sale, Sidewalk Sale, Public Attraction)

City of Bartlett
Property Owner

Bartlett Area Chamber of Commerce 2969 Elmore Park Rd
Special Event Permit Applicant Address of Applicant

901-372-9457 —
Phone Number Fax Number

Check all items that apply:

For information call (901) 385-6425.

☐ State of TN Business License, Shelby County Business License, Bartlett Business License (For Type 2 Events)

☒ Letter of Permission

☐ Insurance

☐ Tents (Fire Retardant letter included)

☐ Special Event Checklist

☐ Map

☒ Sign or Banner

\$60.00 Special Event Fee

\$4.00 Permit Issuing Fee

\$ 2% Credit Card Fee

\$ Total Permit Fee

[Signature]
Responsible Person

6/24/22
Date

****Notify building department 10 days prior to Special Event to be held unless it is a Public Attraction which requires approval from the Board of Mayor & Aldermen.****

APPROVAL

This application is not a permit and grants no rights or privileges.

Attachment: 2629 BARTLETT BLVD-CHRISTMAS MARKET-2022 (3198 : Christmas Market)

Special Event Checklist

Event: Christmas in Bartlett Market & Festivities
 Location: 2629 Bartlett Blvd.
 Dates: Dec. 9th & 10th

Type of special event: (Check one.)

- | | |
|---|--|
| <p>☐ <i>Type 1: Noncommercial Events.</i> Fund-raising or non-commercial events held outside an enclosed permanent structure, including parades, advertised demonstrations, or events, including structures used in conjunction with the event.</p> <p>☐ <i>Type 2: Special Seasonal Events.</i> Farmers' market, Christmas tree sales, fruit, flower or vegetable sales, or sale of other seasonal products, when sold other than on the site where grown, constructed or assembled.</p> | <p>☐ <i>Type 3: Commercial Events.</i> Significant commercial events such as tent sales, sidewalk sales, trade shows, merchandise sales, product demonstrations or transient merchants.</p> <p>☐ <i>Type 4: Public Attractions.</i> Significant outdoor public events intended primarily for entertainment or amusement, such as carnivals, concerts, or festivals, including fireworks displays. Requires approval by the Board of Mayor and Aldermen.</p> |
|---|--|

Exempt events: (If any of these apply, the special event is exempt from the permit requirement.)

- | | |
|---|--|
| <p>☐ <i>Public property.</i> Any special event wholly on public streets and right-of-ways or other property of the City, excluding public parks, which special event is allowed specifically or generally by action of the Board of Mayor and Aldermen.</p> <p>☐ <i>Public parks.</i> Any special event held within a public park. (Although exempt from this Section, these types of special events shall be governed by other provisions of the Codified Ordinances regulating conduct in City parks and recreation areas.)</p> <p>☐ <i>City sponsorship.</i> Any special event sponsored or co-sponsored by the City. Such event shall, however, be in compliance with the performance standards in Section 27.F.</p> <p>☐ <i>Special use permit or site plan.</i> Any business already operating under a special use permit or site plan that authorizes the display and sale of outdoor goods or authorizes the operation of any special event as defined herein.</p> <p>☐ <i>Yard sales.</i> Yard sales regulated under Article VI, Section I of the Zoning Ordinance.</p> | <p>☐ <i>Auctions/estate sales.</i> Auctions/estate sale for individual property that is not considered a special event and is conducted by duly licensed auctioneers.</p> <p>☐ <i>Business deliveries.</i> Newspaper delivery or bona fide merchants who deliver goods in the regular course of business.</p> <p>☐ <i>Certain solicitations.</i> Solicitors for charitable, non-profit or religious organizations who go from dwelling to dwelling, business to business, street to street, taking or attempting to take orders for goods, wares and merchandise are exempt from these provisions, provided these organizations meet the Internal Revenue Service Criteria to qualify as a charitable, non-profit or religious organization.</p> <p>☐ <i>First Amendment activity.</i> The dispensing of religious pamphlets or other literature which is protected by the United States Constitution under Freedom of Speech, Religion or Press.</p> <p>☐ <i>Political campaigning.</i> Campaigning for public office.</p> |
|---|--|

Performance standards:

	Sub- mitted ✓ or X	OK	N/A		Comments
1			✓	<i>Location.</i> Special events that do not require the use of public right-of-way shall be conducted on private property in a commercial or industrial zoning district, except that non-profit organizations may conduct special events on any property where the owner has granted permission	
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6		✓		The special event shall not endanger or be detrimental to the public health, safety or welfare or injurious to property or improvements in the immediate vicinity of the special event, given the nature of the activity, its location on the site and its relationship to parking and access points.	
7		✓		<i>Compliance with other regulations.</i> All structures shall meet all applicable provisions of the Building Code.	
8		✓		Any temporary structure shall be promptly removed upon the cessation of the event. Within forty-eight (48) hours of cessation of the event, the site shall be returned to its previous condition, including the removal of all litter, signage, attention-attracting devices or other evidence of the special event. If the site is not returned to its previous condition, the City may restore the site at the event coordinator's expense.	

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11			✓	<i>Frequency.</i> Except as otherwise provided herein, the maximum frequency of a special event on the same property shall be two (2) times per calendar year, excluding a shopping center. A shopping center shall be allowed to hold four (4) centralized events not connected to any individual business located within the center in addition to those events held by the individual businesses located within the shopping center.											

	Sub- mitted ✓ or X	OK	N/A		Comments
12			✓	Type 3 outdoor sales at a specific location may be permitted only as follows: a. Outdoor sales may be permitted once in each calendar month if the duration is not more than three (3) days. b. Outdoor sales may be permitted once in each calendar quarter if the duration is more than three (3) days but not more than ten (10) days. c. The minimum time between consecutive outdoor sales periods for the same business on the same property shall be fourteen (14) days from the beginning of one period to the beginning of the next period. Permitted durations are not cumulative in any time period, that is, the time periods in both "a" and "b" may not be added together.	
13		✓		<i>Traffic circulation.</i> The special event shall not cause undue traffic congestion or accident potential, given anticipated attendance and the design of adjacent streets, intersections, parking and traffic controls. All sidewalks shall be left open for pedestrian traffic unless special approval is received for blockage. No alleys, driveways, fire lanes or other access points shall be blocked by the special event unless specific approval is granted for the special event.	
14			✓	<i>Street closings.</i> The special event permit recipients shall be responsible for securing, installing and immediate removal upon cessation all barricades and signs when street closings are approved. Large Class III barricades shall be sandbagged to prevent blowing over.	

	Sub- mitted ✓ or X	OK	N/A		Comments
15			✓ 1	<i>Fire safety.</i> The fire department shall be consulted for the following requirements and inspection, as necessary. a. Fire lanes a minimum of 20 feet in width and 12 feet in height or as otherwise approved by the Fire Chief must be provided in order to allow Fire Department access within 150 feet of all structures and on at least two sides of all two-story structures within 500 feet of the location of the special event. b. All fire hydrants in the area of the special event must be left with five (5) feet of clearance on all sides and shall be accessible from the fire lanes that are designated with the event. c. No open fires shall be permitted unless advance approval is obtained from the Fire Department. d. Fire extinguishers shall be available as determined by the Fire Chief. e. Temporary electrical wiring for the special event shall be installed in accordance with the requirements of the National Electrical Code. f. Tents shall comply with the Fire Code and applicable building codes. g. Exit signs and proper exiting aisles shall be provided in temporary special event structures.	
16		✓		<i>Off-street parking.</i> The event shall not create a parking shortage for any other use. All off-street parking surfaces used for the special event shall be concrete or asphalt.	
17		✓		<i>Public conveniences and litter control.</i> Adequate on-site rest room facilities and solid waste containers shall be provided. The applicant shall calculate the demand for such facilities and specify how the need will be addressed.	
18		✓		<i>Nuisances.</i> The special event shall not generate excessive noise, dust, smoke, glare, spillover lighting or other forms of environmental or visual pollution.	

	Sub- mitted ✓ or X	OK	N/A		Comments
19			✓	<i>Area of parking lot dedicated to outdoor special events.</i> a. No more than ten (10) percent of the parking stalls required for the structure associated with the parking lot in which the special event occurs shall be permitted to be used for a special event. Regardless of how many stalls are occupied by the special event, no special event that occurs in the parking lot for a permanent structure may cause a parking shortage for primary and accessory uses associated with that structure. b. No spikes, nails, anchors or other devices shall be driven into any public street, sidewalk or parking lot surface or into any existing concrete or asphalt. Such devices may be used on private parking lots provided any damage resulting therefrom shall be fixed upon cessation of the event and removal of the devices.	
20		✓		<i>City services.</i> If the applicant requests the City to provide services or equipment, including but not limited to traffic control or security personnel, or if the City otherwise determines that services or equipment are required to protect the public health, safety, or general welfare, the applicant shall be required to reimburse the City for the cost of the services. The City may require the applicant to submit a security deposit, in an amount determined by the Chief Administrative Officer and in the form approved by the City Attorney, prior to the event to ensure that the applicant complies with this provision.	
21		✓		<i>Insurance coverage.</i> Special event permit recipients must show proof of liability insurance at time of application. If the special event will take place on public property, said certificate of insurance shall name the City as an additional insured party in an amount determined by the Chief Administrative Officer based on the nature of the special event.	

Conditions

Conditions deemed necessary to ensure compatibility with adjacent land-uses and to minimize potential adverse impacts on nearby uses:

	Required ✓ or X	N/A		Comments
22	✓		Limitations on signs.	
23	✓		Temporary arrangements for parking and traffic circulation.	
24	✓		Requirements for screening/buffering and guarantees for site restoration and cleanup following the special event.	
25	✓		Modifications or restrictions on the hours of operation, duration of the event, size of the event or other operational characteristics.	
26		✓	The posting of security in an amount required by the Permitting Official to help ensure that the operation of the event and the subsequent restoration of the site are conducted according to required special event standards and conditions of approval.	
27		✓	The provision of traffic control or security personnel to ensure the public safety and convenience.	
28	✓		Execution of a "Special event agreement" in a form acceptable to the City Attorney to ensure the indemnification of the City and that public property will be protected and/or restored to its condition prior to the special event.	

Special event permit application, content and submission requirements

A complete application shall be submitted to the Permitting Official at least ten (10) days prior to the requested start date of any special event.

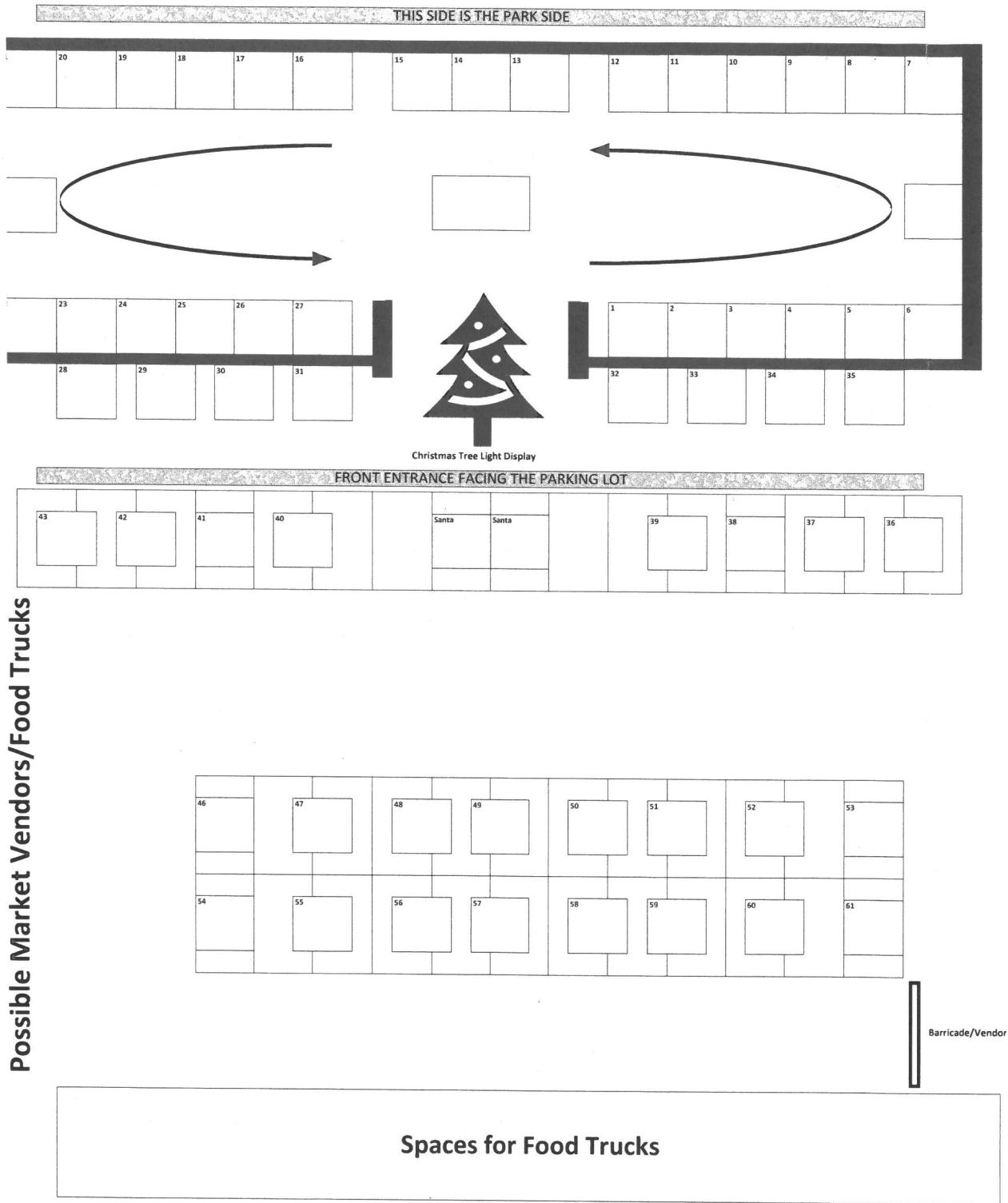
The application shall set forth and contain the following information:

	Sub- mitted ✓ or X	OK	N/A		Comments
29				Name and address of the applicant.	
30				Names and address of the owner of the premises on which the proposed event is to be held.	
31				Written approval from the property owner agreeing to the proposed event, if the applicant is not the same as the property owner.	
32				Description of the site on which the proposed event is to be held.	
33				Date of the proposed event.	
34				A narrative written description of the proposed event, the hours of operation, anticipated attendance, and any buildings/ structures, signs or attention-attracting devices proposed to be used in conjunction with the event, as well as a statement that the standards set forth in this Section have been satisfied. The narrative written description shall also state what public streets, if any, are requested to be used for the special event.	
35				A site plan in the form and the level of detail as required by the Permitting Official, showing the location of all existing or proposed uses, structures, parking areas, outdoor display areas, signs, streets, and property lines.	
36				Location and number of proposed temporary public toilets.	
37				Proposed temporary potable water supplies, which shall be subject to approval by the Director of Code Enforcement, pursuant to applicable authority of the City.	
38				Any other information deemed necessary by the Permitting Official to ensure compliance with the standards set forth in this Section.	

Special event permit - authorization by Permitting Official

Type 1, 2 and 3 special events (as defined in part B) may be issued a special event permit by the Permitting Official on the form provided by the City when all of the following conditions have been satisfied and continue to be met throughout the special event:

	OK ✓ or X	N/A		Comments
39			A complete application is made on the form provided by the City and a fee paid in accordance with City ordinances.	
40			The application has been reviewed and approved in writing by the Code Enforcement, Fire, Police, and Public Works Departments for traffic control and other safety concerns.	
41			An electrical plan, if required for the special event, is approved by the Director of Code Enforcement.	
42			The Permitting Official determines the following: a. The special event will comply with the special event performance standards...;	
43			b. The special event will not endanger the public health, safety, or general welfare given the nature of the activity, its location on the site, and its relationship to parking and access points;	
44			c. The special event will not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, smoke, odor, glare, litter, or visual pollution;	
45			d. The special event shall comply with all applicable state and federal health, safety, environmental and other applicable requirements.	



