

**METROPOLITAN PUBLIC HEALTH DEPARTMENT
DIVISION OF POLLUTION CONTROL**

REGULATION NO. 8

**Inspection and Maintenance of
Light-Duty Motor Vehicles**

**As provided for in the Code of Laws of the
Metropolitan Government of Nashville and
Davidson County, Tennessee, Chapter 10.56, “Air
Pollution Control”, Section 10.56.090 and Section
10.56.240.**

**Adopted May 13, 1981
As Amended February 15, 1984
As Amended November 9, 1993
As Amended July 10, 2001
As Amended July 31, 2001
As Amended December 14, 2004
As Amended June 8, 2007
As Amended April 14, 2022**

**By the Metropolitan Board of Health of Nashville and Davidson County,
Tennessee**

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**Regulation of Emissions From Light-duty Motor Vehicles through
Mandatory Vehicle Inspection and Maintenance Program**

This Regulation is adopted for the purpose of preventing, abating and controlling air pollution caused by excessive air contaminants discharged into the air from the operation of light-duty motor vehicles. This Regulation is promulgated as provided for in Section 10.56.240, “Internal Combustion Engines”, and Section 10.56.090, “Board-Powers and Duties,” Chapter 10.56, of the Metropolitan Code of Laws.

SECTION 8-1: [Reserved]

SECTION 8-2: [Reserved]

SECTION 8-3: [Reserved]

SECTION 8-4: [Reserved]

SECTION 8-5: [Reserved]

SECTION 8-6: [Reserved]

SECTION 8-7: [Reserved]

SECTION 8-8: [Reserved]

SECTION 8-9: [Reserved]

SECTION 8-10: Severability

The provisions of any Part, Section, Subsection, Paragraph, phrase or clause of this Regulation that shall be adjudged invalid or unconstitutional by any court of competent jurisdiction, the judgment shall not affect, compare, or invalidate the remainder of this Regulation, but should be confined in its operation to the Part, Section, Subsection, Paragraph, phrase or clause of this Regulation that shall not be directly involved in the controversy in which such judgment shall have been redeemed.

CHAPTER 1. - PUBLIC HEALTH**Sec. 10.101. - Metropolitan board of health—Created.**

There shall be a metropolitan board of health which shall oversee administration of the Metro Public Health Department as herein provided.

Sec. 10.102. - Same—Qualifications, term and selection of members.

The board shall be composed of nine (9) members. One (1) member shall be a doctor of medicine or osteopathic medicine certified for practice as such by the state board of medical examiners and licensed by the state licensing board for the healing arts, and who shall have had not less than five years' experience in the active practice of his or her profession. One (1) member shall be a licensed mental health professional who shall have not less than five years' experience in the active practice of his or her profession. One (1) member shall be a registered nurse. Two (2) members of the board shall be chosen without reference to occupation, except that they shall not come from the medical profession.

Four (4) members shall come from any of the following categories:

- A doctor of medicine or osteopathy certified for practice in Tennessee by the state Board of Medical Examiners;
- A practitioner in an allied health field with a background in the practice of public health;
- An attorney licensed to practice law by the Tennessee Board of Law Examiners;
- A veterinarian licensed by the Tennessee Board of Veterinary Medical Examiners;
- A dentist licensed to practice by the Tennessee Board of Dentistry;
- A person with a background in environmental health practice or policy;
- A person with an advanced degree in public health;
- A person with a background as a Community Health Worker.

The members of the board shall be appointed by the mayor and confirmed by a majority of the whole membership of the council. They shall serve terms of five (5) years each. Any vacancy other than by expiration of term shall be filled for the unexpired term. Members of the board shall serve without compensation. The initial terms of additional board members added by this section may be staggered to ensure no more than four seats are vacated in a given year.

- **Sec. 10.103. - Same—Functions.**

The board of health shall hire the director of health, as specified below, and oversee his or her direction of the department with respect to all administrative functions of the metropolitan government pertaining to:

1. The physical and mental health of the people.
2. The investigation and control of communicable diseases.

3. The regulation of publicly and privately owned institutions for the purpose of sanitation and public health.
4. The enforcement of reasonable rules and regulations promulgated as herein provided.
5. The collection, compilation, tabulation, analyzing and reporting of statistics and data concerning births, still births, deaths and such vital statistics.
6. The performance or the functions previously assigned by law to the health officers or the health departments of the City of Nashville and Davidson County, or such as hereafter may be assigned to city or county health officers or city health departments or county health departments in Tennessee.
7. The inspection of all charitable institutions, all jails and all institutions of the metropolitan government where sick, mentally ill, destitute or other persons are confined. The board may cause any person convicted of violating any law or ordinance and who is confined, or who is on parole, to be examined as to the causes contributing to the delinquency and shall make and keep a record of such examinations.

Sec. 10.104. - Same—Duties.

