

**MISCELLANEOUS**

Part 61.000 Private Schools

)

)

)

---

61.000

**PRIVATE SCHOOLS**  
**Ord. No. 61-3**  
**Adopted: September 15, 1961**

An ordinance to provide for the operation and regulation of private schools in the City of Oak Hill, Tennessee.

BE IT ORDAINED BY THE COMMISSIONERS OF OAK HILL, TENNESSEE, AS FOLLOWS:

WHEREAS, under the Zoning Ordinance of Oak Hill, Tennessee, Section 3(a)(5), only school buildings constructed and operated by political subdivisions of the State of Tennessee are permitted within Oak Hill, but the Courts have held that private schools must be permitted and a zoning ordinance prohibiting operation of private schools in a municipality is invalid in that respect.

However, the Commissioners of Oak Hill have determined as a matter of policy that a private school does not make the same contribution to public welfare as public schools, and this difference should be taken into consideration in the enactment of regulations and restrictions governing operation of private schools. In pursuance of such policy and determination the following ordinance is enacted and ordained:

**61.001 Permit required.**

Sec. 1. It shall be unlawful to construct, establish or operate a private school as herein defined within the City of Oak Hill without having obtained a permit therefor in the manner hereinafter prescribed, and no such private school granted a permit to operate shall be constructed, established, maintained or operated except in accordance with this ordinance.

**61.002 General requirements for operation; exclusion.**

Sec. 2. No private schools shall be established, maintained or be permitted to operate in Oak Hill unless:

- (a) Said school is a nonprofit, educational school holding a general welfare charter from the State of Tennessee;
- (b) Said school is held to be exempt from payment of taxes to the Federal Government, State of Tennessee, Davidson County and Oak Hill;
- (c) Said school is a grade school divided into successive grades and is similar to and conducted in the manner of a graded public school. However, pre-kindergarten or nursery schools may be permitted when said school meets the requirements of this ordinance;
- (d) Said school is constructed, conducted, maintained and operated in accordance with the requirements of this ordinance as to construction, maintenance, operation, health and safety provisions, etc.;
- (e) Said private school provides the off-street parking facilities required by this ordinance;
- (f) No private school conducted as a riding school, swimming school, art school, boarding school, trade school, G-I school, or school of any other kind other than a graded school of the nature herein defined and conducted as a public school shall be permitted to exist or operate to Oak Hill.

**61.003 Requirements for acreage and sewage disposal.**

Sec. 3. No private school shall be issued a permit to operate or be permitted to operate unless:

- (a) The site on which school is located contains a minimum of four (4) acres of usable land for any combination of grades one through eight, and eight (8) acres for any combination of grades seven through

twelve, and ten (10) acres for any twelve grades school. In addition to these basic requirements, there shall be two (2) acres for each fifty (50) pupils of anticipated enrollment.

If septic tanks are used for sewage disposal, a percolation test satisfactory to the State Department of Public Health and Davidson County Health Department shall be made before a site is approved.

In the event a public sanitary sewer system is used for sewage disposal, such site requirements as set forth herein shall be reduced by ten (10%) percent, provided said private school is located contiguous to a public school.

- (b) All plans and specifications for construction, establishment and operation of a private school shall be approved by the City Manager of Oak Hill and said plans shall show possibilities of flexibility and future expansion, and a map showing the proposed location of the building, and the City Manager must approve all preliminary and final plans and specifications, and any change orders or alterations which affect space allotment, structure or health and safety. Where new facilities are to be constructed, the City Manager and City Engineer of Oak Hill shall make such inspection as may be deemed necessary during time of construction of buildings to determine whether school facilities meet the requirements of this ordinance.
- (c) All buildings are of the same construction, as defined in Section 7 of Chapter 211 of the Tennessee Public Acts of 1947, and meet all the requirements and standards for construction, repair and equipment of public school buildings and operation of same established by the Tennessee State Board of Education and found in Chapter 14, Public Acts of 1939, and Chapter 5, Public Acts of 1961. Said standards and requirements cover type of construction, ceiling and building heights,