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Christmas
Market
Welcome
Booths

Christmas
Market
Welcome
Booths

Christmas
Market
Welcome
Booths

Bartlett
Coffee



BARTARE-01

6.2.a

LBETTS

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

8/5/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER McDonald Insurance LLC 5820 Stage Rd Bartlett, TN 38134	CONTACT NAME:	
	PHONE (A/C, No, Ext): (901) 385-1234	FAX (A/C, No): (901) 388-9526
INSURED Bartlett Area Chamber Of Commerce Po Box 34193 Memphis, TN 38184-0193	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A : Nationwide General Insurance Company	
	INSURER B :	
	INSURER C :	
	INSURER D :	
INSURER E :		
INSURER F :		

NAIC #
23760

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☐ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC OTHER:			ACBPB013200594257	10/12/2021	10/12/2022	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED \$ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

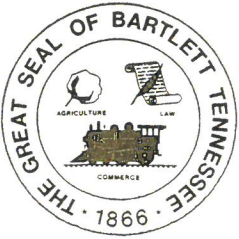
CANCELLATION

City of Bartlett
6400 Stage Road
Bartlett, TN 38134

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Julie Bates



City of Bartlett

PARKS & RECREATION

A. Keith McDonald, Mayor
Shan Criswell, CPRP, Parks Direc

June 27, 2022

City of Bartlett
Code Enforcement
6462 Stage Road
Bartlett, TN 38134

The Bartlett Chamber of Commerce has requested to use A. Keith McDonald Pavilion, Friday, December 9, 2022, 4:30pm – 7:00pm, and Saturday, December 10, 2022, 9:00am – 4:00pm. This is for their Bartlett Chamber of Commerce “Christmas in Bartlett Market & Festivities” event.

Permission is hereby given by Bartlett Parks and Recreation Department pending approval by the Mayor and Board of Aldermen.

Sincerely,

Shan Criswell
Director Parks and Recreation Department
City of Bartlett

Cc: Kathy Carl, Bartlett Chamber of Commerce
2969 Elmore Park Rd. Bartlett, TN 38134-8309
901-372-9457
kcarl@bartlettchamber.org

Attachment: 2629 BARTLETT BLVD-CHRISTMAS MARKET-2022 (3198 : Christmas Market)

**Board of Mayor and Aldermen**

6400 Stage Road
Bartlett, TN 38134

SCHEDULED**AGENDA ITEM**

Meeting: 08/23/22 06:00 PM

Department: Police

Category: Purchase

Prepared By: Juliea Goodman

Department Head: Jeff Cox

Purchase two Chevrolet Traverse police vehicles.



BARTLETT POLICE DEPARTMENT

3730 Appling Road Bartlett, TN 38133
901-385-5502



6.3.a

Chief Cox,

The Investigative Services Division respectfully requests to purchase two (2) 2023 Chevrolet Traverse Police Vehicles. Our organization's representatives have contacted various vendors regarding this purchase. However, most dealers cannot fulfill this purchase request due to global supply chain issues. In addition, vendors who may have this type of vehicle in stock are listing the sale price higher than the manufacturer's suggested retail price. As a result, we respectfully request to purchase this vehicle utilizing the State of Tennessee Vehicle Contract. This contract, SWC #209, establishes a source of supply for all Tennessee State Agencies and provides guaranteed discounted pricing.

We have spoken with the State of Tennessee Vehicle Contract Vendor, Wilson County Motors, and they have agreed to provide the state contracted price of \$27,286.60 per vehicle for this purchase. Therefore, the total cost for this purchase is \$54,573.20. The Police Department has allocated funding for this purchase in the FY23 budget, and funds are available in Account # 12448124.935.

An official quote from Wilson County Motors, the State of Tennessee Vehicle Contract Information, and the State of Tennessee Vehicle Contract Usage Instructions are attached for review. Your consideration of this request is greatly appreciated.

Respectfully,

J.J. Leatherwood, Chief Inspector
Bartlett Police Department

Attachment: Traverse Request 1 (3195 : Police Vehicle Purchase for ISD)

**Board of Mayor and Aldermen**

6400 Stage Road
Bartlett, TN 38134

SCHEDULED**AGENDA ITEM**

Meeting: 08/23/22 06:00 PM

Department: Public Works

Category: Purchase

Prepared By: Jessica Vaughan

Department Head: Matt Crenshaw

Purchase two Ford F550 trucks with dump beds.

Ford of Murfreesboro

John Hamby
1550 NW Broad St.
Murfreesboro, TN 37129

SALES QUOTATION

STATE CONTRACT- 000075348

TO:

CITY OF BARTLETT

F5G-660A

2023 FORD F550 REGULAR CAB 4X2 CHASSIS
OXFORD WHITE DUMP BED

F.O.B.
TERMS
DELIVERY
NUMBER

Thank you for your inquiry dated: August 2, 2022
We are pleased to quote you the following:

ITEM	QUANTITY		UNIT PRICE	DELIVERY DATE
1	1	2023 FORD F550 REGULAR CAB 4X2 CHASSIS	\$51,260.00	TBD ETA MARCH 2023 ??
2		6.7 LITER DIESEL V-8, 10 SPEED TRANSMISSION		
3		EXTERIOR- OXFORD WHITE		
4		Interior--- GRAY VINYL		
5		options listed on window sticker		
6		OPTIONS	\$3,140.00	
7				
8		STRINGFELLOW 9FT DUMP BODY, 18" SIDES W/ BOARDS	\$34,200.00	
9		24" TAILGATE, CAB GUARD, ELECTRIC TARP, <u>PTO DRIVEN HOIST</u>		
10		STROBES FRONT AND REAR, RECEIVER W/ TRAILER PLUG		
11				
12		TOTAL X 1	\$88,600.00	

We will be happy to supply any further information you may need and trust that you call on us to fill your order, which will receive our prompt and careful attention.

PER

August 2, 2022
DATE

Attachment: Ford F550 Specs 8-4-22 (3194 : Ford F550)

2023



Prepared by: JOHN HAMBY
08/02/2022

Ford of Murfreesboro | 1550 N.W. Broad St. Murfreesboro Tennessee | 371291709

~~2022~~ F-550 Chassis 4x2 SD Regular Cab 145" WB DRW XL (F5G)

Price Level: 270

As Configured Vehicle

Code	Description	MSRP
Base Vehicle		
F5G	Base Vehicle Price (F5G)	\$46,110.00
Packages		
660A	Order Code 660A <i>Includes:</i> - Transmission: TorqShift 10-Speed Automatic 10R140 with neutral idle and selectable drive modes: normal, tow/haul, eco, deep sand/snow and slippery. - Tires: 225/70R19.5G BSW A/P - Wheels: 19.5" x 6" Argent Painted Steel Hub covers/center ornaments not included. - HD Vinyl 40/20/40 Split Bench Seat Includes center armrest, cupholder, storage and driver's side manual lumbar. - Radio: AM/FM Stereo w/MP3 Player Includes 4 speakers. - SYNC Communications & Entertainment System Includes enhanced voice recognition, 911 Assist, 4.2" LCD center stack screen, AppLink, 1 smart-charging USB port and steering wheel audio controls.	N/C
Powertrain		
99T	Engine: 6.7L 4V OHV Power Stroke V8 Turbo Diesel B20 <i>Includes Diesel Exhaust Fluid (DEF) tank, intelligent oil-life monitor and manual push-button engine-exhaust braking.</i> <i>Includes:</i> - Dual 78-AH 750 CCA Batteries - 240 Amp Alternator - Transmission Power Take-Off Provision Includes mobile and stationary PTO modes.	\$9,325.00
44G	Transmission: TorqShift 10-Speed Automatic <i>10R140 with neutral idle and selectable drive modes: normal, tow/haul, eco, deep sand/snow and slippery.</i>	Included
X8L	Limited Slip w/4.88 Axle Ratio	\$395.00
68M	GVWR: 19,500 lb Payload Plus Upgrade Package <i>Includes upgraded frame, rear-axle and low deflection/high capacity springs. Increases max RGAWR to 14, 706. Note: See Order Guide Supplemental Reference for further details on GVWR.</i>	\$1,155.00
Wheels & Tires		
TGJ	Tires: 225/70R19.5G BSW A/P	Included

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

2023



Prepared by: JOHN HAMBY
08/02/2022

Ford of Murfreesboro | 1550 N.W. Broad St. Murfreesboro Tennessee | 371291709

~~2022~~ F-550 Chassis 4x2 SD Regular Cab 145" WB DRW XL (F5G)

Price Level: 270

As Configured Vehicle (cont'd)

Code	Description	MSRP
64Z	Wheels: 19.5" x 6" Argent Painted Steel <i>Hub covers/center ornaments not included.</i>	Included
512	Spare Tire, Wheel & Jack Required in Rhode Island. <i>Excludes carrier.</i> <i>Includes:</i> - 6-Ton Hydraulic Jack	\$350.00

Seats & Seat Trim

A	HD Vinyl 40/20/40 Split Bench Seat <i>Includes center armrest, cupholder, storage and driver's side manual lumbar.</i>	Included
---	---	----------

Other Options

PAINT	Monotone Paint Application	STD
145WB	145" Wheelbase	STD
STDRD	Radio: AM/FM Stereo w/MP3 Player <i>Includes 4 speakers.</i> <i>Includes:</i> - SYNC Communications & Entertainment System <i>Includes enhanced voice recognition, 911 Assist, 4.2" LCD center stack screen, AppLink, 1 smart-charging USB port and steering wheel audio controls.</i>	Included
90L	Power Equipment Group <i>Deletes passenger side lock cylinder. Includes upgraded door-trim panel.</i> <i>Includes:</i> - Accessory Delay - Advanced Security Pack <i>Includes SecuriLock Passive Anti-Theft System (PATS) and inclination/intrusion sensors.</i> - Folding Trailer Tow Mirrors w/Power Heated Glass <i>Includes manual telescoping, heated convex spotter mirror and integrated clearance lamps/turn signals.</i> - MyKey <i>Includes owner controls feature.</i> - Power Front Side Windows <i>Includes 1-touch up/down driver/passenger window.</i> - Power Locks - Remote Keyless Entry	\$1,100.00
67X	Extra Heavy-Service Suspension Package	\$125.00

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.



Prepared by: JOHN HAMBY
08/02/2022

Ford of Murfreesboro | 1550 N.W. Broad St. Murfreesboro Tennessee | 371291709

~~2022~~ F-550 Chassis 4x2 SD Regular Cab 145" WB DRW XL (F5G)

Price Level: 270

As Configured Vehicle (cont'd)

Code	Description	MSRP
	<i>Includes pre-selected extra heavy-service front springs (see Order Guide Supplemental Reference for springs/FGAWR of specific vehicle configurations). Recommended only on vehicles which will permanently utilize aftermarket equipment such as heavy-duty winches, brush guards or other apparatus which loads the front axle to the specified Gross Axle Weight Rating (GAWR). Note 1: May result in a deterioration of ride quality. Note 2: Vehicle ride height will increase with the addition of this package.</i>	
41H	Engine Block Heater	\$100.00
61J	6-Ton Hydraulic Jack	Included
62R	Transmission Power Take-Off Provision	Included
	<i>Includes mobile and stationary PTO modes.</i>	
63A	Utility Lighting System	\$160.00
	<i>Includes LED side-mirror spotlights.</i>	
52B	Trailer Brake Controller	\$300.00
	<i>Includes smart trailer tow connector. Verified to be compatible with electronic actuated drum brakes only.</i>	
18B	Platform Running Boards	\$320.00
153	Front License Plate Bracket	N/C
	Standard in states requiring 2 license plates and optional to all others.	

Fleet Options

525	Steering Wheel-Mounted Cruise Control (LPO)	\$235.00
	Requires valid FIN code.	
WARANT	Fleet Customer Powertrain Limited Warranty	N/C
	Requires valid FIN code.	

Ford is increasing the 5-year 60,000-mile limited powertrain warranty to 5-years, 100,000 miles. Only Fleet purchasers with a valid Fleet Identification Number (FIN code) will receive the extended warranty. When the sale is entered into the sales reporting system with a sales type fleet along with a valid FIN code, the warranty extension will automatically be added to the vehicle. The extension will stay with the vehicle even if it is subsequently sold to a non-fleet customer before the expiration. This extension applies to both gas and diesel powertrains. Dealers can check for the warranty extension on eligible fleet vehicles in OASIS. Please refer to the Warranty and Policy Manual section 3.13.00 Gas Engine Commercial Warranty. This change will also be reflected in the printed Warranty Guided distributed with the purchase of every new vehicle.

Emissions

425	50-State Emissions System	STD
-----	---------------------------	-----

Interior Color

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.



Prepared by: JOHN HAMBY
08/02/2022

Ford of Murfreesboro | 1550 N.W. Broad St. Murfreesboro Tennessee | 371291709

~~2022~~ F-550 Chassis 4x2 SD Regular Cab 145" WB DRW XL (F5G)

Price Level: 270

As Configured Vehicle (cont'd)

Code	Description	MSRP
AS_01	Medium Earth Gray w/HD Vinyl 40/20/40 Split Bench Seat	N/C

Exterior Color

Z1_01	Oxford White	N/C
SUBTOTAL		\$59,675.00
Destination Charge		\$1,795.00
TOTAL		\$61,470.00

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

Jessica Vaughan

From: Matt Crenshaw
Sent: Thursday, August 4, 2022 9:38 AM
To: Jessica Vaughan
Subject: FW: 2- F550 Dump Truck Purchase

Jessica,
 Please see the Mayor's approval.
 Thanks

Matt Crenshaw

City of Bartlett
 Assistant Director
 Department of Public Works
 3585 Altruria Rd.
 Bartlett, TN 38135
 901-385-5570
mcrenshaw@cityofbartlett.org



From: Keith McDonald <kmcdonald@cityofbartlett.org>
Sent: Thursday, August 4, 2022 8:35 AM
To: Matt Crenshaw <mcrenshaw@cityofbartlett.org>
Cc: Mark Brown <mbrown@cityofbartlett.org>; Mike Adams <madams@cityofbartlett.org>; Penny Medlock <pmedlock@cityofbartlett.org>
Subject: Re: 2- F550 Dump Truck Purchase

Approved to go to BMA.

Sent from my iPhone

Mayor A. Keith McDonald
 City of Bartlett, TN
 6400 Stage Road
 Bartlett, TN 38134

On Aug 3, 2022, at 4:23 PM, Matt Crenshaw <mcrenshaw@cityofbartlett.org> wrote:

Mayor,

Attachment: Ford F550 Specs 8-4-22 (3194 : Ford F550)



Attachment: Ford F550 Specs 8-4-22 (3194 : Ford F550)

**Board of Mayor and Aldermen**

6400 Stage Road
Bartlett, TN 38134

SCHEDULED**AGENDA ITEM**

Meeting: 08/23/22 06:00 PM

Department: Public Works

Category: Purchase

Prepared By: Jessica Vaughan

Department Head: Matt Crenshaw

Purchase of one Knuckleboom loader.



KB-20 SERIES



KBF 20H with TKB-1824 Body



**NEW 2-YEAR WARRANTY ON
GEAR BOX AND SLEWING RING**

**A FIVE-STAR RATING PLACES THE
KB-20 SERIES IN A CLASS OF ITS OWN.**

- ★ QUALITY
- ★ SAFETY
- ★ ECONOMICAL
- ★ USER-FRIENDLY
- ★ DURABILITY



All design, specifications and components are subject to change at the manufacturer's sole discretion at any time without notice. Data published herein is for information purposes only and shall not be construed to warrant suitability of the unit for any particular purpose, as performance may vary with the conditions encountered. The only warranty is our standard written warranty for this product at the time of shipment.

HOL-MAC CORPORATION • P.O. BOX 349 • BAY SPRINGS, MS 39422 • (601) 764-4121

www.e-pac-mac.com

REFUSE AND RECYCLING EQUIPMENT

Attachment: Knuckleboom Loader Specs 8-4-22 (3193 : Knuckleboom loader)

TECHNICAL DATA AND SPECIFICATIONS

GENERAL SPECIFICATIONS:

Height of boom to ground in lowest travel position	11 ft.
Boom length (16 ft. with 4 ft. extension)	20 ft.
Body length (fixed)	16, 17, 18 ft.
(Optional boom lengths available)	
Lifting capacity at 20 feet (with grapple)	3300 lbs.
Weight of loader body and truck (empty)	22,500 lbs.
Outrigger extended	12 ft.
retracted	8 ft.
Body hoist capacity	30,000 lbs.

