

TITLE 2

BOARD AND COMMISSIONS, ETC.

CHAPTER

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CHAPTER 1

GENERAL BOARD AND COMMISSION REQUIREMENTS

SECTION

- 2-101. General.
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- 2-108. Vacancies and removals.

2-101. General. The following requirements will apply to all procedures, appointments and terms of any boards and commissions in the town except where otherwise provided by the Charter of the Town of Signal Mountain, state or other superior law. (Ord. #90-2, Nov. 1990, as replaced by Ord. #2010-3, Jan. 2010, and Ord. #2012-4, March 2012)

2-102. Appointment process. Appointments to any board, committee or commission of the Town of Signal Mountain (hereinafter referred to generally

as "board" or "town board") shall be by a majority vote of the town council. The town council will make every effort to ensure that the membership of its standing and advisory boards reflects the diversity of the community. Board openings shall be publicly advertised for a period not less than three (3) weeks. Board applicants shall submit an application supplied by the town and may submit a letter of intent and a resume listing qualifications and other reasonable information requested by the town council for making an informed decision.

Re-appointment for sitting board members shall not be automatic. Members will receive letters from the town manager near the end of their terms. Members who are still eligible and wish to apply for re-appointment shall advise the town manager by the date required in the letter. All appointments and re-appointments will be determined by a majority vote of the town council. At the time of appointment, applicants shall be bona fide residents of the town except for specific exceptions as noted on certain boards. Members will serve without pay, but with prior approval shall be reimbursed for expenses. (Ord. #90-2, Nov. 1990, modified, as replaced by Ord. #2010-3, Jan. 2010, and Ord. #2012-4, March 2012)

2-103. Terms of appointment. Members shall serve for three (3) years commencing on the first day of January of the year in which their terms begin. To assure continuity when establishing a new board, initial terms shall be staggered; for example, for a five (5) member board, one (1) member shall be appointed for one (1) year, two (2) members shall be appointed for two (2) years and two (2) members shall be appointed for three (3) years. For a seven (7) member board, two (2) members shall be appointed for one (1) year, two (2) members shall be appointed for two (2) years, and three (3) members shall be appointed for three (3) years, and so on. Members of citizen's advisory committee or any subcommittees created pursuant to § 2-302 are excluded from the terms of this section and shall have specific terms for the project as established by the council (not to exceed four (4) years following appointment). (1985 Code, § 1-403, as replaced by Ord. #2010-3, Jan. 2010, Ord. #2012-4, March 2012, and Ord. #2016-04, April 2016)

2-104. Provision for ad hoc membership. Non-voting ad hoc members with interest, skill sets, or expertise in particular areas may be appointed to serve on a particular board to support the purposes and goals of that board. Such members shall provide a completed board application to the town manager and will serve at the will and convenience of the board with approval by the town council. (1985 Code, § 1-404, as replaced by Ord. #2010-3, Jan. 2010, and Ord. #2012-4, March 2012)

2-105. Meetings and officers. The date and time of regular meetings shall be decided by a majority vote of the board. A majority of members shall

constitute a quorum necessary to transact board business. All meetings shall be publicly noticed and comply with the provisions of public meetings law. At the beginning of each calendar year, boards shall elect a chairman who will set the agenda, call and preside over meetings, provide orientation to new members, and keep all members informed; a vice-chairman to serve in the chairman's absence; and a secretary who shall keep minutes for the board, and upon approval, shall provide copies of them to the town manager for the public record and for distribution to the town council. Should an elected officer resign or be unable to complete his/her term for any reason, the board shall elect a new officer at the next regular meeting. (1985 Code, § 1-405, as replaced by Ord. #2010-3, Jan. 2010, and Ord. #2012-4, March 2012)

2-106. Staff and council support. Each board shall be provided staff support as needed as determined by the town manager and town council. The town council by majority vote shall appoint a councilmember as a liaison ("councilmember liaison") to each board to facilitate communication between the board and the council. The councilmember liaison shall participate in the work of the board, as outlined in § 2-107, but shall not be an official voting member of a board unless required by superior law, as in the case of the planning commission and in the case of the library board. (as added by Ord. #2012-4, March 2012, and replaced by Ord. #2021-02, March 2021 **Ch20_06-28-21**)

2-107. Duties and expectations of a councilmember liaison. (1) Except as required by superior law, such as the case of the planning commission and in the case of the library board, a councilmember liaison to a board, committee, or commission (a "board") is not a member of the board. Rather, the councilmember's role is to represent the full council in providing guidance to the board and to be a positive resource to support the board in the completion of its work subject to the rules stated in subsections (2) through (6) below.

