

**ORDINANCE NO.           P-20190612(2)**

**AN ORDINANCE TO EXPAND THE DESCRIPTION OF FACILITIES THAT  
TREAT SUBSTANCE USE DISORDERS WITH DRUGS AND  
THAT LIMIT WHERE THOSE FACILITIES CAN BE LOCATED  
IN THE TOWN OF CARTHAGE, TENNESSEE:**

**WHEREAS**, the Official Zoning Code currently in use was adopted by Ordinance No. 261 on July 11, 1995, and amended by Ordinance No. 274 on December 5, 1996, and

**WHEREAS**, Section 2 of the 5/5/16 Ordinance # 433, an ordinance to amend the Zoning Ordinance of the City of Carthage, Tennessee: to add the M-2, Medical Zone within the Zoning Ordinance and to update certain definitions relating to this zoning district, defines “*METHADONE CLINIC*” and where such clinics are allowed within the zoning districts, and

**WHEREAS**, facilities other than “Methadone Clinics” are now defined as Medication-Assisted Treatment (MAT) facilities that treat persons with Substance Use Disorder (SUD) with Methadone and with drugs other than Methadone, and

**WHEREAS**, an update to expand the description of facilities that treat Substance Use Disorders with drugs and limit where those facilities can be located in the town of Carthage, Tennessee is needed, and

**WHEREAS**, the grant of power and the process for adoption of a municipal zoning ordinance and map are found in TENN. CODE ANN. §13-7-201 through §13-7-203, and

**WHEREAS**, the Carthage Municipal Planning Commission reviewed and recommended this ordinance on **June 12, 2019** to the Town of Carthage for consideration, and

**WHEREAS**, pursuant to the requirements of TENN. CODE ANN. §13-7-203, the Town of Carthage conducted a public hearing prior to the final reading and adoption of this ordinance to allow for community input into the ordinance amendment(s) herein described;

**BE IT ENACTED** by the Board of Mayor and Alderman for the Town of Carthage, Tennessee as follows:

**Section 1.** Section 2 of the 5/5/16 Ordinance # 433 that would amend Section 11-204:  
*“METHADONE CLINIC – Is a clinic which has been established for the dispensing of methadone, a schedule II narcotic analgesic, to those who abuse heroin and other opiates. The focus of these clinics is the elimination or reduction of opiate usage by putting the patient on methadone. These types of clinics are only allowed within the M-2 Medical Zoning District,”*  
shall be rescinded and replaced in its entirety by Section 2 of this Ordinance.

**Section 2.** Medication-Assisted Treatment (MAT) facilities which include,

- (1) Residential treatment facilities, which delivers highly structured services in a 24-hour inpatient setting and can be short- or long-term ranging from just a few days to as much as a year, and
- (2) Non-residential rehabilitation facilities, which includes outpatient facilities such as “Methadone Clinics,” partial hospitalization facilities, intensive outpatient and day treatment programs, and
- (3) Halfway houses or similar facilities, which are residential programs that transition individuals from residential treatment to their communities, and

have been established for the treatment of persons with Substance Use Disorder (SUD) including, but not limited to,

- (1) Opioid use disorder, or
- (2) Sedative, hypnotic, or anxiolytic use disorder,
- (3) Cocaine use disorder, or
- (4) Cannabis use disorder, or
- (5) Hallucinogen use disorder, or
- (6) Amphetamine use disorder, or
- (7) Phencyclidine use disorder, or
- (8) Alcohol use disorder, and

dispense

- (1) Methadone (or its generic equivalent), or
- (2) Subutex (or its generic equivalent), or
- (3) Suboxone (or its generic equivalent), or
- (4) Vivitrol (or its generic equivalent), or
- (5) any other drug used to treat persons with Substance Use Disorder

shall be allowed only within the M-2 Medical Zoning District.

**Section 3.** Refer to Section 11-510 of the Carthage Zoning Code (M-2 Medical District); Methadone clinics are currently a permitted use listed within this section, in order to facilitate this proposed ordinance all references to these types of clinics shall be deleted and changed/replaced to “Medication-Assisted Treatment (MAT) facilities.”

**Section 4.** Chapter 5, Specific District Regulations, Section 11-504, C-1 Central Commercial District, 11-504.4 of the Carthage Zoning Code, Uses Prohibited, shall be amended to include, “Medication-Assisted Treatment (MAT) facilities or similar facilities established for the treatment of persons with Substance Use Disorder (SUD) shall be prohibited.”

**Section 5.** Chapter 5, Specific District Regulations, Section 11-505, C-2 General Commercial District, 11-505.4 of the Carthage Zoning Code, Uses Prohibited, shall be amended to include, “Medication-Assisted Treatment (MAT) facilities or similar facilities established for the treatment of persons with Substance Use Disorder (SUD) shall be prohibited.”

**Section 6.** Chapter 5, Specific District Regulations, Section 11-506, C-3 Highway Commercial District, 11-506.4 of the Carthage Zoning Code, Uses Prohibited, shall be amended to include, “Medication-Assisted Treatment (MAT) facilities or similar facilities established for the treatment of persons with Substance Use Disorder (SUD) shall be prohibited.”

**Section 7.** The zoning restriction in this Ordinance shall not apply when the aforementioned treatment is performed to persons confined in an official correction facility within the Town of Carthage, Tennessee, by a licensed and qualified professional.

**Section 8.** Invalidity of a section or part of a section of this Ordinance shall not affect the validity of the remaining sections or parts of sections.

**Section 9.** This Ordinance shall be effective from and after its passage and final reading, as provided by law, the public welfare requiring it.

**Section 10.** Effective Date. This ordinance shall take effect and be in full force upon its final passage as required by law.

Passed 1<sup>st</sup> Reading      7/11/19

Passed 2<sup>nd</sup> Reading      8/1/19

PUBLICATION OF NOTICE:      7/18/19

PUBLIC HEARING HELD:      8/1/19  
(At least 15 days after public notice)

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Recorder

\_\_\_\_\_  
Date