BUCKET:

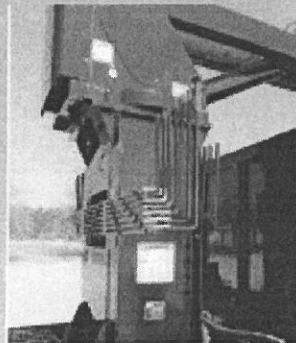
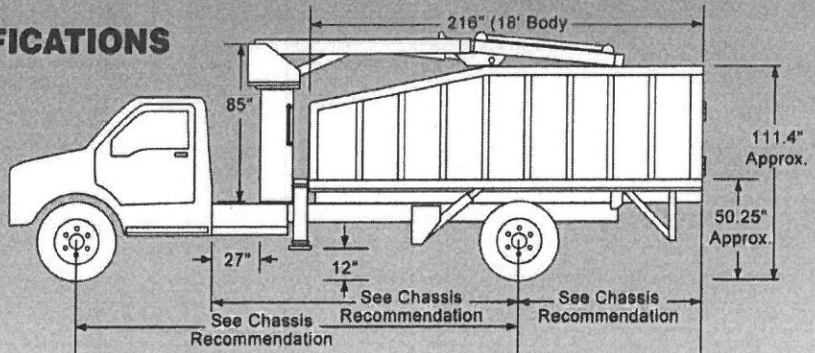
360° continuous rotation. Optional 270°	
Width	4 ft.
Fully open	5 ft.
High strength tempered steel replaceable cutting edges	

RECOMMENDED CHASSIS:

Cab to axle	See Chassis Requirements
Front axle	Minimum 12,000 lbs.
Rear axle	Minimum 21,000 lbs.
GVW	Minimum 33,000 lbs.
Engine	Minimum 210 HP
Transmission	automatic or manual
Frame	1,500,000 RBM

BODY:

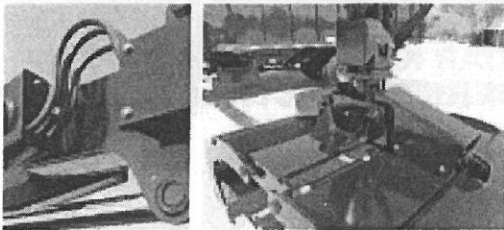
Length	18, 19, 20 ft.
Capacity	20, 24, 25, 30 cu. yds.
Tilt to 45° for dumping	
Two heavy-duty "barn type" doors	
Floor - 3/16 inch smooth steel plate	
Sides - 10 gauge smooth steel plate	
Floor channel beams - 12 inch centers	



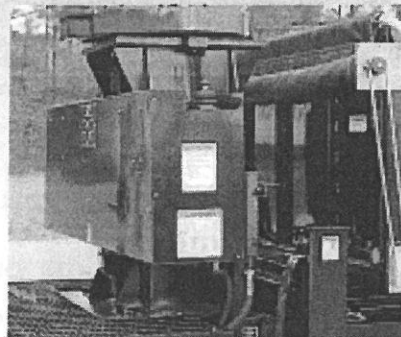
The KB-20 Series has been designed for easy operator access, easy service, easy maintenance and with the low initial cost, it makes this loader a great ECONOMICAL package.



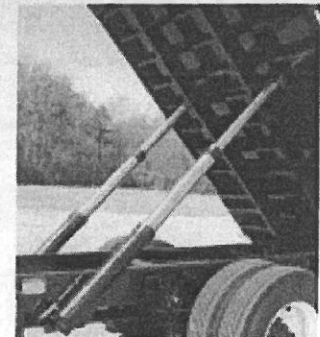
A USER-FRIENDLY KB-20 Series truck body makes loading and unloading heavy, bulky materials easier. Two heavy-duty doors swing completely open for easy discharge. Also available is an optional scow (open back) type body.



QUALITY - The KB-20 Series boom hoses are protected from debris with no hoses exposed below the rotator. The boom is equipped with a continuous rotating grapple. The grapple is constructed with bolt-on heat-treated steel cutting edges. The edges are overlapping allowing the grapple to close completely. This is a distinct feature that puts this grapple in a *CLASS OF ITS OWN*.



SAFETY features include hydraulic hoses enclosed in a pedestal structure. For superior safety, the KB-20 Series features a pilot operated check valve, an integral part of each boom and outrigger cylinders. Shown with optional pilot operated electronic joystick controls.



DURABILITY - The KB-20 Series truck body is equipped with twin telescopic dump cylinders, providing a 45-degree body tilt. The KB-20 Series offers a structurally sound, heavy-duty body that will stand the test of time.

DISTRIBUTED BY



All design, specifications and components are subject to change at the manufacturer's sole discretion at any time without notice. Data published herein is for information purposes only and shall not be construed to warrant suitability of the unit for any particular purpose, as performance may vary with the conditions encountered. The only warranty is our standard written warranty for this product at the time of shipment.

HOL-MAC CORPORATION • P.O. BOX 349 • BAY SPRINGS, MS 39422 • (601) 764-4121

www.e-pac-mac.com

REFUSE AND RECYCLING EQUIPMENT

STRINGFELLOW, INC.**6.5.a**2710 LOCUST STREET
NASHVILLE, TN 37207**TRUCK BODIES
REFUSE EQUIPMENT-WRECKERS
PARTS SERVICE**TEL: (615) 226-4900
FAX: (615) 226-8685**QUOTATION**

NAME: City of Bartlett, TN (Fleet Services Attn: Steve Massey) DATE: August 1, 2022

ADDRESS: 7335 Yale Road TEL: 901 385-5570

CITY: Bartlett STATE: TN ZIP: 38133

TRUCK INFORMATION-DEALER: _____ GVWR: _____

CA: _____ YEAR: 2022 MAKE: Mack /Pac-Mac MODEL: MD742/KBF-20H-HJ TKB1830

COLOR: White TRANSMISSION: _____

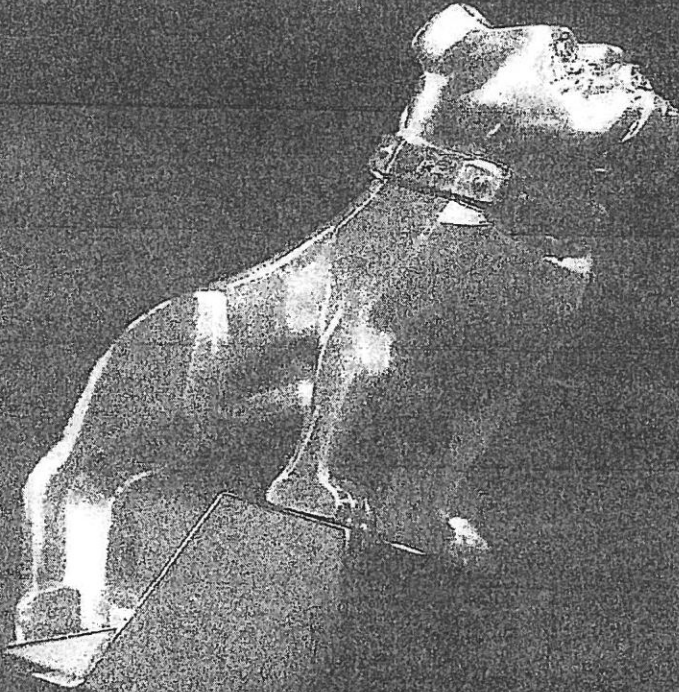
QTY	DESCRIPTION	AMOUNT
1	2022 Mack MD742 w/Pac-Mac Knuckleboom Loader KBF-20H-HJ TKB1830	\$217,411.55
	Conventional Cab, Diesel Cummins Engine 300 HP, Allison 3000 RSD 6-SP Trans	
	Axles 12,000 Front & 21,000 Rear	
	Cab Paint White (Further spec detail provided on build-out Specs)	
	Warranty information as supplied	
	Knuckleboom Loader Boom 20 ft. painted red, Dual Hyd Operating Joy Sticks,	
	Body 18 ft. long and 30 cubic yard capacity painted black, Walk thru platform	
	Boom-Up Sensor, Barn Doors, Strobe Lights on Pivot, Mid-Body Turns,	
	Rubber Mat for walk-thru for head shield, Outrigger Pads	
	Power-up/Down Body Hoist, Tarp, 7" Rear View Camera, Conduit Under Body,	
	HARDOX BODY, 4 LED Lights installed in Grill	
	Non-Hydraulic Replacement Parts - 1 Year, Major Structural Component Parts -	
	3 year, Swing Drive (Slewing Ring and Gearbox Parts Only) - 3 year	
	Sub-total (Sourcewell Pricing)	\$217,411.55
	Tax Exempt-Govt.	
	Sourcewell Member # 27612	
	TOTAL	\$217,411.55

Attachment: Knuckleboom Loader Specs 8-4-22 (3193 : Knuckleboom loader)

AUTHORIZED BY:

SALES REPRESENTATIVE

CUSTOMER PROPOSAL



PREPARED FOR

DATE

5/25/2022

PREPARED BY

MCBRIDE MACK SALES, INC.

10466 BRAYFIELD ROAD

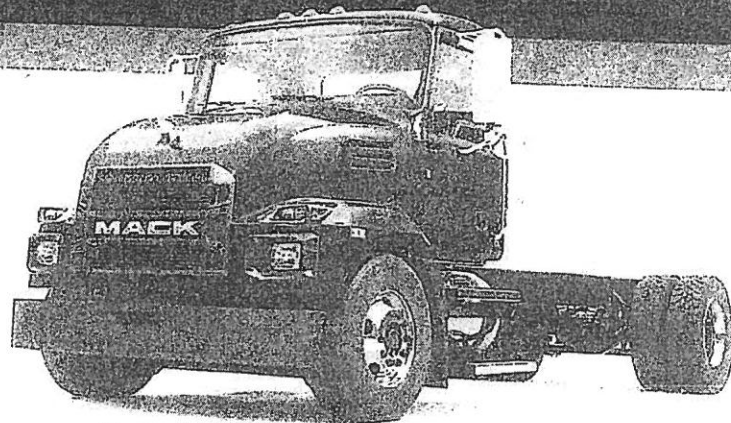
CARBONDALE

IL 629010815

QUOTE INFORMATION

MCBR2022000022D836

MD7 42R



4142079964

Attachment: Knuckleboom Loader Specs 8-4-22 (3193 : Knuckleboom loader)

MD 742

TECHNICAL SPECIFICATION

MD7 42R



CUSTOMER/VEHICLE INFO				WEIGHT (KG)	
			DESCRIPTION	FRONT	REAR
S	002GI2	CHASSIS (BASE MODEL)	MD742 - 42R MEDIUM DUTY, CLASS 7 w/ 6.7L, (MAX 33,000lbs GVWR)	950	250
S	99XE1X	ASSEMBLY PLANT	FACTORY USA (RV, MACK)	0	0
	0051P5	VEHICLE USE & BODY/TRAILER TYPE	DRY VAN, PICK UP & DELIVERY TRUCK	0	0
	0341A2	VEHICLE VOCATION	PICKUP & DELIVERY / SHORT HAUL SERVICE	0	0
S	MP2001	CUSTOMER FLEET SIZE	DEALER FLEET WITH LESS THAN 25 VEHICLES IN OWN FLEET OF ANY VEHICLE BRAND	0	0
S	013001	TYPE OF SERVICE	COMMERCIAL	0	0
S	M98018	WARRANTY REGISTRATION LOCATION	USA - WARRANTY REGISTRATION LOCATION	0	0
	MBT05T	EMISSION WARRANTY CERTIFICATION	EPA (only) Cummins Diesel	0	0
S	5050B5	INITIAL REGISTRATION LOCATION	USA REGISTRATION	0	0
S	534014	LANGUAGE-PUSS/DECAL/SIGNS	ENGLISH	0	0
S	032A99	TERRAIN GRADE	CITY, STARTING GRADES<6%	0	0
S	033A20	LOADING SURFACE	ASPHALT LOADING AND / OR UNLOADING SURFACE	0	0
S	MOC007	OPERATING CLASS	OPERATING CLASS 7	0	0

ENGINE & TRANSMISSION				WEIGHT (KG)	
			DESCRIPTION	FRONT	REAR
	1003L0	ENGINE / MOTOR	ISB6.7-300 D CUMMINS 300HP @ 2600RPM (GOV) 660 LB-FT, US21	716	-10
	1361W6	TRANSMISSION	3000 RDS 6 SPEED ALLISON GEN6 W/PROGNOSTICS, WITH PTO PROVISION	244	33
S	E7EA1X	FUELSense CALIBRATION	ALLISON FUELSense, NEUTRAL AT STOP	0	0
S	B1EC1X	TRANSM AUTO NEUTRAL ON P-BRAKE	AUTO NEUTRAL SINGLE INPUT WITH SHIFT SELECTOR OVERRIDE	0	0

ENGINE & TRANSMISSION EQUIPMENT				WEIGHT (KG)	
			DESCRIPTION	FRONT	REAR
	HTXB2X	ENGINE BRAKE TYPE	ENGINE BRAKE	0	0
	JDXA1X	CRUISE CONTROL	CRUISE CONTROL	0	0
S	132AB9	ALTERNATOR	DELCO 12V 160A (28SI) BRUSH-TYPE	0	0
	3180A8	BATTERY DISCONNECT SWITCH	BATTERY DISCONNECT SWITCH	2	0
S	NCXD1X	STARTER MOTOR	12 VOLT MELCO STARTER (MITSUBISHI ELECTRIC)	0	0
	5NKB7X	ENGINE BLOCK HEATER	120 VOLT / 0.75 KW, ENGINE BLOCK HEATER	1	0
	TYXE1X	POWER TAKE OFF CONTROL	POWER TAKE OFF TRANSMISSION CONTROL, PREP KIT F/SINGLE PTO	0	0

AXLE & SUSPENSION				WEIGHT (KG)	
			DESCRIPTION	FRONT	REAR
S	2400S0	FRONT AXLE	12,000LB MERITOR MFS+ 5400 KG	518	0
S	2440C4	SPRINGS - FRONT	MACK TAPERLEAF 12300# (5500 KG) GROUND LOAD RATING	0	0
S	2410A1	FRONT AXLE BRAKES	MERITOR "S" CAM TYPE 16.5" x 5" Q+	0	0
	2520O2	REAR AXLE - SINGLE	21000# (9525 kg) MERITOR MS-21-14X, (W/ DIFF LOCK) CASING 11.0mm	0	539
S	260AA5	REAR SUSPENSION - SINGLE	21000# (9525kg) MULTILEAF	0	218
	ZAX99X	SUSPENSION LEVELLING DEVICE (CA In PC29 only)	WITHOUT SUSPENSION LEVELLING DEVICE	0	0
S	253AA4	BRAKES - REAR	MERITOR "S" CAM 16.5"x7" Q+	0	0

PRICELIST DATE
20220523

QUOTATION
MCBR2022000022D836

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Attachment: Knuckleboom Loader Specs 8-4-22 (3193 : Knuckleboom loader)

TECHNICAL SPECIFICATION (cont.)



AXLE & SUSPENSION			DESCRIPTION	WEIGHT (KG)	
				FRONT	REAR
S	TAXNFX	REAR AXLE RATIO	RATIO 5.57, REAR AXLE	0	0

CHASSIS EQUIPMENT			DESCRIPTION	WEIGHT (KG)	
				FRONT	REAR
S	9KAB1X	IDLE EMISSION CERTIFICATION	IDLE EMISSION CERTIFICATION, CARB 08	0	0
	DPF07F	DPF DIESEL PARTICULATE FILTER	CUMMINS SINGLE MODULE E.A.T.S. RH SIDE UNDER CAB US17 (7L over 271HP only!)	48	24
S	130AA9	EXHAUST	UNDERFRAME RIGHT SIDE INBOARD MOUNTED	0	0
S	L3XN3X	BODY BUILDER MODULE	EL PREP KIT, TMC RP1404 EL. INTERFACE NO BODYBUILDER MODULE	0	0

FRAME EQUIPMENT & FUEL TANKS			DESCRIPTION	WEIGHT (KG)	
				FRONT	REAR
S	271270	WHEELBASE	270" Wheelbase (207" CA) 100" After-frame	314	327
S	274194	FRAME RAILS	STEEL - 260MM X 70MM X 8MM -- (10.24" X 2.75" X 0.31"); RBM 1,580,000 LB-IN	0	0
S	JVXBAX	PRIMARY FUEL FILTER	FUEL FILTER & WATER SEPARATOR	2	0
S	288AC2	FUEL TANK - LH	50 GALLON (190 L) 22" ALUMINUM ROUND	63	14

CAB INTERIOR			DESCRIPTION	WEIGHT (KG)	
				FRONT	REAR
S	198048	GAUGES - UNIT OF MEASURE	U.S. UNITS (PREDOMINANT)	0	0
S	5RXZ1X	BACK-UP ALARM	WITHOUT BACK-UP ALARM	0	0
S	PVXA2X	AIR RESTRICTION INDICATOR	MECHANICAL, GRADUATED, ON FILTER	0	0
S	LSXH1X	DAYTIME RUNNING LIGHTS	DRL WHEN ENGINE RUNNING & PARK BRAKE OFF	0	0
S	40XAKX	FIRE EXTINGUISHER	HAND FIRE EXTINGUISHER 1.1 KG (2.5LB) ENGLISH DECAL, ABC	0	0
S	F8XAVX	AUDIO SYSTEM	RADIO, AM/FM, MP3, WEATHER BAND	0	0
S	5EAA1X	AUDIO INTEGRAT. PHONE HANDSFRE	AUDIO INTEGRATED HANDSFREE PHONE, BLUETOOTH	0	0
S	5FAA1X	AUDIO COMMUNICATION CONNECTOR	AUDIO COMMUNICATION CONNECTOR, USB AUDIO	0	0
S	D6XS1X	COMMUNICATION EQUIPMENT	FACTORY INSTALLED GEOTAB FLEET MANAGEMENT SYSTEM	0	0
S	3ZXG2X	DRIVER SEAT	MAK DRIVERS SEAT, AIR SUSPENDED	0	0
S	U3CA1X	DRIVERS SEAT UPHOLSTERY	DRIVERS SEAT UPHOLSTERY, VINYL	0	0
S	34XB1X	PASSENGER SEAT	FIXED PASSENGER SEAT	13	0
S	U4CA1X	PASSENGERS SEAT UPHOLSTERY	PASSENGERS SEAT UPHOLSTERY, VINYL	0	0
S	592052	SEAT BELT(S)	ALL SEAT BELTS, BLACK	0	0

CAE EXTERIOR			DESCRIPTION	WEIGHT (KG)	
				FRONT	REAR
	6MEE1X	HOOD RADIATOR GRILLE, FINISH	HOOD RADIATOR GRILLE FINISH, BRIGHT CHROME	0	0
	W9EADX	FRONT BUMPER FINISH	FRONT BUMPER FINISH BRIGHT	0	0
	1520I2	MIRRORS - EXTERIOR	HEATED AND MOTORIZED MIRRORS BOTH SIDES, CHROME (Bulldog mirror)	14	0

PRICELIST DATE
20220523

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MCBR2022000022D836

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Attachment: Knuckleboom Loader Specs 8-4-22 (3193 : Knuckleboom loader)

TECHNICAL SPECIFICATION (cont.)