(2) A councilmember liaison is a representative of the full council and, as such, has no authority to provide any independent direction or guidance to the board. The councilmember liaison should only provide direction or guidance that clearly represents the direction or guidance of the full council.

(3) Generally, the councilmember liaison shall not attempt to influence the work or recommendations of the board. More specifically, the councilmember liaison:

(a) Shall not take part in the board's deliberations unless the councilmember determines that he or she must speak up in order to remind the board of council's direction or guidance, town policies, or laws including the Open Public Meetings Act and the Public Records Act; and

(b) Shall not take part in any votes or decision-making of the board.

However, the councilmember liaison may participate in discussions with the board during any time that the board allows for citizens to address the board

so long as the councilmember liaison expressly states that she or he is speaking personally, as a citizen, and not for the entire council.

(4) The councilmember liaison shall work to ensure that the board is only taking actions or doing work that is within the scope of the board's work as determined or approved by council. The councilmember liaison can do this by, for example, reminding the board as needed of the scope of work that the council set for the board.

(5) The councilmember liaison shall bring to the council any requests from the board, such as the following:

- (a) Questions raised by the board about the board's scope of work;
- (b) Requests from the board to change the board's scope of work;
- (c) Requests for expenditures of town resources to further the board's work (money, staff time, or other resources); and
- (d) Requests from the board to place an item on a council meeting agenda.

(6) The councilmember liaison shall work to ensure that the council is regularly updated on the work of the board. To that end, the councilmember liaison shall periodically provide a report on the board's progress to the council. (as added by Ord. #2021-02, March 2021 ***Ch20_06-28-21***)

2-108. Vacancies and removals. In the event that a vacancy shall occur during the term of a member, his or her successor shall be appointed for the unexpired portion of the term by means of the appointment process (§ 2-102). Board members serve at the pleasure of the council. Members may be removed for cause. Cause shall include, but not be limited to, if a member:

- (1) Lacks at any time during the term of office any qualification for the office prescribed by the charter or by law.
- (2) Violates any expressed prohibition of the charter.
- (3) Is convicted of a state or federal felony, appeals notwithstanding.
- (4) Fails to stay current and participate in the work of the board.
- (5) Fails to attend seventy percent (70%) or more of meetings of the board.
- (6) If required for membership, fails to maintain a bona fide residence within the town for sixty (60) consecutive days. (as added by Ord. #2012-4, March 2012, and replaced and renumbered by Ord. #2021-02, March 2021 ***Ch20_06-28-21***)

CHAPTER 2

BOARD OF ZONING APPEALS

SECTION

- 2-201. Establishment and purpose.
- 2-202. Organization and membership.
- 2-203. Duties and functions.
- 2-204. Appeals, hearing and notice.

2-201. Establishment and purpose. As directed by the town charter, Private Acts, chapter 126, article II, "Powers," Section 1, "Powers enumerated," No. (30)¹, a Board of Zoning Appeals, hereinafter referred to as the BZA, is hereby established pursuant to and consistent with the general law with all the powers conferred by general law to act upon the plans, plats, decisions and recommendations as provided by the Signal Mountain Zoning Ordinance, Appendix A, Article X, Board of Zoning Appeals: Establishment and Procedure,² 1001, "Board of Zoning Appeals: Establishment and Membership."³ (1985 Code, § 1-501, modified, as replaced by Ord. #2010-3, Jan. 2010, and Ord. #2012-4, March 2012)

2-202. Organization and membership. (See title 2, chapter 1, "General Board and Commission Requirements,"⁴ §§ 2-101--2-107.) The BZA shall consist of five (5) residents of the town. The BZA shall adopt rules necessary to conduct its affairs in accordance with the provisions of Article X of the Signal Mountain Zoning Ordinance. Each member of the BZA shall be required to stay current with municipal planning and zoning practices by completing four (4) hours of training per year. Meetings of the BZA shall be held at the call of the chairman,

¹Ord. #2012-4 referred to number (34). The correct number for this section is (30) and has been substituted.