In addition to the duties otherwise imposed by this Charter or by general law, it shall be the duty of the board of health to:

1. Determine and establish the policies to be followed in the exercise of its functions.
2. Establish within the department of health such divisions, branches, or subdivisions, and plan of organization as may be consistent with efficient administration, which organizational plan shall be submitted by the board to the council for approval by ordinance, and which organizational plan may be amended from time to time in like manner.
3. After public hearing adopt reasonable rules and regulations or amend rules and regulations previously adopted as necessary for the protection of the health of the people, which rules and regulations, among other things, shall set standards and procedures and requirements of conduct not less than as set out in regulations of the commissioner of public health of Tennessee. No such rule or regulation shall be contrary to any metropolitan ordinance.
4. Hear and act upon complaints of persons affected by decisions of the director of health and to amend or set aside such decisions as are contrary to policies or regulations of the board.
5. Cause to be submitted, with the aid of the department of law, for submission to the council for its consideration, a comprehensive Health Code which shall embrace all matters with relation to public health to which the powers and duties of the board extend, and which shall have as its purpose the preservation and promotion of the health of the people of the metropolitan government.
6. Submit to the mayor, within six months after the beginning of each new term of office, a report upon the activities of the department of health and a comprehensive program of public health and indigent medical care.
7. Conduct inquiries, make investigations and hold hearings for the purpose of investigating nuisances, preventing the creation of nuisances, taking other preventative steps to protect the health of the

community and for other purposes herein set forth in connection with the powers, duties and authorities of the board. In conducting any such inquiry and mailing of any such investigation the board shall have and may exercise the same investigative powers as are vested by this Charter in other metropolitan agencies which are given investigative powers.

8. Contract with other governmental agencies, or with public or private institutions, subject to confirmation by the council by resolution for such services as will further the program and policies of the board.

9. Cause to be prepared by the director of health, subject to review and revision by the board, the proposed annual budget for the metropolitan board of health.

10. Cooperate with agencies of the United States and of the State of Tennessee in all matters of public health and sanitation and accept, receive and provide for the use of federal and state grants in aid, state aid and matching funds.

11. Cooperate with privately endowed or operated institutions, funds or foundations in all matters of public health and sanitation and receive and accept and provide for the use of grants from any such institutions, funds or foundations.

12. Exercise such other authority and perform such other duties as may be required by ordinance consistent with the general law and the provisions of this Charter.

- **Sec. 10.105. - Chief medical director of health—Appointment and qualifications.**

The board shall appoint a director of health and may enter into an employment contract with such person for a period not exceeding five (5) years, and at a compensation to be fixed by the board. Such compensation so fixed shall be subject to approval by the council by resolution. The qualifications for the director of health shall be established by the board, subject to approval by the Metro Director of Human Resources.

If the director of Health is not a doctor of medicine or osteopathy, the director shall appoint a medical doctor who may be a member of the department staff to serve as the chief medical officer, which appointment is subject to board approval. Any powers, duties, responsibilities or authorities vested in the director of health that require or imply that the director is a licensed physician shall be delegated to the chief medical officer. Any such delegation shall be made in writing and shall be filed with the Board.

- **Sec. 10.106. - Same—Powers and duties.**

The director of health shall be the chief administrative officer of the board. He or she shall be responsible to the board for the administration and execution of its program and policies. Within the policies set forth by the board he or she shall have general management and control of any divisions of the department and such other administrative units as may be created by the board or by ordinance. With the approval of the board, pursuant to established personnel policies, and subject to the provisions of this article, he or she shall appoint and remove the heads of the divisions and other officers and employees of the board. He or she shall have such other powers and duties as may be authorized by general law, by this Charter or by ordinance.

- **Sec. 10.107. - Personnel rules and regulations of the board of health.**

The metropolitan board of health, consistent with the standards of the merit system of the United States Public Health service, shall establish, adopt and make available for distribution, its rules, regulations and policy statement concerning its personnel policy, the manner and method of employing personnel, the requirements with reference to the qualifications of both professional and nonprofessional personnel, salaries, vacations, sick leave, job security, retirement policy, and other related terms and conditions of employment by the board.

The board shall constitute a civil service board with respect to employees of the board of health for the purpose of [section 12.09](#) of this Charter and for the purpose of investigating and hearing charges against any professional or nonprofessional employee, and for the purpose of dismissing, suspending or otherwise disciplining any such employee, or reviewing any decision of the director of health affecting the employment status of such employee. In the discharge of its duties as a civil service board, the board shall act pursuant to its rules and regulations governing personnel policies promulgated as hereinabove stated, and shall have the same investigative powers as vested by this Charter in other agencies of the metropolitan government in which investigative power is vested. Any employee of the board dismissed or discharged pursuant to the action of the Board after hearing, may have such discharge or dismissal reviewed in the same manner as is provided in this Charter for the review of actions of the civil service commission under certain conditions.

Sec. 10.108. - Budget of metropolitan board of health

The director of health shall submit to the mayor, with approval by the board and through the director of finance, the budget for the metropolitan board of health. If the mayor shall make any change therefrom in the budget submitted by him or her to the council, it shall be his or her duty to inform the council with respect to such change and the original proposals of the board.

Sec. 10.110. - Civil service medical examiner; civil service examinations.

The director of health shall designate a qualified professional member of his or her medical staff as civil service medical examiner to conduct physical examinations for civil service personnel, including applicants for appointments, to conduct examinations for persons in retired status and applicants for retirement benefits, and to conduct periodical examinations for drivers of vehicular equipment of the metropolitan government. In addition, the civil service medical examiner shall conduct physical examinations when requested by any board or agency of the metropolitan government but solely for metropolitan government purposes; or as provided by ordinance.