WHEELS & TIRES			WEIGHT (KG)	
		DESCRIPTION	FRONT	REAR
900A0	TIRES BRAND/TYRE - FRONT	11R22.5 H BRIDGESTONE R268 ECOPIA (13220 lbs) (Total for QTY = 2)	112	0
5310Z1	WHEELS - FRONT	22.5x8.25 ACCURIDE, POLISHED ALUMINUM DISC (Total for QTY = 2)	36	0
FWT002	FRONT AXLE TIRE & WHEEL QUANTITY	TWO FRONT TIRES & WHEELS	0	0
901090	TIRES BRAND/TYRE - REAR	11R22.5 G BRIDGESTONE M760 ECOPIA (23360 lbs) (DRIVE ONLY) (Total for QTY = 4)	0	244
346186	WHEELS - REAR	22.5x8.25 ACCURIDE, POLISHED ALUMINUM DISC (Total for QTY = 4)	0	72
RWT004	REAR AXLE TIRE & WHEEL QUANTITY	FOUR REAR AXLE TIRES & WHEELS	0	0

PAINT			WEIGHT (KG)	
		DESCRIPTION	FRONT	REAR
S	944CQ2	PAINT COLOR - FIRST COLOR		
		GLACIER WHITE; P3029	0	0

BASE WARRANTY & PURCHASED COVERAGES			WEIGHT (KG)	
		DESCRIPTION	FRONT	REAR
S	M58038	ENGINE TOWING WARRANTY		
		CUMMINS ENGINES (Contact Cummins for Standard Warranty and Extended Coverage Details)	0	0
S	M70100	MACK ONECALL BUNDLE		
		12 MONTH - ASIST AND MACK ONECALL	0	0
S	898002	VEHICLE WARRANTY TYPE		
		NORMAL DUTY WARRANTY CLASSIFICATION	0	0
S	M50AQ7	BASIC CHASSIS COVERAGE		
		CHASSIS PLAN 24 MO/UNLIMITED MI NORMAL DUTY PROTECTION PLAN	0	0
S	M51102	ENGINE WARRANTY		
		CUMMINS ENGINES B6.7 (Contact Cummins for Standard Warranty and Extended Coverage Details)	0	0
S	M52032	EMISSION COMPONENT COVERAGE		
		CUMMINS ENGINES (Contact Cummins for Standard Warranty and Extended Coverage Details)	0	0
S	M540B4	TRANSMISSION WARRANTY		
		ALLISON TRANSMISSIONS (Contact Allison Transmission for standard warranty and extended coverage data)	0	0
S	M560V6	AIR CONDITIONING WARRANTY		
		AIR CONDITIONING STANDARD COVERAGE (Sealed System Only)	0	0
S	M57028	CHASSIS TOWING WARRANTY		
		24 MONTHS UNLIMITED MILEAGE	0	0
S	M680F5	PARTNERED SERVICES		
		STANDARD CHASSIS TOWING 90 DAYS OR 5,000 MILES	0	0
		GEOTAB FOR MACK TRUCKS - 12 MONTH	0	0

FRONT / REAR AXLE WEIGHTS (KG)

3033 1711

TOTAL WEIGHT (KG)

4744

PRICELIST DATE
20220523

QUOTATION
MCBR2022000022D836

DATE
5/25/2022

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Attachment: Knuckleboom Loader Specs 8-4-22 (3193 : Knuckleboom loader)

Jessica Vaughan

From: Matt Crenshaw
Sent: Thursday, August 4, 2022 9:40 AM
To: Jessica Vaughan
Subject: FW: Knuckleboom Loader Truck Purchase

Please see the Mayor's approval below.
 Thanks!

Matt Crenshaw

City of Bartlett
 Assistant Director
 Department of Public Works
 3585 Altruria Rd.
 Bartlett, TN 38135
 901-385-5570
mcrenshaw@cityofbartlett.org



From: Keith McDonald <kmcdonald@cityofbartlett.org>
Sent: Thursday, August 4, 2022 8:32 AM
To: Matt Crenshaw <mcrenshaw@cityofbartlett.org>
Cc: Mark Brown <mbrown@cityofbartlett.org>; Mike Adams <madams@cityofbartlett.org>; Penny Medlock <pmedlock@cityofbartlett.org>
Subject: Re: Knuckleboom Loader Truck Purchase

This is approved to go to the BMA.

Sent from my iPhone

Mayor A. Keith McDonald
 City of Bartlett, TN
 6400 Stage Road
 Bartlett, TN 38134

On Aug 3, 2022, at 4:26 PM, Matt Crenshaw <mcrenshaw@cityofbartlett.org> wrote:

Mayor,
 We are planning to purchase the budgeted Knuckleboom Loader Truck for Solid Waste. Funds are available in the FY23 budget Solid Waste Fund – 12248122.935. It will be purchased through Sourcewell

Attachment: Knuckleboom Loader Specs 8-4-22 (3193 : Knuckleboom loader)

HOL-MAC CORPORATION WARRANTY POLICY

Hol-Mac Corp. (Pac-Mac ®) warrants each Hol-Mac product it manufactures and each new part and component sold by Hol-Mac to be free of defects in material and workmanship, provided the parts and components are operated and maintained in accordance with Hol-Mac published operating and maintenance instructions applicable thereto. This warranty is subject to the terms and conditions stated below.

Warrantor: This warranty is granted by Hol-Mac Corporation, P.O. Box 349, Bay Springs, Mississippi 39422. All warranty work must be accomplished by Hol-Mac at its factory in Bay Springs, Mississippi, or by such other facility specifically authorized by Hol-Mac. All warranty work performed by a facility other than Hol-Mac must be approved by Hol-Mac in writing prior to commencement of said work.

Duration of Warranty: The time periods applicable to the warranty of the specified component parts of the Hol-Mac products are as follows:

- 1 year Parts and Labor Entire Unit
- 3 year Structural Warranty
- 3 year Drive Warranty (Slewing Ring and Gear Box Only)

Warranty shall be void if unit has not been serviced in accordance to the service manual provided, evidence of operator abuse of unit is present, or the unit has been used outside the design intent.

Exclusion and Disclaimers: This warranty does not extend to normal maintenance services such as cleaning, greasing, mechanical adjustments and maintenance inspections or to any defect due to the negligence of others, failure to operate or maintain the product in accordance with the published operating and maintenance instructions furnished by Hol-Mac, unreasonable use, accidents, alterations or wear and tear. Hol-Mac also reserves the right to make changes in the design or material of its products without incurring obligation to incorporate such changes in any product previously manufactured.

Procedure for Obtaining Performance Under this Warranty: In order to qualify under this warranty, the owner must notify Hol-Mac within (45) days of discovery of the defect and promptly deliver the entire product or defective part to Hol-Mac at its factory in Bay Springs, MS, or if requested by Hol-Mac to such other authorized facility designated by Hol-Mac. Upon receipt of such product, part or component, if it is found not to be defective in material or workmanship, Hol-Mac shall notify the owner of such fact and request instructions for the return of such product, part or component to the owner. All costs of transporting Hol-Mac products to and from the Hol-Mac factory, or such other authorized facility designated by Hol-Mac, shall be paid by the owner.

NO OTHER WARRANTY, WHETHER OF FITNESS OR OTHERWISE, EXPRESSED OR IMPLIED, IN FACT OR BY LAW, IS GIVEN BY HOL-MAC WITH RESPECT TO ANY NEW PRODUCT, PART OR COMPONENT, OR WITH RESPECT TO ANY WORK AND NO OTHER OR FURTHER OBLIGATION OR LIABILITY SHALL BE INCURRED BY HOL-MAC BY REASON OF THE MANUFACTURE, SALE, OR LEASE OF ANY PRODUCT, PART, OR COMPONENT OR OF ITS USE, WHETHER FOR BREACH OF WARRANTY, NEGLIGENCE OF MANUFACTURE OR OTHERWISE.



Attachment: Knuckleboom Loader Specs 8-4-22 (3193 : Knuckleboom loader)

**Board of Mayor and Aldermen**

6400 Stage Road
Bartlett, TN 38134

SCHEDULED

Meeting: 08/23/22 06:00 PM

Department: Engineering

Category: Contract

Prepared By: Dena Hathaway

Department Head: Rick McClanahan

AGENDA ITEM

**2022 Facility maintenance fee payment to the Tennessee
Department of Environment and Conservation.**

TN Dept Env & Conservation
 WRS TN Tower, 10th Floor
 312 Rosa L. Parks Avenue
 Nashville TN 37243
 Phone: (615) 532-0065

DWS_WS_C-6158

Invoice	INV00000000709170
Date	8/1/2022
Page	1/1

Due Date: 9/15/2022

Bill To:

Customer ID: 312898
 Rick McClanahan
 BARTLETT WATER SYSTEM

6382 Stage Road
 Memphis, TN 38134

Billed	Fee Item	Fee Name	Total
1.00	TN0000765-1-A-1-V	DWS-00605-ANNUAL FEE - CONNECTIONS - 20350	\$26,455.00
			\$26,455.00

Please read the additional information (on the back or enclosed) concerning this invoice

Subtotal	\$26,455.00
Total	\$26,455.00

-----Tear off and mail back above portion with your payment-----

Customer ID: 312898
 BARTLETT WATER SYSTEM
 Rick McClanahan
 6382 Stage Road
 Memphis TN 38134

DWS_WS_C-6158
 Invoice INV00000000709170
 Date 8/1/2022
 Due Date 9/15/2022
 Total \$26,455.00
 Remit to: TN Dept Env & Conservation
 WRS TN Tower, 10th Floor
 312 Rosa L. Parks Avenue
 Nashville TN 37243

Attachment: SEEngineerIn22081109460 (3197 : TDEC Annual Facility Maintenance Fee)

**Board of Mayor and Aldermen**

6400 Stage Road
Bartlett, TN 38134

SCHEDULED**AGENDA ITEM**

Meeting: 08/23/22 06:00 PM

Department: Engineering

Category: Contract

Prepared By: Erin Campbell

Department Head: John Horne

Subdivision contract for Elmore Kenwood Subdivision.

RESIDENTIAL SUBDIVISION CONTRACT

THIS AGREEMENT, made and executed this _____ day of _____, _____ between the CITY OF BARTLETT, SHELBY COUNTY , TENNESSEE, hereinafter referred to as the CITY and DAN HESSE, hereinafter referred to as the DEVELOPER.

WITNESSETH:

WHEREAS, the CITY PLANNING COMMISSION has approved a subdivision plat Entitled: ELMORE KENWOOD SUBDIVISION dated JUNE 6, 2022, made by the DEVELOPER; and

WHEREAS, the CITY PLANNING COMMISSION has approved the Construction Plan and established certain conditions for approval of the Final Plat of said subdivision in accordance with Section 13-4-301, Tennessee Code Annotated, and the City Subdivision Regulations, one of which is the approval of this Development Contract by the CITY BOARD OF MAYOR AND ALDERMEN; AND

WHEREAS, the CITY and the DEVELOPER by the terms of this contract desire to specify those detailed costs, division of responsibilities and maintenance and other conditions in addition to the Subdivision Regulations and the Construction Plan, heretofore approved, according to Law by the CITY PLANNING COMMISSION, said additional terms not to be considered as a variance from or modification to regulations, plans or plat, as approved on the date of execution; and

WHEREAS, this Subdivision Development Contract is entered into by the CITY at the instance of the DEVELOPER upon the understanding that the DEVELOPER shall remain fully responsible for specific compliance with the requirements of the Subdivision Regulations, the Technical Specifications of the CITY, and the Construction Plan, duly prepared by the CITY PLANNING COMMISSION subject to review and recommendation of the CITY ENGINEER, and

NOW, THEREFORE, in consideration of the promisee and mutual covenants of the parties herein contained, and other considerations herein recited, it is agreed and understood as follows:

GENERAL PROVISIONS

1. That the DEVELOPER shall at his expense provide all roads, drainage, storm drains, catch basins, rights-of-way, easements, open improvements and installations to be constructed as set forth herein and on the approved Construction Plans, including construction of all off-site improvements and drainage systems (pertaining to this development).
2. That the DEVELOPER shall pay the expenses of engineering inspection by the CITY ENGINEER along with any laboratory testing expenses deemed necessary by the CITY ENGINEER and incurred for material testing and soil density and moisture content test, provided, however, that the DEVELOPER shall remain fully responsible for construction to the approved design and quality control, and that the CITY ENGINEER is vested with the right of periodic inspections, final approval and stop work order as a measure of secondary or subsequent enforcement.

3. That the CITY in its proprietary function does not purport to specify the development layout nor the choice of available land uses; nor does the CITY PLANNER design, supervise, nor certify the adequacy, structural integrity, or capacity of improvements or installations within or without the limits of the development; neither is the CITY ENGINEER vested with any authority or responsibility for the design of any improvements or installations within or without the limits of the development; nor is the CITY ENGINEER required to determine the structural integrity, capacity, elevation, location, type or adequacy of any improvements or installations.

4. That in providing technical assistance, planning and review of subdivision development the CITY seeks to enforce its minimal governmental standards and does not relieve or accept any of the DEVELOPER'S liability and responsibility for proper design, construction and installation of improvements within or without the limits of the subdivision.

5. That subject to the warranty provisions herein, after completion of the improvements, subject to final inspection and written approval of the CITY ENGINEER, submission of as-built drawings, approval and recording of the Final Plat of said subdivision, and acceptance by the CITY of the dedication of public improvements and land, the CITY does thereafter accept responsibility for the maintenance of all public improvements excepting sidewalks which shall be maintained by the property owners. Such responsibility for maintenance of sidewalks shall be so noted on the Final Plat of said subdivision.

6. That all easements granted by the DEVELOPER, to be recorded on the Final Plat of said Subdivision, shall be specifically reserved for the use or uses noted on the approved Construction Plans.

7. The DEVELOPER is required to select URD of the Memphis Light, Gas, and Water's application for Utility Services for residential subdivision. Underground Residential Distribution (URD) shall mean that all primary feeders to the subdivision and within the subdivision shall be underground to pad mounted transformers located at the side property line between the houses. The secondary service shall also be underground. Any pad mounted switchgear, as required shall be located on the side property line.
8. That when mutually agreed by the CITY and the DEVELOPER that the CITY will design and/or install any of the required improvements, the DEVELOPER shall deposit in cash or by certified negotiable instrument the full cost of such improvements, based on current prices at the time of execution of a separate contract for such design and/or installation by the CITY prior to the date the DEVELOPER requests installation to commence. It is understood that the CITY will not order materials, schedule work, or expend any funds until the required funds are delivered to the CITY by the DEVELOPER.
9. That for non-residential development within the subdivision, all storm water drainage shall be collected on site and conveyed by drainage structures to the public storm sewer system. Further, non residential development having more than one-hundred and fifty thousand (150,000) square feet of improved area, building and parking, shall have all drainage structures designed by the slow release method. The design calculations for such structures shall be submitted to the CITY ENGINEER for approval prior to construction.
10. That the DEVELOPER shall haul all scrap building materials, debris, rubbish, and other de-gradable materials to a permitted landfill, and not bury any such materials within the limits of said subdivision (except if they are permitted to burn by Shelby County Health Department and the Bartlett Fire Department).