²Ord. #2012-4 referred to article "BZA." The correct name for this article is "Board of Zoning Appeals: Establishment and Procedure" and has been corrected.

³Ord. #2012-4 referred to section "Establishment & Procedure." The correct name for this section is "Board of Zoning Appeals: Establishment and Membership" and has been corrected.

⁴Ord. #2012-4 referred to chapter "General Board Requirements." The correct name for this chapter is "General Board and Commission Requirements" and has been substituted throughout this title.

or in his absence, the vice-chairman, who may administer oaths and compel the attendance of witnesses.

The secretary of the BZA shall keep minutes of its proceedings, listing members who are present and each member's vote upon each question, and shall keep records of its proceedings and other official actions, all of which shall be immediately filed in the office of the BZA, located in the Signal Mountain Town Hall, and shall be a public record. The secretary of the BZA shall make an annual written report to the town council to include a summary of its work including dates and decisions. (1985 Code, § 1-502, as replaced by Ord. #2010-3, Jan. 2010, and Ord. #2012-4, March 2012)

2-203. Duties and functions. The duties and functions of the BZA shall include but not be limited to hearing and deciding appeals of any alleged error in any order, requirement, permit, decision or refusal made by the building official or any other administrative official in carrying out the enforcement of the Signal Mountain Zoning Ordinance. The BZA shall also grant and deny requests for variances or other special exceptions to the zoning ordinance or town map based on the intent and purpose of the zoning ordinance or the town's current land use and transportation plan Signal Mountain Zoning Ordinance, Appendix A, Article XI, 1101, "Powers and Duties," and Article XII, Board of Zoning Appeals Variances and Special Permits,¹ 1200. (1985 Code, § 1-503, as replaced by Ord. #2010-3, Jan. 2010, and Ord. #2012-4, March 2012)

2-204. Appeals, hearings and notice. See town code, Appendix A, Article XIII, Appeals from the Board of Zoning Appeals. (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012)

¹Ord. #2012-4 referred to article "Variances and Special Permits." The correct name for this article is "Board of Zoning Appeals Variances and Special Permits" and has been corrected.

CHAPTER 3

CITIZENS' ADVISORY COMMITTEE¹

SECTION

2-301. Establishment and purpose.

2-302. Organization and membership.

2-303. Duties and functions.

2-304. [Deleted.]

2-301. Establishment and purpose. There is hereby created a citizens' advisory committee to serve in an advisory capacity to the town council and the town manager as a research and discovery entity devoted to special projects with potential benefits to the community. (1985 Code, § 1-601, as replaced by Ord. #91-12, Ord. #2010-3, Jan. 2010, and Ord. #2012-4, March 2012)

2-302. Organization and membership. (See title 2, chapter 1, "general board and commission requirements," §§ 2-101--2-107.) The committee may consist of as many independent subcommittees as the council may create to address current topics or areas of community interest. Such subcommittees shall have specific functions and terms of existence (not to exceed four (4) years) as determined by the town council. A subcommittee shall consist of as many as seven (7) members as the council determines to be necessary for the area of community interest, in some instances requiring a particular skill set or area of expertise. The majority of members of any subcommittee shall be residents of the town. (1985 Code, § 1-602, as replaced by Ord. #91-12, Ord. #2010-3, Jan. 2010, Ord. #2012-4, March 2012, and Ord. #2016-04, April 2016)

2-303. Duties and functions. The committee shall be charged with information gathering, consolidation of such, and the communication of its conclusions to the town council, including suggestions and recommendations for improvements or changes to benefit the community. (1985 Code, § 1-603, as replaced by Ord. #91-12, Ord. #2010-3, Jan. 2010, and Ord. #2012-4, March 2012)

2-304. [Deleted.] (as added by Ord. #2010-3, Jan. 2010, and deleted by Ord. #2012-4, March 2012)

¹Where "board" was used interchangeably with "committee" in Ord. #2012-4, "board" has been substituted with "committee" for consistency.

CHAPTER 4

CONDEMNATION BOARD

SECTION

2-401. Establishment and purpose.

2-402. Organization and membership.

2-403. Duties and functions.

2-404. [Deleted.]

2-405. [Deleted.]

2-406. [Deleted.]