housekeeping, safety provisions as to exits, fire extinguishers, glass, hand rails and doors, toilets, drinking water, classrooms, laboratories, library, art and music rooms, physical education facilities, office space, clinics, auditorium, chalk, tack or bulletin boards, storage space, cafeteria, interior finish, lighting, ventilation, major repairs and equipment. Said requirements are set out in a bulletin entitled "Rules and Regulations, Part III, governing new sites, new buildings, major repairs and equipment for schools" issued by Tennessee State Board of Education, July, 1961, and any subsequent amendments to said regulations, and said requirements, rules and regulations are referred to and made a part of this ordinance as fully as though copied herein.

(Amended: Ord. No. 75-5, 9-18-75)

**61.004 Health regulations.**

Sec. 4. There shall be a complete medical examination of every child entering school for the first time, with pertinent immunizations given at this time. There shall be a complete annual medical examination of every pupil prior to his participation in any athletic activities.

Each teacher or employee, prior to entering service, shall present a physician's certificate showing a satisfactory health record, including results of a chest x-ray or a tuberculin test, and shall present health certificates at least biennially showing a condition of good health.

The school shall have a definite plan for excluding pupils with communicable diseases and for admitting them following recovery. In case of reportable diseases, the plan shall be in accordance with the recommendations of the State Department of Public Health. The school shall have a definite plan for taking care of a sick or injured pupil in case of emergencies.

Sanitary regulations requiring health certificates for all food handlers shall be applicable and be enforced where feeding facilities are provided by the school, according to rules and regulations of State Department of Education, State Department of Public Health and State Department of Conservation, Hotel and Restaurant Division.

**61.005 Parking space requirements.**

Sec. 5. In any case where a permit is sought for the construction or establishment of a private school, there shall be provided and constructed on the lot or site so proposed to be used available automobile parking space for one (1) automobile for each four (4) pupils, teachers, and employees. Three hundred (300) square feet shall be the minimum gross area required for parking space for each vehicle. Such parking area or areas shall be subject to the same requirements as to set-back from the street or streets as the main building or use, and such parking area or areas shall not exceed twenty-five (25%) percentum of the lot area upon which the school is to be constructed or operated. Additional parking area shall be provided based upon one (1) acre of land for each fifty (50) pupils of anticipated enrollment.

**61.006 Denial and appeal; variance.**

Sec. 6. In the event the City Manager is of opinion that a permit to operate a private school should not be granted, it shall be his duty to deny the application, in which event the applicant may appeal to the Board of Zoning Appeals of Oak Hill in accordance with the appeal procedure now provided in the Oak Hill zoning ordinance.

The Board of Zoning Appeals may, in a specific case, after public notice and hearing, and subject to appropriate conditions and safeguards to be prescribed by the Board, determine and vary the application of the provisions of this ordinance, in harmony with their gen-

eral purposes and intent, as follows: Permit a private school to be established or operated upon a determination that the establishment or operation of such school is consistent with the general welfare, safety, morals and health of the community after taking into consideration the letter and spirit of this ordinance. Any permit granted by the Board of Zoning Appeals shall be granted only after advertisement and the holding of a public hearing to give residents of Oak Hill an opportunity to oppose the issuance of said permit. The Board may, in its discretion, require the appellant or applicant to obtain the written approval or consent of three-fourths of the property owners located within a radius of one (1) mile of the proposed site for said school, giving consent or approval of said property owners to the granting of said permit.

**61.007 Penalty for violation.**

Sec. 7. Each person who violates this ordinance or any part thereof shall, upon conviction, forfeit and pay a fine of not exceeding Fifty (\$50.00) Dollars, or be imprisoned for a term not exceeding thirty (30) days, or both, for each and every offense, and each day's violation shall constitute a separate offense.

The City shall have the right to enjoin the existence or operation of any school not established or conducted in accordance with the provisions of this ordinance.

**61.008 Invalidity.**

Sec. 8. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

**61.009 Effective date.**

Sec. 9. This ordinance shall take effect immediately upon final passage and publication according to law.