11. That if a bond has been executed to secure the value of the improvements to be constructed and installed under this contract and said bond, due to inflation and/or rising costs, is inadequate to secure the cost of said improvements when an extension of the contract period is sought, the DEVELOPER shall provide the additional security to bring the bond amount in line with current cost projections by the CITY ENGINEER and approved by the CITY PLANNING COMMISSION.

12. That the CITY and any of its agencies will not unreasonably withhold approval of time extensions where the DEVELOPER has provided the required notice to the CITY ENGINEER and such additional security as may be deemed necessary.

13. That the DEVELOPER understands that failure to follow this time extension procedure constitutes a breach of contract and places the DEVELOPER in violation of the Subdivision Regulations and subject to a declaration of default.

14. That the DEVELOPER will not transfer the property on which this subdivision is to be located without first providing the CITY ENGINEER with prior notice of when and to whom transfer is to be made. If the transferee intends to develop this subdivision in accordance with the approved Construction Plans and Final Plat, if already approved and recorded pursuant to this contract, the DEVELOPER shall provide the CITY ENGINEER and the CITY ATTORNEY an Assumption Agreement by which the transferee agrees to perform and complete all the requirements of this contract and to provide the surety needed to secure such performance. Said agreement shall be subject to approval of the CITY BOARD OF MAYOR AND ALDERMEN.

15. That the DEVELOPER understands that transfer of said property without providing the notice of transfer and Assumption Agreement as required herein shall be a breach of contract and places the DEVELOPER in violation of the Subdivision Regulations and subject to a declaration of default.

16. That the DEVELOPER shall comply with all applicable Federal, State, and local laws, and it shall be the DEVELOPER'S responsibility to furnish proof of said compliance upon demand.
17. That should the DEVELOPER default in any part of this contract and it becomes necessary to engage an attorney to file necessary legal action to enforce the provisions of this contract or sue for any sums of money due and owing or liability arising incident to this contract, the DEVELOPER shall pay to the CITY reasonable attorney's fees.
18. That the Developer shall furnish, on demand of the CITY ATTORNEY, satisfactory evidence that the DEVELOPER has the lawful right to enter into this contract for the purpose herein contained.

II

FIXED IMPROVEMENTS

1. The construction of all required improvements by the DEVELOPER including but not limited to the curb and gutter, street sub-grade preparation, street base course construction, temporary surface course, storm drainage, sidewalks, water service, utility service, sewer service and other related items, shall be in accordance with the subdivision regulations and specifications of the CITY OF BARTLETT, which are incorporated by reference herein and said fixed improvements required approval and acceptance by the CITY OF BARTLETT. The drainage system shall be constructed with gasketed reinforced concrete pipe or concrete channel lined ditch and other drainage structures shown on the street plan and development plans for the subdivision, all of which drainage system must be specifically approved by the CITY ENGINEER and in compliance with the approved plans and CITY SPECIFICATIONS which are hereby made a part of this

contract as if specifically set out. Said plans and development plat shall bear the signature of approval by the CITY ENGINEER before construction may commence. The DEVELOPER will pay the expenses of engineering inspection by the CITY ENGINEER along with any laboratory testing expenses deemed necessary by the CITY ENGINEER and incurred for material testing and density tests, provided however, the DEVELOPER shall remain primarily responsible for construction to approve design and quality control and the CITY ENGINEER is vested with the right of periodic inspections, final approval and stop work order as a measure of secondary or subsequent enforcement. Further, for road construction, the DEVELOPER shall be responsible for street subsurface preparation and the following requirements, in addition to the detailed specifications, shall apply:

STREET PAVING/TRAFFIC CONTROL SIGNS

All streets are to be constructed in conjunction with the requirements of the approved subdivision regulations.

1. Upon completion of the graveling and/or cementing process, an inspection will be made and if approved the first 2 inch asphalt course will be applied and the cost will be paid for by the DEVELOPER. The DEVELOPER will then maintain the streets until the final street paving is installed. (See Final Street Paving Requirements, Page 10 of 24)
2. That the DEVELOPER shall install, at their expense, permanent street name signs and traffic control signs. All traffic control signs shall be located as shown on the plan prepared by the City Engineer. All signs are to be in place before final acceptance of the subdivision and shall be fabricated in accordance with the following Standards and Specifications.

STOP SIGNS: 30" x 30" octagon shape, high intensity red tape, background with 3/4" white band around complete sign with 10" white letters. Sign post shall be set in ground minimum 48" bury, so there is 7' from bottom of sign to top of asphalt. All signs shall meet or exceed Manual of Uniform Traffic Control Devices and State Department of Transportation regulations.

YIELD SIGNS: 30" triangle shape, high intensity red tape background with 3/4" white band around complete sign and 13" white triangle in center with 3" red letters. Also, all signs needs to meet or exceed Manual on Uniform Traffic Control Devices and State Department of Transportation regulations. Yield sign post shall be set in-ground, minimum 48" bury 7' from bottom of sign to top of asphalt.

SPEED LIMIT SIGNS: 24" x 30" white, high intensity tape background with 4" speed limit black letters and 10" black numbers with black 3/4" trim around complete sign 3/4" of an inch away from outside edge. Certified sign company will make to State Department of Transportation and Manual of Uniform Traffic Control Devices Standard regulations. Signpost shall be 6' from bottom of sign to top of asphalt.

STREET NAME SIGNS: 9" aluminum plates, covered completely with green reflective tape, with 6" letters. All coves and dead end streets should have yellow ends with 1" black letters saying dead end. Street name signs should be 9' from bottom of sign to top of asphalt. Sign post shall have minimum 3 foot bury. All signs need to meet or exceed Manual on Uniform Traffic Control Devices and State Department of Transportation regulations.

TRAFFIC POST: Green "U" Channel slotted post 12' long, standard thickness.

STREET NAME POST: 3" galvanized round post 12' long.

NOTE: When street name signs and traffic control signs are in same location, one post can be used with street name on top. Excessive post lengths are to be below grade or cut off; they are not to extend above the top of the sign.

3. That the DEVELOPER shall furnish all labor and materials to construct and install all sidewalks, handicap ramps, curb cuts and driveway aprons in accordance with the CITY'S Subdivision Regulations and Technical Specifications and the approved Construction Plan. The DEVELOPER may permit individual builders for lots within the subdivision to assume all or part of the responsibility for the construction and installation of sidewalks, handicap ramps, curb cuts and driveway aprons provided that the sales contract or other agreement between the DEVELOPER and individual builders shall specifically detail the builder's assumption of such responsibility and shall state that construction and installation of such improvements by the builder shall be a condition of the Building Permit issued by the CITY, in which case the DEVELOPER shall be relieved of the requirement of such construction and installation. In the event that the DEVELOPER fails to comply with this provision of the contract or if the builder has not assumed such responsibility, the DEVELOPER shall remain fully responsible for completing the construction and installation of any or all improvements which have not been

assumed by individual builders including any bonding or warranty requirements of the CITY.

4. That if it is not necessary to change an existing road grade and alignment the DEVELOPER shall only be required to construct drainage, curbs and gutters, grade, gravel, and place to the existing pavement. If the existing grade and alignment is changed, the DEVELOPER shall be required to grade, gravel and place the full width of said street or road.

5. That the DEVELOPER shall complete all grading within the street right-of-way before the public utilities are installed.

6. That the DEVELOPER shall design and construct all private streets and roadways authorized within the development to standards equal to or greater than required by the Subdivision Regulations and Technical Specifications of the CITY. (OPTION PROVISION WHERE APPLICABLE)

7. That easements for sanitary sewers, drainage and other required services may be located and utilized within private streets and shall be so noted on the Final Plat of said subdivision. (OPTIONAL PROVISION WHERE APPLICABLE).

III

FINAL STREET PAVING

The CITY OF BARTLETT shall furnish and install, on accepted and dedicated streets only, a final asphalt surface course in accordance with the CITY SPECIFICATION and Subdivision Regulations. The DEVELOPER, upon the direction of the CITY OF BARTLETT will adjust manholes and water valve boxes to meet finished surface course prior to application of surface course. The DEVELOPER shall pay to the CITY OF BARTLETT upon demand a sum equal to 100% of the cost of the surface course, said cost to be determined by the CITY ENGINEER and paid by the DEVELOPER prior to installation. This final surface (1") will not be

installed until 100% of the lots in the subdivision are built upon. Bond will be held until such time as the Final Surface is applied and all subdivision improvements are in place and accepted by the City Engineer.

IV

WATER SERVICE

1. The DEVELOPER shall pay the full and actual cost of labor and materials required or the DEVELOPER may proceed as under Paragraph 2 of this Section to install all water mains, hydrants, valves, and appurtenances to serve all lots within said subdivision from the existing CITY water system and to install water service lines and appurtenances from the water main to the meter center at the front property line of each lot. Further, the DEVELOPER shall pay all engineering, testing and laboratory costs incident to the water service in and to said subdivision.
2. That the DEVELOPER shall have the option of privately contracting for the construction and installation of all or part of the sewerage system, water service system and with a qualified contractor licensed in the State of Tennessee, provided, however, DEVELOPER shall deliver to the CITY ATTORNEY proof of payments to the contractor and a waiver of all claims and liens against such improvements binding on said contractor or the DEVELOPER may file a notice of completion and once duly filed said filing sent to the CITY ATTORNEY.

V

WATER SERVICE EXPANSION FEE

1. That the DEVELOPER shall pay to the CITY a sum equal to 15% of the water construction cost, said sum to be applied by the CITY for expansion of water supply and treatment facilities and shall be in addition to payments to the CITY for installation of the water service system to and in said subdivision.
2. Developer will pay a water connection fee of \$2,000.00 per lot.

VI

SEWER SERVICE

That the DEVELOPER shall pay to the CITY full and actual cost of labor and materials required or the DEVELOPER may proceed as under Section IV (2), herein, to install a State Board of Health approved sewerage system complete with necessary pumping stations, force main, sewer mains, and manholes, and appurtenances, within and without the limits of said subdivision, and sewer laterals to the front on each lot within the said subdivision. Further, the DEVELOPER shall pay the cost of engineering, inspection, testing, and laboratory costs incident to the sewer service in or to the said subdivision.

VII

SEWER CONNECTION CHARGE

That the DEVELOPER shall pay to the CITY, a sewer maintenance and connection charge of \$2,000.00 for each lot in said subdivision. Such fee shall be paid prior to approval of the Final Plat of said subdivision by the CITY PLANNING COMMISSION.

Also, the Developer shall pay a sewer system review fee of \$10 per lot or \$25 per 250 feet of sewer line extension (whichever is greater). Minimum charge of \$25 per contract.

VIII

JEOPARDY OF BUILDING PERMITS

That should the DEVELOPER fail to complete any part of the work in a GOOD AND WORKMANLIKE MANNER, as approved by the CITY ENGINEER or to comply with any provision of this contract, then the CITY shall reserve the right to withhold and withdraw any or all building permits, water service and sewer service within the subdivision until all provisions of this contract have been fulfilled by the DEVELOPER.

IX

SEDIMENT AND DEBRIS

1. The DEVELOPER will hold the CITY OF BARTLETT and the CITY ENGINEER harmless and defend all claims, judgments and demands of all persons for damage caused by the deposit of more sediment or debris from drainage flowing from said subdivision. Further, the DEVELOPER shall bear the expense of erosion and sediment control and dust abatement before, during and after construction during the warranty period.
2. That the DEVELOPER shall provide necessary erosion control in accordance with the CITY Subdivision Regulations and Technical Specifications. All freshly excavation and embankment areas, not covered with satisfactory vegetation, shall be fertilized, mulched and seeded and/or sprigged and/or sodded as required by the CITY ENGINEER to prevent erosion. In event it is determined by the CITY ENGINEER that the necessary erosion control is not being provided by the DEVELOPER, the CITY ENGINEER shall officially notify the DEVELOPER of the problem. If the DEVELOPER fails to provide satisfactory erosion control within fifteen (15) days after notice, then the CITY shall make all necessary improvements to eliminate the erosion problem, documenting all expenses incurred performing the work. Prior to releasing any bonds or other

securities covering said subdivision, all expenses incurred by the CITY shall be paid in full by the DEVELOPER.

3. That the DEVELOPER shall maintain work sites within and without the subdivision in a manner which will prevent increased sedimentation, debris and pollution from drainage flowing from said subdivision. In the event of a stop work order issued by the CITY ENGINEER, the DEVELOPER shall be permitted a reasonable time to continue work required to comply with this Section. Further, the DEVELOPER shall bear the expense of erosion, sediment, and insect vector control before, during and after construction, and until termination of the warranty period.

X

EASEMENTS

The DEVELOPER will be required to obtain and furnish all necessary easements to the CITY OF BARTLETT to serve said subdivision, said easements to be in form, type, size and character acceptable to the CITY OF BARTLETT.

XI

TITLE TO WATER AND SEWER LINES

The CITY OF BARTLETT shall be granted title to the water and sewer lines and accessories to serve the subdivision, and also title to the water main and sewer mains and accessories (sewer lift station) within the subdivision when said systems are connected onto the existing system of the CITY OF BARTLETT.

XII

DRAINAGE DESIGN RESPONSIBILITIES

1. That the DEVELOPER shall construct and install all storm water drainage channels, ditches, and structures. All drainage control fees shall be paid to the CITY and a retention and storage basin with sufficient hydraulic capacity to control all surface and ground water originating within and upstream of the subdivision shall be constructed as required by the City. Said drainage system shall be designed such that the amount and rate of water from all sources leaving the subdivision after full building development shall not be significantly different after than before said development unless approved by the CITY ENGINEER upon certification of a Professional Engineer registered in the State of Tennessee that the Drainage system design and improvements upon full development of upstream and downstream properties under existing zoning are sufficient to accept surface and ground water reasonably expected to flow onto the subdivision and discharge all waters reasonably expected to flow from the subdivision so as not to damage or flood properties nor to increase the established base flood elevation of the upstream or downstream portion of Flood Way within or without the subdivision. Further, that the adequacy of the drainage shall in all cases be certified by the DEVELOPER'S engineer by his signature and seal affixed upon the Final Plat of said subdivision prior to the final approval by the CITY PLANNING COMMISSION and recording of said plat.
2. That the DEVELOPER shall provide to the CITY BUILDING DEPARTMENT and to each lot purchaser or builder a coordinated grading plan designed to insure proper drainage of all lots and building site within the subdivision. Said plan shall be compatible with the overall drainage plan for the subdivision and shall comply with the CITY Subdivision Regulations and Ordinance 80-

13, which is included herewith by reference. Further, said plan shall contain a notation stating that compliance with the plan by individual lot owners and builders shall be a condition of the Building Permit issued by the CITY.

3. That in any development which alters or revises the Flood Plain or Flood Way shown on the Flood Hazard Boundary Map issued by the Federal Emergency Management Region Office, the DEVELOPER shall provide to the CITY FLOOD ADMINISTRATOR a Development Permit issued by the Federal Insurance Administration Regional Office accepting said alteration or revision of the Flood Plan or Flood Way. Further, until said Development Permit is provided the DEVELOPER shall not proceed with any work affecting the Flood Plain or Flood Way nor will the Final Plat of the subdivision be approved by the CITY PLANNING COMMISSION.

4. It is understood and agreed that the CITY OF BARTLETT in its proprietary function does not purport to specify the development layout nor the choice of available land uses; nor does the CITY OF BARTLETT design, construct, supervise nor certify the adequacy of the drainage improvements.

5. Neither is the CITY ENGINEER vested with any responsibility for the design of drainage improvements nor is he required to determine drainage capacities, survey elevation, cross check adequacy nor specify the type and locations of drainage improvements; and in providing technical assistance, planning and review the CITY OF BARTLETT does not commit itself to the construction, improvements or modification of the drainage system within or without the development.

6. Rather it is the responsibility of the DEVELOPER to properly anticipate, survey, design and construct all drainage improvements so that the development will not increase, alter or affect the flow of surface waters or channellized waters from or onto any property so as to damage or flood any property nor contribute to the same.

7. In providing technical assistance, planning and review the CITY OF BARTLETT seeks to enforce its minimal governmental standards and does not relieve or accept any of the Developers liability and responsibility to properly design and construct the development.

8. Subject to the warranty provisions herein, after completion of the development and after final inspection and written construction approval, the CITY OF BARTLETT does thereafter accept responsibility for the maintenance of drainage improvements.

9. The DEVELOPER further agrees to hold harmless the CITY OF BARTLETT and the CITY ENGINEER from any loss or damage from any claim, cause of action or liability resulting in whole or part from the design, construction and/or installation of the development including reasonable costs, litigation expenses and attorneys fees for defense of same.