2-401. Establishment and purpose. There is hereby established a condemnation board authorized to assure that buildings and structures in the Town of Signal Mountain remain in good repair and in compliance with the codes of the town. (1985 Code, § 1-701, as replaced by Ord. #2010-3, Jan. 2010, and Ord. #2012-4, March 2012)

2-402. Organization and membership. (See title 2, chapter 1, "General Board and Commission Requirements," §§ 2-101--2-107.) The board shall be comprised of five (5) voting members as follows: the town police chief, fire chief, and building official as well as three (3) residents of the town, one (1) of whom shall be in real estate and one (1) in the insurance business. (1985 Code, § 1-702, as replaced by Ord. #2010-3, Jan. 2010, and Ord. #2012-4, March 2012)

2-403. Duties and functions. The duties and functions of the condemnation board shall include but not be limited to the investigation of buildings or structures that are purported to be a menace to the public health, safety or the public convenience as requested by the town manager, who shall report such findings to the town council. The board shall be empowered to require owners to repair or otherwise bring such buildings or structures into compliance with building, plumbing, electrical, gas, housing and other similar codes of the town relating to buildings or structures or demolish them (see title 12, chapter 3, "Unsafe Buildings," §§ 12-301--12-306). (1985 Code, § 1-703, as replaced by Ord. #2010-3, Jan. 2010, and Ord. #2012-4, March 2012)

2-404. [Deleted.] (1985 Code, § 1-704, as repealed by Ord. #2010-3, Jan. 2010, and deleted by Ord. #2012-4, March 2012)

2-405. [Deleted.] (1985 Code, § 1-705, as repealed by Ord. #2010-3, Jan. 2010, and deleted by Ord. #2012-4, March 2012)

2-406. [Deleted.] (1985 Code, § 1-706, as repealed by Ord. #2010-3, Jan. 2010, and deleted by Ord. #2012-4, March 2012)

CHAPTER 5

CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS¹

SECTION

- 2-501. Establishment and purpose.
- 2-502. Organization and membership.
- 2-503. Duties and functions.
- 2-504. Appeals.
- 2-505. [Deleted.]
- 2-506. [Deleted.]
- 2-507. [Deleted.]
- 2-508. [Deleted.]
- 2-509. [Deleted.]
- 2-510. [Deleted.]
- 2-511. [Deleted.]
- 2-512. [Deleted.]
- 2-513. [Deleted.]
- 2-514. [Deleted.]
- 2-515. [Deleted.]
- 2-516. [Deleted.]
- 2-517. [Deleted.]
- 2-518. [Deleted.]
- 2-519. [Deleted.]

2-501. Establishment and purpose. There is hereby established a construction board of adjustments and appeals for mechanical codes to facilitate citizens' appeals to decisions by various enforcement officers of the town and to evaluate issues relating to the mechanical codes of the town (see title 12, chapter 6, "Construction Board of Adjustments and Appeals," § 12-601). (as added by Ord. #93-8, § 2, June 1993, and replaced by Ord. #2010-3, Jan. 2010, and Ord. #2012-4, March 2012)

2-502. Organization and membership. (See title 2, chapter 1, "General Board and Commission Requirements," §§ 2-101--2-107.) The board shall consist of eight (8) residents of the town (this requirement may be waived by a unanimous vote of the council if necessary to complete the board with appropriately skilled appointments) and shall be knowledgeable in the field of construction. One (1) member of the board shall be a building contractor; one (1) member of the board shall be a plumbing contractor; one (1) member shall be an

¹Municipal code reference

Construction board of adjustments and appeals: title 12, chapter 6.

electrical contractor; one (1) member shall be a realtor; one (1) member shall be an architect; one (1) member shall be an engineer; one (1) member shall be a fire protection professional; and, one (1) member shall be a homeowner (see title 12, chapter 6, "Construction Board of Adjustments and Appeals," §§ 12-602--12-604).