10. The detention basin property for residential developments will be deeded free and clear of all liens and indebtedness to the City of Bartlett at the time the development is finalized. Detention basin property for commercial developments will remain the property of the development and its geometric shape and design may not change without approval of the Bartlett City Engineer and the Bartlett Planning Commission.

11. The residential developer has the duty to maintain the detention basin until the City accepts the basin. A fully stabilized basin will be required prior to acceptance. Detention basin maintenance on commercial property will be the responsibility of the commercial property's land owner.

12. There is a drainage fee of \$250.00 per lot in residential subdivisions where detention is constructed and profiled on the property by the developer. If no detention basin is built, the drainage fee is \$500.00 per lot.

13. In Commercial Developments detention fees will be \$500.00 per ½ acre if basins are not Constructed and \$250 per ½ acre when constructed. Basins will be constructed unless waived by the Planning Commission.

14. As long as the City of Bartlett holds security, be it bond, letter of credit or otherwise, the City of Bartlett reserves the right to use said security for completion or repair of the detention basin during the warranty period of the development served by said basin.

15. Those developments approved by the Planning Commission for detention basins to be constructed by the development and maintained by the development will not be assessed fees.

XIII

WARRANTY PROVISIONS

1. That neither the final certificate of payment nor any provision of this contract or its incorporated documents nor partial or entire occupancy of the subdivision shall constitute an approval or acceptance of any work not performed in accordance with the contract and its incorporated documents, nor relieve the DEVELOPER of liability with respect to any express warranty or responsibility for faulty materials or workmanship.

2. That the DEVELOPER shall remedy any defects in work and pay for any damage to other work resulting therefrom which shall appear within a period of one (1) year from the date of final written approval and acceptance unless a longer period is specified. The CITY shall give notice of observed defects with reasonable promptness. Further, this Construction Warranty does not effect but is in addition to the rights and liabilities assessed herein unless a longer period is specified.

3. That throughout the warranty period beginning at final acceptance the DEVELOPER shall provide a bond or other surety securing such warranty for all improvements in a form, amount and with terms acceptable to the CITY BOARD OF MAYOR AND ALDERMEN. The warranty

period is to extend to a minimum of one (1) year after the City's final acceptance. The DEVELOPER is responsible to maintain the streets until the final street paving is installed, (see Final Street Paving Requirements, Page 10 of 24). If the final street paving is not completed within the one (1) year warranty period, the street warranty will be extended until the final street paving is complete. The Bond required in these warranty periods is to be a minimum 50% of the total bond amount or an amount determined by the City Engineer to cover the final construction costs.

4. That the DEVELOPER shall complete all work in this contract within 365 consecutive calendar days from the date hereof; however, if due to unforeseen circumstances, the DEVELOPER is unable to complete said work within the times specified, but desires to complete said contract to the satisfaction of the CITY, the DEVELOPER will submit a written request for extension of the contract period to the CITY ENGINEER at least sixty (60) days prior to the expiration date for such completion, but in no case shall such date exceed one (1) calendar year from the completion date specified in any Performance Bond, provided said bond can be extended for the additional period.

XIV

STREET LIGHTS

1. The Developer of the subdivision is responsible for the cost of street light installation. Prior to release of bond, Memphis Light, Gas and Water will submit a final installed cost of street lights. The City will then bill the Developer for the actual cost incurred for street light installation. Once the Developer pays this fee the City can reduce the bond to reflect this deduction.

XV**BONDING REQUIREMENTS**

That prior to proceeding with any site preparation, construction or installation of improvements the DEVELOPER shall deposit with the CITY all required fees and assessments and deliver a formal Offer of Irrevocable Dedication of public improvements and land for said subdivision in a form approved by the CITY BOARD OF MAYOR AND ALDERMEN. Further, prior to proceeding as stated herein, the DEVELOPER shall deliver to the CITY a Performance and Payment bond, Certificate of Deposit, Letter of Credit, or cash bond in the amount identified on Page 19 of said contract and with terms stated in the CITY PLANNING COMMISSION RESOLUTION dated July 8, 1967 and amended to September 5, 1989.

XVI**HOLD HARMLESS**

That the DEVELOPER shall hold harmless the CITY and the CITY ENGINEER from any claim, cause of action or liability resulting in whole or in part from the design, construction or installation of the improvements within and without the limits of the subdivision, including reasonable costs, litigation expenses and attorney's fees for defense of same.

XVII

PARKLAND FEES

Developer will pay \$700.00 per lot for a parkland development fee or dedicate acceptable property to the City of Bartlett or other public agency for parkland set aside as outlined in City of Bartlett Subdivision Ordinance as amended May 4, 1992 and August 12, 1997.

SPECIAL CONDITIONS:

XVIII

**PAYMENT AND SCHEDULE BARTLETT, TENNESSEE. THE DEVELOPER WILL PAY TO THE CITY OF BARTLETT THE FOLLOWING AMOUNTS AS HEREINBEFORE DETAILED FOR:
ELMORE KENWOOD S/D**

I. Due at Execution of Subdivision Contract and before Construction Begins:

1.	Water Plant Expansion @ 15% of Water Main Cost (Water Main Cost = \$0.00)	\$0.00
2.	a. Water System Engineering and Subdivision Review (@) 6% of Water Main Cost	\$0.00
	b. Subdivision & site plan review fee @ \$175 per lot. (2 Lot)	\$350.00
3	Sewer Review Fee - \$10 per lot or \$25 per 250 feet of sewer line extension (whichever is greater) sewer lines = Minimum charge of \$25 per contract \$10.00 implies \$20.00 \$25.00 implies \$25.00	\$25.00
4	City Subdivision Inspection @ A: 3% of Development Cost or B: \$300.00 per Lot Whichever is greater Development Cost = \$0.00	\$0.00 \$300.00 \$600.00
5	Water Connection Fee @ \$2,000.00 per Lot 1 Lots \$2,000.00	\$2,000.00
6	Sewer Connection Fee @ \$2000.00 per Lot 1 Lots \$2,000.00	SOUTH BASIN \$2,000.00
7	DRAINAGE BASIN (HARRINGTON) Drainage Control Fee for those lots not served by a Detention Basin @ \$500.00 per Lot 2 Lots \$500.00	\$1,000.00

Attachment: ELMORE KENWOOD SD CONTRACT (3201 : Subdivision Contract for Elmore Kenwood Subdivision)

8	Drainage Control fee for lots served by a Detention Basin @ \$250.00 per Lot 2 Lots	\$0.00	\$0.00
9	City portion of Water Improvements		\$0.00
10	DISTRICT _____ Park Land Development Fee @ \$700.00 per Lot 2 Lots	\$700.00	\$1,400.00
TOTAL DUE CITY			\$7,375.00

II. Due after date of Subdivision Contract and within 30 days
after written request from the City's Department of Public Works.

1. Asphalt Paving Cost (Estimated Construction Cost)	\$0.00
2. Street Light (Estimated at \$650.00 per lot) 2 Lots	\$0.00
TOTAL DUE II	\$0.00

III. Upon Execution of Subdivision Contract and
Before Construction Begins 100% of Development
Cost (BOND)

\$0.00

IN WITNESS WHEREOF, the parties hereto have affixed their hands and seals at
 Bartlett, Tennessee, this _____ day of _____, _____.

 CITY OF BARTLETT

 DAN HESSE

 TYPED OR PRINTED SIGNATURE

ATTEST:

 CITY CLERK

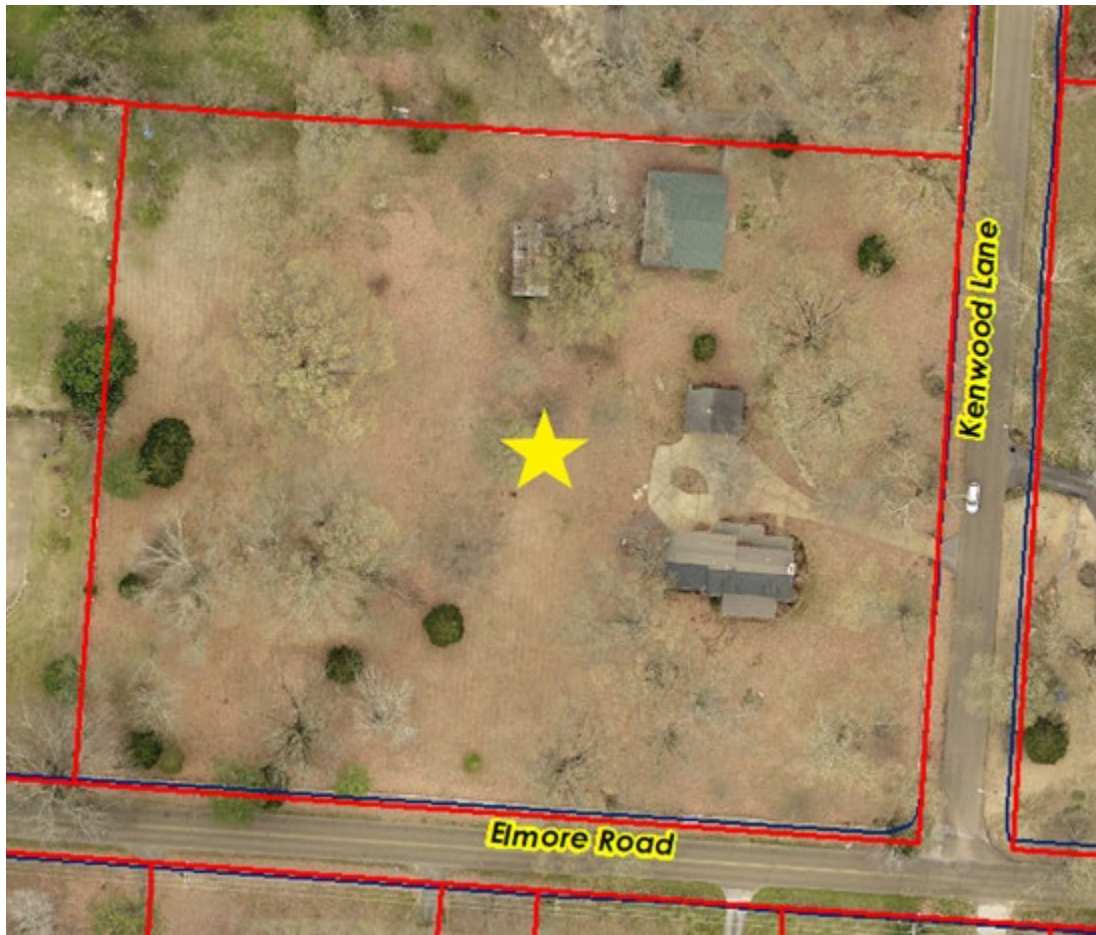
 BONDING COMPANY

 LETTER OF CREDIT, APPROVED BY CITY ATTORNEY

BY: _____
 CITY ENGINEER

DATE APPROVED BY BOARD OF MAYOR AND ALDERMEN _____

LOCATION MAP



**Board of Mayor and Aldermen**

6400 Stage Road
Bartlett, TN 38134

SCHEDULED**AGENDA ITEM**

Meeting: 08/23/22 06:00 PM

Department: Engineering

Category: Contract

Prepared By: Erin Campbell

Department Head: John Horne

Subdivision contract for Lucky Hull East Subdivision.

RESIDENTIAL SUBDIVISION CONTRACT

THIS AGREEMENT, made and executed this _____ day of _____, _____ between the CITY OF BARTLETT, SHELBY COUNTY , TENNESSEE, hereinafter referred to as the CITY and DEBORAH THOMAS, hereinafter referred to as the DEVELOPER.

WITNESSETH:

WHEREAS, the CITY PLANNING COMMISSION has approved a subdivision plat Entitled: LUCKY HULL EAST SUBDIVISION dated JULY 5, 2022, made by the DEVELOPER; and

WHEREAS, the CITY PLANNING COMMISSION has approved the Construction Plan and established certain conditions for approval of the Final Plat of said subdivision in accordance with Section 13-4-301, Tennessee Code Annotated, and the City Subdivision Regulations, one of which is the approval of this Development Contract by the CITY BOARD OF MAYOR AND ALDERMEN; AND

WHEREAS, the CITY and the DEVELOPER by the terms of this contract desire to specify those detailed costs, division of responsibilities and maintenance and other conditions in addition to the Subdivision Regulations and the Construction Plan, heretofore approved, according to Law by the CITY PLANNING COMMISSION, said additional terms not to be considered as a variance from or modification to regulations, plans or plat, as approved on the date of execution; and

WHEREAS, this Subdivision Development Contract is entered into by the CITY at the instance of the DEVELOPER upon the understanding that the DEVELOPER shall remain fully responsible for specific compliance with the requirements of the Subdivision Regulations, the Technical Specifications of the CITY, and the Construction Plan, duly prepared by the CITY PLANNING COMMISSION subject to review and recommendation of the CITY ENGINEER, and

NOW, THEREFORE, in consideration of the promisee and mutual covenants of the parties herein contained, and other considerations herein recited, it is agreed and understood as follows:

GENERAL PROVISIONS

1. That the DEVELOPER shall at his expense provide all roads, drainage, storm drains, catch basins, rights-of-way, easements, open improvements and installations to be constructed as set forth herein and on the approved Construction Plans, including construction of all off-site improvements and drainage systems (pertaining to this development).
2. That the DEVELOPER shall pay the expenses of engineering inspection by the CITY ENGINEER along with any laboratory testing expenses deemed necessary by the CITY ENGINEER and incurred for material testing and soil density and moisture content test, provided, however, that the DEVELOPER shall remain fully responsible for construction to the approved design and quality control, and that the CITY ENGINEER is vested with the right of periodic inspections, final approval and stop work order as a measure of secondary or subsequent enforcement.

3. That the CITY in its proprietary function does not purport to specify the development layout nor the choice of available land uses; nor does the CITY PLANNER design, supervise, nor certify the adequacy, structural integrity, or capacity of improvements or installations within or without the limits of the development; neither is the CITY ENGINEER vested with any authority or responsibility for the design of any improvements or installations within or without the limits of the development; nor is the CITY ENGINEER required to determine the structural integrity, capacity, elevation, location, type or adequacy of any improvements or installations.

4. That in providing technical assistance, planning and review of subdivision development the CITY seeks to enforce its minimal governmental standards and does not relieve or accept any of the DEVELOPER'S liability and responsibility for proper design, construction and installation of improvements within or without the limits of the subdivision.

5. That subject to the warranty provisions herein, after completion of the improvements, subject to final inspection and written approval of the CITY ENGINEER, submission of as-built drawings, approval and recording of the Final Plat of said subdivision, and acceptance by the CITY of the dedication of public improvements and land, the CITY does thereafter accept responsibility for the maintenance of all public improvements excepting sidewalks which shall be maintained by the property owners. Such responsibility for maintenance of sidewalks shall be so noted on the Final Plat of said subdivision.

6. That all easements granted by the DEVELOPER, to be recorded on the Final Plat of said Subdivision, shall be specifically reserved for the use or uses noted on the approved Construction Plans.

7. The DEVELOPER is required to select URD of the Memphis Light, Gas, and Water's application for Utility Services for residential subdivision. Underground Residential Distribution (URD) shall mean that all primary feeders to the subdivision and within the subdivision shall be underground to pad mounted transformers located at the side property line between the houses. The secondary service shall also be underground. Any pad mounted switchgear, as required shall be located on the side property line.

8. That when mutually agreed by the CITY and the DEVELOPER that the CITY will design and/or install any of the required improvements, the DEVELOPER shall deposit in cash or by certified negotiable instrument the full cost of such improvements, based on current prices at the time of execution of a separate contract for such design and/or installation by the CITY prior to the date the DEVELOPER requests installation to commence. It is understood that the CITY will not order materials, schedule work, or expend any funds until the required funds are delivered to the CITY by the DEVELOPER.

9. That for non-residential development within the subdivision, all storm water drainage shall be collected on site and conveyed by drainage structures to the public storm sewer system. Further, non residential development having more than one-hundred and fifty thousand (150,000) square feet of improved area, building and parking, shall have all drainage structures designed by the slow release method. The design calculations for such structures shall be submitted to the CITY ENGINEER for approval prior to construction.

10. That the DEVELOPER shall haul all scrap building materials, debris, rubbish, and other de-gradable materials to a permitted landfill, and not bury any such materials within the limits of said subdivision (except if they are permitted to burn by Shelby County Health Department and the Bartlett Fire Department).

11. That if a bond has been executed to secure the value of the improvements to be constructed and installed under this contract and said bond, due to inflation and/or rising costs, is inadequate to secure the cost of said improvements when an extension of the contract period is sought, the DEVELOPER shall provide the additional security to bring the bond amount in line with current cost projections by the CITY ENGINEER and approved by the CITY PLANNING COMMISSION.