The board shall meet on call by its chairman to consider appeals from the decisions of the various enforcement officers of the various mechanical codes of the town to consider adjustments in the various mechanical codes. (as added by Ord. #93-8, § 2, June 1993, and replaced by Ord. #2010-3, Jan. 2010, and Ord. #2012-4, March 2012)

2-503. Duties and functions. The board shall be the appeals board for the Building, Electrical, Fire, Fuel Gas, Life Safety, Mechanical and Plumbing Codes of the Town of Signal Mountain and shall act as the board of adjustments and appeals for appeals from any decision of the building official or his designee and consider variances of the technical codes adopted by the town. The board shall also evaluate the safety and performances of new materials or materials not specifically covered in the codes and determine the usability of such materials as well as evaluate the safety and performance of various types of construction. The board shall also make recommendations to the town council for revisions or modifications of existing mechanical codes (see title 12, chapter 6, "Construction Board of Adjustments and Appeals," § 12-605). (as added by Ord. #93-8, § 4, June 1993, amended by Ord. #95-2, § 1, Feb. 1995, and replaced by Ord. #2010-3, Jan. 2010, and Ord. #2012-4, March 2012)

2-504. Appeals. Any person aggrieved by any action or decision of the board may appeal to the town council by requesting an appeal, in writing, within ten (10) days after said action or decision is rendered (title 12, chapter 6, "Construction Board of Adjustments and Appeals," § 12-606.) (as added by Ord. #93-8, § 5, June 1993, repealed by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012)

2-505. [Deleted.] (as added by Ord. #93-8, § 6, June 1993, repealed by Ord. #2010-3, Jan. 2010, and deleted by Ord. #2012-4, March 2012)

2-506. [Deleted.] (as added by Ord. #93-8, June 1993, amended by Ord. #99-9, April 1999, replaced by Ord. #2006-2, Feb. 2006, repealed by Ord. #2010-3, Jan. 2010, and deleted by Ord. #2012-4, March 2012)

2-507. [[Deleted.] (as added by Ord. #93-8, June 1993, replaced by Ord. #2006-2, Feb. 2006, repealed by Ord. #2010-3, Jan. 2010, and deleted by Ord. #2012-4, March 2012)

2-508. [Deleted.] (as added by Ord. #93-8, § 9, June 1993, replaced by Ord. #2008-7, June 2008, repealed by Ord. #2010-3, Jan. 2010, and deleted by Ord. #2012-4, March 2012)

2-509. [Deleted.] (as added by Ord. #93-8, § 10, June 1993, repealed by Ord. #2010-3, Jan. 2010, and deleted by Ord. #2012-4, March 2012)

2-510. [Deleted.] (as added by Ord. #93-8, § 11, June 1993, repealed by Ord. #2010-3, Jan. 2010, and deleted by Ord. #2012-4, March 2012)

2-511. [Deleted.] (as added by Ord. #93-8, § 12, June 1993, repealed by Ord. #2010-3, Jan. 2010, and deleted by Ord. #2012-4, March 2012)

2-512. [Deleted.] (as added by Ord. #2008-5, June 2008, amended by Ord. #2009-8, May 2009, repealed by Ord. #2010-3, Jan. 2010, and deleted by Ord. #2012-4, March 2012)

2-513. [Deleted.] (as added by Ord. #2008-5, June 2008, amended by Ord. #2009-8, May 2009, repealed by Ord. #2010-3, Jan. 2010, and deleted by Ord. #2012-4, March 2012)

2-514. [Deleted.] (as added by Ord. #2008-5, June 2008, amended by Ord. #2009-8, May 2009, repealed by Ord. #2010-3, Jan. 2010, and deleted by Ord. #2012-4, March 2012)

2-515. [Deleted.] (as added by Ord. #2008-5, June 2008, amended by Ord. #2009-8, May 2009, repealed by Ord. #2010-3, Jan. 2010, and deleted by Ord. #2012-4, March 2012)

2-516. [Deleted.] (as added by Ord. #2008-5, June 2008, amended by Ord. #2009-8, May 2009, repealed by Ord. #2010-3, Jan. 2010, and deleted by Ord. #2012-4, March 2012)

2-517. [Deleted.] (as added by Ord. #2008-5, June 2008, amended by Ord. #2009-8, May 2009, repealed by Ord. #2010-3, Jan. 2010, and deleted by Ord. #2012-4, March 2012)

2-518. [Deleted.] (as added by Ord. #2008-5, June 2008, amended by Ord. #2009-8, May 2009, repealed by Ord. #2010-3, Jan. 2010, and deleted by Ord. #2012-4, March 2012)

2-519. [Deleted.] (as added by Ord. #2008-5, June 2008, amended by Ord. #2009-8, May 2009, repealed by Ord. #2010-3, Jan. 2010, and deleted by Ord. #2012-4, March 2012)

CHAPTER 6

DESIGN REVIEW COMMISSION

SECTION

- 2-601. Establishment and purpose.
- 2-602. Organization and membership.
- 2-603. Duties and functions.
- 2-604. Appeals.
- 2-605. [Deleted.]
- 2-606. [Deleted.]
- 2-607. [Deleted.]
- 2-608. [Deleted.]
- 2-609. [Deleted.]