12. That the CITY and any of its agencies will not unreasonably withhold approval of time extensions where the DEVELOPER has provided the required notice to the CITY ENGINEER and such additional security as may be deemed necessary.

13. That the DEVELOPER understands that failure to follow this time extension procedure constitutes a breach of contract and places the DEVELOPER in violation of the Subdivision Regulations and subject to a declaration of default.

14. That the DEVELOPER will not transfer the property on which this subdivision is to be located without first providing the CITY ENGINEER with prior notice of when and to whom transfer is to be made. If the transferee intends to develop this subdivision in accordance with the approved Construction Plans and Final Plat, if already approved and recorded pursuant to this contract, the DEVELOPER shall provide the CITY ENGINEER and the CITY ATTORNEY an Assumption Agreement by which the transferee agrees to perform and complete all the requirements of this contract and to provide the surety needed to secure such performance. Said agreement shall be subject to approval of the CITY BOARD OF MAYOR AND ALDERMEN.

15. That the DEVELOPER understands that transfer of said property without providing the notice of transfer and Assumption Agreement as required herein shall be a breach of contract and places the DEVELOPER in violation of the Subdivision Regulations and subject to a declaration of default.

16. That the DEVELOPER shall comply with all applicable Federal, State, and local laws, and it shall be the DEVELOPER'S responsibility to furnish proof of said compliance upon demand.
17. That should the DEVELOPER default in any part of this contract and it becomes necessary to engage an attorney to file necessary legal action to enforce the provisions of this contract or sue for any sums of money due and owing or liability arising incident to this contract, the DEVELOPER shall pay to the CITY reasonable attorney's fees.
18. That the Developer shall furnish, on demand of the CITY ATTORNEY, satisfactory evidence that the DEVELOPER has the lawful right to enter into this contract for the purpose herein contained.

II

FIXED IMPROVEMENTS

1. The construction of all required improvements by the DEVELOPER including but not limited to the curb and gutter, street sub-grade preparation, street base course construction, temporary surface course, storm drainage, sidewalks, water service, utility service, sewer service and other related items, shall be in accordance with the subdivision regulations and specifications of the CITY OF BARTLETT, which are incorporated by reference herein and said fixed improvements required approval and acceptance by the CITY OF BARTLETT. The drainage system shall be constructed with gasketed reinforced concrete pipe or concrete channel lined ditch and other drainage structures shown on the street plan and development plans for the subdivision, all of which drainage system must be specifically approved by the CITY ENGINEER and in compliance with the approved plans and CITY SPECIFICATIONS which are hereby made a part of this

contract as if specifically set out. Said plans and development plat shall bear the signature of approval by the CITY ENGINEER before construction may commence. The DEVELOPER will pay the expenses of engineering inspection by the CITY ENGINEER along with any laboratory testing expenses deemed necessary by the CITY ENGINEER and incurred for material testing and density tests, provided however, the DEVELOPER shall remain primarily responsible for construction to approve design and quality control and the CITY ENGINEER is vested with the right of periodic inspections, final approval and stop work order as a measure of secondary or subsequent enforcement. Further, for road construction, the DEVELOPER shall be responsible for street subsurface preparation and the following requirements, in addition to the detailed specifications, shall apply:

STREET PAVING/TRAFFIC CONTROL SIGNS

All streets are to be constructed in conjunction with the requirements of the approved subdivision regulations.

1. Upon completion of the graveling and/or cementing process, an inspection will be made and if approved the first 2 inch asphalt course will be applied and the cost will be paid for by the DEVELOPER. The DEVELOPER will then maintain the streets until the final street paving is installed. (See Final Street Paving Requirements, Page 10 of 24)
2. That the DEVELOPER shall install, at their expense, permanent street name signs and traffic control signs. All traffic control signs shall be located as shown on the plan prepared by the City Engineer. All signs are to be in place before final acceptance of the subdivision and shall be fabricated in accordance with the following Standards and Specifications.

STOP SIGNS: 30" x 30" octagon shape, high intensity red tape, background with 3/4" white band around complete sign with 10" white letters. Sign post shall be set in ground minimum 48" bury, so there is 7' from bottom of sign to top of asphalt. All signs shall meet or exceed Manual of Uniform Traffic Control Devices and State Department of Transportation regulations.

YIELD SIGNS: 30" triangle shape, high intensity red tape background with 3/4" white band around complete sign and 13" white triangle in center with 3" red letters. Also, all signs needs to meet or exceed Manual on Uniform Traffic Control Devices and State Department of Transportation regulations. Yield sign post shall be set in-ground, minimum 48" bury 7' from bottom of sign to top of asphalt.

SPEED LIMIT SIGNS: 24" x 30" white, high intensity tape background with 4" speed limit black letters and 10" black numbers with black 3/4" trim around complete sign 3/4" of an inch away from outside edge. Certified sign company will make to State Department of Transportation and Manual of Uniform Traffic Control Devices Standard regulations. Signpost shall be 6' from bottom of sign to top of asphalt.

STREET NAME SIGNS: 9" aluminum plates, covered completely with green reflective tape, with 6" letters. All coves and dead end streets should have yellow ends with 1" black letters saying dead end. Street name signs should be 9' from bottom of sign to top of asphalt. Sign post shall have minimum 3 foot bury. All signs need to meet or exceed Manual on Uniform Traffic Control Devices and State Department of Transportation regulations.

TRAFFIC POST: Green "U" Channel slotted post 12' long, standard thickness.

STREET NAME POST: 3" galvanized round post 12' long.

NOTE: When street name signs and traffic control signs are in same location, one post can be used with street name on top. Excessive post lengths are to be below grade or cut off; they are not to extend above the top of the sign.

3. That the DEVELOPER shall furnish all labor and materials to construct and install all sidewalks, handicap ramps, curb cuts and driveway aprons in accordance with the CITY'S Subdivision Regulations and Technical Specifications and the approved Construction Plan. The DEVELOPER may permit individual builders for lots within the subdivision to assume all or part of the responsibility for the construction and installation of sidewalks, handicap ramps, curb cuts and driveway aprons provided that the sales contract or other agreement between the DEVELOPER and individual builders shall specifically detail the builder's assumption of such responsibility and shall state that construction and installation of such improvements by the builder shall be a condition of the Building Permit issued by the CITY, in which case the DEVELOPER shall be relieved of the requirement of such construction and installation. In the event that the DEVELOPER fails to comply with this provision of the contract or if the builder has not assumed such responsibility, the DEVELOPER shall remain fully responsible for completing the construction and installation of any or all improvements which have not been

assumed by individual builders including any bonding or warranty requirements of the CITY.

4. That if it is not necessary to change an existing road grade and alignment the DEVELOPER shall only be required to construct drainage, curbs and gutters, grade, gravel, and place to the existing pavement. If the existing grade and alignment is changed, the DEVELOPER shall be required to grade, gravel and place the full width of said street or road.

5. That the DEVELOPER shall complete all grading within the street right-of-way before the public utilities are installed.

6. That the DEVELOPER shall design and construct all private streets and roadways authorized within the development to standards equal to or greater than required by the Subdivision Regulations and Technical Specifications of the CITY. (OPTION PROVISION WHERE APPLICABLE)

7. That easements for sanitary sewers, drainage and other required services may be located and utilized within private streets and shall be so noted on the Final Plat of said subdivision. (OPTIONAL PROVISION WHERE APPLICABLE).

III

FINAL STREET PAVING

The CITY OF BARTLETT shall furnish and install, on accepted and dedicated streets only, a final asphalt surface course in accordance with the CITY SPECIFICATION and Subdivision Regulations. The DEVELOPER, upon the direction of the CITY OF BARTLETT will adjust manholes and water valve boxes to meet finished surface course prior to application of surface course. The DEVELOPER shall pay to the CITY OF BARTLETT upon demand a sum equal to 100% of the cost of the surface course, said cost to be determined by the CITY ENGINEER and paid by the DEVELOPER prior to installation. This final surface (1") will not be

installed until 100% of the lots in the subdivision are built upon. Bond will be held until such time as the Final Surface is applied and all subdivision improvements are in place and accepted by the City Engineer.

IV

WATER SERVICE

1. The DEVELOPER shall pay the full and actual cost of labor and materials required or the DEVELOPER may proceed as under Paragraph 2 of this Section to install all water mains, hydrants, valves, and appurtenances to serve all lots within said subdivision from the existing CITY water system and to install water service lines and appurtenances from the water main to the meter center at the front property line of each lot. Further, the DEVELOPER shall pay all engineering, testing and laboratory costs incident to the water service in and to said subdivision.
2. That the DEVELOPER shall have the option of privately contracting for the construction and installation of all or part of the sewerage system, water service system and with a qualified contractor licensed in the State of Tennessee, provided, however, DEVELOPER shall deliver to the CITY ATTORNEY proof of payments to the contractor and a waiver of all claims and liens against such improvements binding on said contractor or the DEVELOPER may file a notice of completion and once duly filed said filing sent to the CITY ATTORNEY.

V

WATER SERVICE EXPANSION FEE

1. That the DEVELOPER shall pay to the CITY a sum equal to 15% of the water construction cost, said sum to be applied by the CITY for expansion of water supply and treatment facilities and shall be in addition to payments to the CITY for installation of the water service system to and in said subdivision.
2. Developer will pay a water connection fee of \$2,000.00 per lot.

VI

SEWER SERVICE

That the DEVELOPER shall pay to the CITY full and actual cost of labor and materials required or the DEVELOPER may proceed as under Section IV (2), herein, to install a State Board of Health approved sewerage system complete with necessary pumping stations, force main, sewer mains, and manholes, and appurtenances, within and without the limits of said subdivision, and sewer laterals to the front on each lot within the said subdivision. Further, the DEVELOPER shall pay the cost of engineering, inspection, testing, and laboratory costs incident to the sewer service in or to the said subdivision.

VII

SEWER CONNECTION CHARGE

That the DEVELOPER shall pay to the CITY, a sewer maintenance and connection charge of \$2,000.00 for each lot in said subdivision. Such fee shall be paid prior to approval of the Final Plat of said subdivision by the CITY PLANNING COMMISSION.

Also, the Developer shall pay a sewer system review fee of \$10 per lot or \$25 per 250 feet of sewer line extension (whichever is greater). Minimum charge of \$25 per contract.

VIII

JEOPARDY OF BUILDING PERMITS

That should the DEVELOPER fail to complete any part of the work in a GOOD AND WORKMANLIKE MANNER, as approved by the CITY ENGINEER or to comply with any provision of this contract, then the CITY shall reserve the right to withhold and withdraw any or all building permits, water service and sewer service within the subdivision until all provisions of this contract have been fulfilled by the DEVELOPER.

IX

SEDIMENT AND DEBRIS

1. The DEVELOPER will hold the CITY OF BARTLETT and the CITY ENGINEER harmless and defend all claims, judgments and demands of all persons for damage caused by the deposit of more sediment or debris from drainage flowing from said subdivision. Further, the DEVELOPER shall bear the expense of erosion and sediment control and dust abatement before, during and after construction during the warranty period.
2. That the DEVELOPER shall provide necessary erosion control in accordance with the CITY Subdivision Regulations and Technical Specifications. All freshly excavation and embankment areas, not covered with satisfactory vegetation, shall be fertilized, mulched and seeded and/or sprigged and/or sodded as required by the CITY ENGINEER to prevent erosion. In event it is determined by the CITY ENGINEER that the necessary erosion control is not being provided by the DEVELOPER, the CITY ENGINEER shall officially notify the DEVELOPER of the problem. If the DEVELOPER fails to provide satisfactory erosion control within fifteen (15) days after notice, then the CITY shall make all necessary improvements to eliminate the erosion problem, documenting all expenses incurred performing the work. Prior to releasing any bonds or other

securities covering said subdivision, all expenses incurred by the CITY shall be paid in full by the DEVELOPER.

3. That the DEVELOPER shall maintain work sites within and without the subdivision in a manner which will prevent increased sedimentation, debris and pollution from drainage flowing from said subdivision. In the event of a stop work order issued by the CITY ENGINEER, the DEVELOPER shall be permitted a reasonable time to continue work required to comply with this Section. Further, the DEVELOPER shall bear the expense of erosion, sediment, and insect vector control before, during and after construction, and until termination of the warranty period.

X

EASEMENTS

The DEVELOPER will be required to obtain and furnish all necessary easements to the CITY OF BARTLETT to serve said subdivision, said easements to be in form, type, size and character acceptable to the CITY OF BARTLETT.

XI

TITLE TO WATER AND SEWER LINES

The CITY OF BARTLETT shall be granted title to the water and sewer lines and accessories to serve the subdivision, and also title to the water main and sewer mains and accessories (sewer lift station) within the subdivision when said systems are connected onto the existing system of the CITY OF BARTLETT.

XII

DRAINAGE DESIGN RESPONSIBILITIES

1. That the DEVELOPER shall construct and install all storm water drainage channels, ditches, and structures. All drainage control fees shall be paid to the CITY and a retention and storage basin with sufficient hydraulic capacity to control all surface and ground water originating within and upstream of the subdivision shall be constructed as required by the City. Said drainage system shall be designed such that the amount and rate of water from all sources leaving the subdivision after full building development shall not be significantly different after than before said development unless approved by the CITY ENGINEER upon certification of a Professional Engineer registered in the State of Tennessee that the Drainage system design and improvements upon full development of upstream and downstream properties under existing zoning are sufficient to accept surface and ground water reasonably expected to flow onto the subdivision and discharge all waters reasonably expected to flow from the subdivision so as not to damage or flood properties nor to increase the established base flood elevation of the upstream or downstream portion of Flood Way within or without the subdivision. Further, that the adequacy of the drainage shall in all cases be certified by the DEVELOPER'S engineer by his signature and seal affixed upon the Final Plat of said subdivision prior to the final approval by the CITY PLANNING COMMISSION and recording of said plat.
2. That the DEVELOPER shall provide to the CITY BUILDING DEPARTMENT and to each lot purchaser or builder a coordinated grading plan designed to insure proper drainage of all lots and building site within the subdivision. Said plan shall be compatible with the overall drainage plan for the subdivision and shall comply with the CITY Subdivision Regulations and Ordinance 80-

13, which is included herewith by reference. Further, said plan shall contain a notation stating that compliance with the plan by individual lot owners and builders shall be a condition of the Building Permit issued by the CITY.

3. That in any development which alters or revises the Flood Plain or Flood Way shown on the Flood Hazard Boundary Map issued by the Federal Emergency Management Region Office, the DEVELOPER shall provide to the CITY FLOOD ADMINISTRATOR a Development Permit issued by the Federal Insurance Administration Regional Office accepting said alteration or revision of the Flood Plan or Flood Way. Further, until said Development Permit is provided the DEVELOPER shall not proceed with any work affecting the Flood Plain or Flood Way nor will the Final Plat of the subdivision be approved by the CITY PLANNING COMMISSION.

4. It is understood and agreed that the CITY OF BARTLETT in its proprietary function does not purport to specify the development layout nor the choice of available land uses; nor does the CITY OF BARTLETT design, construct, supervise nor certify the adequacy of the drainage improvements.

5. Neither is the CITY ENGINEER vested with any responsibility for the design of drainage improvements nor is he required to determine drainage capacities, survey elevation, cross check adequacy nor specify the type and locations of drainage improvements; and in providing technical assistance, planning and review the CITY OF BARTLETT does not commit itself to the construction, improvements or modification of the drainage system within or without the development.

6. Rather it is the responsibility of the DEVELOPER to properly anticipate, survey, design and construct all drainage improvements so that the development will not increase, alter or affect the flow of surface waters or channellized waters from or onto any property so as to damage or flood any property nor contribute to the same.

7. In providing technical assistance, planning and review the CITY OF BARTLETT seeks to enforce its minimal governmental standards and does not relieve or accept any of the Developers liability and responsibility to properly design and construct the development.

8. Subject to the warranty provisions herein, after completion of the development and after final inspection and written construction approval, the CITY OF BARTLETT does thereafter accept responsibility for the maintenance of drainage improvements.

9. The DEVELOPER further agrees to hold harmless the CITY OF BARTLETT and the CITY ENGINEER from any loss or damage from any claim, cause of action or liability resulting in whole or part from the design, construction and/or installation of the development including reasonable costs, litigation expenses and attorneys fees for defense of same.

10. The detention basin property for residential developments will be deeded free and clear of all liens and indebtedness to the City of Bartlett at the time the development is finalized. Detention basin property for commercial developments will remain the property of the development and its geometric shape and design may not change without approval of the Bartlett City Engineer and the Bartlett Planning Commission.

11. The residential developer has the duty to maintain the detention basin until the City accepts the basin. A fully stabilized basin will be required prior to acceptance. Detention basin maintenance on commercial property will be the responsibility of the commercial property's land owner.

12. There is a drainage fee of \$250.00 per lot in residential subdivisions where detention is constructed and profiled on the property by the developer. If no detention basin is built, the drainage fee is \$500.00 per lot.

13. In Commercial Developments detention fees will be \$500.00 per ½ acre if basins are not Constructed and \$250 per ½ acre when constructed. Basins will be constructed unless waived by the Planning Commission.

14. As long as the City of Bartlett holds security, be it bond, letter of credit or otherwise, the City of Bartlett reserves the right to use said security for completion or repair of the detention basin during the warranty period of the development served by said basin.

15. Those developments approved by the Planning Commission for detention basins to be constructed by the development and maintained by the development will not be assessed fees.

XIII

WARRANTY PROVISIONS

1. That neither the final certificate of payment nor any provision of this contract or its incorporated documents nor partial or entire occupancy of the subdivision shall constitute an approval or acceptance of any work not performed in accordance with the contract and its incorporated documents, nor relieve the DEVELOPER of liability with respect to any express warranty or responsibility for faulty materials or workmanship.

2. That the DEVELOPER shall remedy any defects in work and pay for any damage to other work resulting therefrom which shall appear within a period of one (1) year from the date of final written approval and acceptance unless a longer period is specified. The CITY shall give notice of observed defects with reasonable promptness. Further, this Construction Warranty does not effect but is in addition to the rights and liabilities assessed herein unless a longer period is specified.

3. That throughout the warranty period beginning at final acceptance the DEVELOPER shall provide a bond or other surety securing such warranty for all improvements in a form, amount and with terms acceptable to the CITY BOARD OF MAYOR AND ALDERMEN. The warranty

period is to extend to a minimum of one (1) year after the City's final acceptance. The DEVELOPER is responsible to maintain the streets until the final street paving is installed, (see Final Street Paving Requirements, Page 10 of 24). If the final street paving is not completed within the one (1) year warranty period, the street warranty will be extended until the final street paving is complete. The Bond required in these warranty periods is to be a minimum 50% of the total bond amount or an amount determined by the City Engineer to cover the final construction costs.

4. That the DEVELOPER shall complete all work in this contract within 365 consecutive calendar days from the date hereof; however, if due to unforeseen circumstances, the DEVELOPER is unable to complete said work within the times specified, but desires to complete said contract to the satisfaction of the CITY, the DEVELOPER will submit a written request for extension of the contract period to the CITY ENGINEER at least sixty (60) days prior to the expiration date for such completion, but in no case shall such date exceed one (1) calendar year from the completion date specified in any Performance Bond, provided said bond can be extended for the additional period.

XIV

STREET LIGHTS

1. The Developer of the subdivision is responsible for the cost of street light installation. Prior to release of bond, Memphis Light, Gas and Water will submit a final installed cost of street lights. The City will then bill the Developer for the actual cost incurred for street light installation. Once the Developer pays this fee the City can reduce the bond to reflect this deduction.

XV**BONDING REQUIREMENTS**

That prior to proceeding with any site preparation, construction or installation of improvements the DEVELOPER shall deposit with the CITY all required fees and assessments and deliver a formal Offer of Irrevocable Dedication of public improvements and land for said subdivision in a form approved by the CITY BOARD OF MAYOR AND ALDERMEN. Further, prior to proceeding as stated herein, the DEVELOPER shall deliver to the CITY a Performance and Payment bond, Certificate of Deposit, Letter of Credit, or cash bond in the amount identified on Page 19 of said contract and with terms stated in the CITY PLANNING COMMISSION RESOLUTION dated July 8, 1967 and amended to September 5, 1989.

XVI**HOLD HARMLESS**

That the DEVELOPER shall hold harmless the CITY and the CITY ENGINEER from any claim, cause of action or liability resulting in whole or in part from the design, construction or installation of the improvements within and without the limits of the subdivision, including reasonable costs, litigation expenses and attorney's fees for defense of same.

XVII

PARKLAND FEES

Developer will pay \$700.00 per lot for a parkland development fee or dedicate acceptable property to the City of Bartlett or other public agency for parkland set aside as outlined in City of Bartlett Subdivision Ordinance as amended May 4, 1992 and August 12, 1997.

SPECIAL CONDITIONS:

Attachment: LUCKY HULL EAST SD CONTRACT (3202 : Subdivision Contract for Lucky Hull East Subdivision)

XVII

**PAYMENT AND SCHEDULE BARTLETT, TENNESSEE. THE DEVELOPER WILL PAY TO THE CITY OF BARTLETT THE FOLLOWING AMOUNTS AS HEREINBEFORE DETAILED FOR:
LUCKY HULL EAST SUBDIVISION**

I. Due at Execution of Subdivision Contract and before Construction Begins:

1.	Water Plant Expansion @ 15% of Water Main Cost (Water Main Cost = \$0.00)	\$0.00
2.	a. Water System Engineering and Subdivision Review @) 6% of Water Main Cost	\$0.00
	b. Subdivision & site plan review fee @ \$175 per lot. (1 Lot)	\$175.00
3	Sewer Review Fee - \$10 per lot or \$25 per 250 feet of sewer line extension (whichever is greater) sewer lines = Minimum charge of \$25 per contract \$10.00 implies \$20.00 \$25.00 implies \$25.00	\$25.00
4	City Subdivision Inspection @ A: 3% of Development Cost or B: \$300.00 per Lot Whichever is greater Development Cost = \$0.00	\$0.00 \$300.00 \$300.00
5	Water Connection Fee @ \$2,000.00 per Lot 1 Lots \$2,000.00	Previously paid
6	Sewer Connection Fee @ \$2000.00 per Lot 1 Lots \$2,000.00	SOUTH BASIN Previously paid
7	DRAINAGE BASIN (FLETCHER) Drainage Control Fee for those lots not served by a Detention Basin @ \$500.00 per Lot 1 Lots \$500.00	\$500.00

Attachment: LUCKY HULL EAST SD CONTRACT (3202 : Subdivision Contract for Lucky Hull East Subdivision)

8	Drainage Control fee for lots served by a Detention Basin @ \$250.00 per Lot 1 Lots	\$0.00	\$0.00
9	City portion of Water Improvements		\$0.00
10	DISTRICT _____ Park Land Development Fee @ \$700.00 per Lot 1 Lots	\$700.00	\$700.00
TOTAL DUE CITY			\$1,700.00

II. Due after date of Subdivision Contract and within 30 days
after written request from the City's Department of Public Works.

1. Asphalt Paving Cost (Estimated Construction Cost)	\$0.00
2. Street Light (Estimated at \$650.00 per lot) 1 Lots	\$0.00
TOTAL DUE II	\$0.00

III. Upon Execution of Subdivision Contract and
Before Construction Begins 100% of Development
Cost (BOND)

\$0.00

IN WITNESS WHEREOF, the parties hereto have affixed their hands and seals at

Bartlett, Tennessee, this _____ day of _____, _____.

CITY OF BARTLETT

DEBORAH THOMAS

TYPED OR PRINTED SIGNATURE

ATTEST:

CITY CLERK

BONDING COMPANY

LETTER OF CREDIT, APPROVED BY CITY ATTORNEY

BY: _____
CITY ENGINEER

DATE APPROVED BY BOARD OF MAYOR AND ALDERMEN _____

Attachment: LUCKY HULL EAST SD CONTRACT (3202 : Subdivision Contract for Lucky Hull East Subdivision)

LOCATION MAP



**Board of Mayor and Aldermen**

6400 Stage Road
Bartlett, TN 38134

SCHEDULED**AGENDA ITEM**

Meeting: 08/23/22 06:00 PM

Department: Board of Mayor and Aldermen

Category: Proposal

Prepared By: Penny Medlock

Department Head: A. Keith McDonald

**Proposal to rename Municipal Park to the Mark Brown
Municipal Park and the Fire Department Training Center to
the Terry Wiggins Fire Training Center.**



Board of Mayor and Aldermen

6400 Stage Road
Bartlett, TN 38134

SCHEDULED

RESOLUTION (ID # 3199)

Meeting: 08/23/22 06:00 PM
Department: Planning and Economic Development
Category: Special use permit
Prepared By: Sam Harris
Initiator: Kim Taylor
Sponsors:
DOC ID: 3199

Set a public hearing for September 27, 2022 for Resolution 28-22, a resolution to approve a special use permit for Joyce's Gardens Planned Unit Residential Development located at 6778 Old Brownsville Road within the "RS-10" single family residential zoning districts.

WHEREAS, an application has been made for a Special Use Permit to allow a Planned Unit Residential Development to be located at 6778 Old Brownsville Road, within the "RS-15" Single Family Residential Zoning District.

WHEREAS, according to Article 6, Section 3 of the Bartlett Zoning Ordinance, a Special Use Permit is required within the "RS-15" Single Family Residential Zoning District to allow a Planned Unit Residential Development.

WHEREAS, the Planning Commission reviewed the proposed Special Use Permit to allow a Planned Unit Residential Development to be located at 6778 Old Brownsville Road on Monday, August 1, 2022, in accordance with their regulations and approved the favorable recommendation of approval of the Special Use Permit; and

WHEREAS, the Board of Mayor and Aldermen held a Public Hearing on the 27th day of September, 2022, and approved the Special Use Permit to allow a Planned Unit Residential Development to be located at 6778 Old Brownsville Road, subject to the following conditions:

Engineering Conditions:

General:

- 1) A full subdivision contract will be required.
- 2) All new utilities shall be underground.
- 3) Handicap ramps are required at street corners.
- 4) Lots 9, 25, 28, 39, 40, 41, and 42 will be restricted from access to New Brownsville Road.
- 5) All mark-ups and corrections shall be addressed on the revised plans.
- 6) Construction access will not be permitted on New Brownsville Road until the roadway is finished and released to the City of Bartlett. It is scheduled to be completed by fall 2023.

Plat:

- 7) All COS shall be maintained by the Homeowners Association.
- 8) Greenway shall be called out as "Dedicated to the City of Bartlett."
- 9) Finished Floor Elevations will be required on Lots 21-22, which border the Greenbelt.
- 10) The developer shall work with the owner of Lot 25 in Rockyford Place Planned Development to remove the temporary turnaround.
- 11) An ingress/egress easement shall be placed on Lot 28 to allow access to the existing parcel.

12) The cemetery boundary shall be confirmed.

Erosion Control:

- 13) The engineer shall provide a copy of the SWPPP (Storm Water Pollution Prevention Plan) that has been or will be submitted to TDEC (Tennessee Department of Conservation).
- 14) Prior to any work being started, an NOC (Notice of Coverage) from TDEC must be received and a copy submitted to the City of Bartlett.
- 15) Metal posts with wire-backed fence are required on the proposed silt fences.
- 16) All inlets to be protected by erosion control measures.
- 17) Sediment basins may be required during construction.

Grading and Drainage:

- 18) The detention basins will be maintained by the HOA.
- 19) Applicant's engineer shall submit the stamped and signed detention calculations for the proposed detention basin and show the 'pre' and the 'post' runoff for the 2, 5, 10, 25, and 100 year storms. There should be one foot of freeboard above the top of the basin's wet storage elevation.
- 20) Pipe tables will be required and columns shall be provided for as-built data.
- 21) Drainage areas entering and exiting shall be shown on plan and any point drainage source entering or exiting the site should be connected via pipe.

Sanitary Sewer:

- 22) Plan and profile sheets will be required.

Water Plan:

- 23) Applicant shall provide a set of digital drawings showing the sanitary sewer lines, drainage lines, lot lines and all street improvements in AutoCAD format to Erin Campbell, ecampbell@cityofbartlett.org <<mailto:ecampbell@cityofbartlett.org>> for use in the preparation of the Water Design Plan.

Street Plan & Profile:

- 24) Not submitted, will be required.

Planning Conditions:

- 1. The applicant shall rename the subdivision name to Joyce's Gardens Planned Development since this development is being approved as a planned development in lieu of a standard subdivision.
- 2. The applicant shall add street names for the future Construction Plan and Final Plan submittals.
- 3. The applicant shall follow the note attached to the Rockyford Place Planned Development to follow the instructions on abandoning the temporary turnaround for Lot 25 in the Rockyford Place Planned Development, "40' paved temporary turnaround to be built as shown. Lot 25 shall have building setback measured off of edge of paved turnaround unless Raner Lane has been extended prior to house construction and turnaround has been removed. Developer shall pay City of Bartlett cash-in-lieu of construction to provide for the construction of curb & gutter, sidewalk, and driveway connection and turnaround

removal to be done when Raner Lane is extended south across the east property line of this subdivision.”

4. The applicant shall add a building setbacks table for Phase 1 and Phase 2 to the proposed plat to clearly identify the building setbacks in each phase.
5. The applicant will need to add a note to the plat to deny driveway access to New Brownsville Road for Lots 9, 25, 28, 39, 40, 41, and 42.
6. The applicant must attach the home owners’ association bylaws instrument number and the covenants and restrictions instrument number to the final plat.
7. The owner/applicant shall be present at the meeting in order to make decisions relative to any changes that may be suggested by the Planning Commission.
8. The applicant shall be present at the corresponding Board of Mayor and Aldermen meetings to make decisions relative to any changes that maybe suggested by the Board of Mayor and Aldermen.
9. Should the Planned Development be approved by the Board of Mayor and Aldermen, the applicant shall submit construction and final subdivision plans, along with a site plan application to the Design Review Commission for the common open space areas and the amenities to be installed in the common open space areas.

WHEREAS, the Board of Mayor and Aldermen have determined that this Special Use Permit should be approved;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF BARTLETT, TENNESSEE, that the Special Use Permit to allow a Planned Unit Residential Development to be located at 6778 Old Brownsville Road, incorporating the above listed conditions, is approved.

ADOPTED THIS 27th DAY OF SEPTEMBER, 2022.

W.C. Pleasant, Register to the
Board of Mayor and Aldermen

A. Keith McDonald, Mayor

Penny Medlock, City Clerk



Board of Mayor and Aldermen

6400 Stage Road
Bartlett, TN 38134

SCHEDULED

RESOLUTION (ID # 3200)

Meeting: 08/23/22 06:00 PM
Department: Planning and Economic Development
Category: Special use permit
Prepared By: Sam Harris
Initiator: Kim Taylor
Sponsors:
DOC ID: 3200

Set a public hearing for September 27, 2022 for Resolution 29-22, a resolution approving a special use permit to allow a tattoo and body piercing establishment to be located at 2965 North Germantown Road Suites 129 and 130, within the “C-H” Highway Business zoning district.

WHEREAS, an application has been made for a Special Use Permit to allow a Tattoo and Body Piercing establishment to be located at 2965 North Germantown Road Suites 129 and 130 within the “C-H” Highway Business Zoning District.

WHEREAS, according to Article 5, Chart I of the Bartlett Zoning Ordinance, a Special Use Permit is required in the “C-H” Highway Business zoning district to operate a Tattoo and Body Piercing establishment.

WHEREAS, the Planning Commission reviewed the proposed Special Use Permit to allow a Tattoo and Body Piercing establishment to be located at 2965 North Germantown Road Suites 129 and 130 on Monday, August 1, 2022, in accordance with their regulations and approved the favorable recommendation of approval of the Special Use Permit; and

WHEREAS, the Board of Mayor and Aldermen held a Public Hearing on the 27th day of September, 2022, and approved the Special Use Permit to allow a Tattoo and Body Piercing establishment to be located at 2965 North Germantown Road Suites 129 and 130, subject to the following conditions:

Engineering Conditions: None

Planning Conditions:

1. Prior to opening the business, the applicant shall obtain a studio certificate certified by the Shelby County Health Department and all tattoo artists shall be licensed by the state.
2. The applicant shall obtain Design Review Commission approval prior to installing/changing any signage or making any changes to the exterior.
3. The owner/applicant shall be present at the meeting in order to make decisions relative to any changes that may be suggested by the Planning Commission.
4. The applicant shall be present at the corresponding Board of Mayor and Aldermen meetings to make decisions relative to any changes that may be suggested by the Board of Mayor and Aldermen.

Planning Commission Conditions:

1. The establishment shall have a closing time of 12:00 am (midnight).

WHEREAS, the Board of Mayor and Aldermen have determined that this Special Use Permit should be approved;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF BARTLETT, TENNESSEE, that the Special Use Permit to allow a Tattoo and Body Piercing establishment to be located at 2965 North Germantown Road Suites 129 and 130, incorporating the above listed conditions, is approved.

ADOPTED THIS 27th DAY OF SEPTEMBER 2022.

W.C. Pleasant, Register to the
Board of Mayor and Aldermen

A. Keith McDonald, Mayor

Penny Medlock, City Clerk