2-601. Establishment and purpose. As directed by the town charter, Private Acts, chapter 126, article II, "Powers," Section 1, No. (34), there is hereby established a Design Review Commission, hereinafter referred to as the DRC, for the purpose of developing aesthetic and architectural controls for the community, pursuant to and consistent with the general law, and to invest such commission with all the powers conferred by general law; and to review and act upon the decisions and recommendations of the commission, as the general law provides (title 14, "Zoning and Land Use Control,"¹ chapter 4, "Design Principles and Standards," §§ 12-401--12-413, and chapter 5, "Sign Regulations, §§ 12-501--12-520).

The intent and purpose of the DRC, shall be to:

(1) Maintain the Town of Signal Mountain as a predominantly single-family residential community by protecting the character and integrity of existing and future residential areas through the provision of high quality design standards in new development and the protection of residential areas from encroachment by non-compatible land uses.

(2) Maintain a balance among land uses within the town favoring residential over commercial or industrial growth, a policy requiring the town to protect its residential property tax base through the implementation of appropriate community appearance standards generally and, more specifically, of standards ensuring that commercial, industrial and multi-family development do not impair the property values of single-family detached residential development within the town. (as added by Ord. #2006-1, Feb. 2006, and replaced by Ord. #2010-3, Jan. 2010, and Ord. #2012-4, March 2012)

¹Ord. #2012-4 referred to title "Zoning and Land Use." The correct name for this title is "Zoning and Land Use Control" and has been corrected throughout this title.

2-602. Organization and membership. (See title 2, chapter 1, "General Board and Commission Requirements," §§ 2-101--2-107.) The DRC shall consist of seven (7) residents of the town. The following fields should be represented through the appointment of at least four (4) members professionally qualified in the following fields: architect, designer, landscape architect, horticulturist, arborist, engineer, builder/contractor, business owner, engineer or land use planner. The DRC may adopt rules governing its procedures by a majority vote. The secretary shall keep minutes of its proceedings showing the vote of each member upon each question or if a member is absent or fails to vote. The secretary shall also make an annual written report to the town council to include a summary of its work including attendance, cases and decisions. (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012)

2-603. Duties and functions. The duties and functions of the DRC shall include but not be limited to reviewing and deciding questions based on the town's comprehensive "Design Principles and Standards," and the "Sign Regulations" for commercial buildings, commercial properties, government buildings, the golf course, duplexes, and planned unit developments. Applications for DRC review and approval shall be submitted to the town building official who shall contact the DRC chairman to schedule a hearing at the next regular meeting of the DRC (see title 14, "Zoning and Land Use Control," chapters 4 and 5, "Design Principles and Standards" and "Sign Regulations¹"). In order to stay current, at the request of the town council the DRC shall also review and revise its principles, standards and regulations from time to time.

The following types of projects shall be subject to DRC review and approval:

- (1) Site plans for new construction including site improvements and signage.
- (2) Demolitions or changes in use for land and/or buildings.
- (3) Improvements to existing structures.
- (4) Remodeling and alterations.
- (5) Lighting.
- (6) Parking and pavement areas.
- (7) Landscaping and site treatment.
- (8) Screening.
- (9) General signage. (see title 14, chapter 5, "Sign Regulations"). (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012)

¹Ord. #2012-4 referred to chapter "DRC." The correct title for this chapter is "Design Principles and Standards" and has been substituted. The chapter "Sign Regulations" has been added for consistency.

2-604. Appeals. An applicant whose plans or signage is disapproved by the DRC may appeal such decision to the town council (see title 14, "Zoning and Land Use Control," chapter 4, § 14-412, and chapter 5, § 14-515). (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012)

2-605. [Deleted.] (as added by Ord. #2010-3, Jan. 2010, amended by Ord. #2010-10, June 2010, and deleted by Ord. #2012-4, March 2012)

2-606. [Deleted.] (as added by Ord. #2010-3, Jan. 2010, replaced by Ord. #2010-12, June 2010, and deleted by Ord. #2012-4, March 2012)

2-607. [Deleted.] (as added by Ord. #2010-3, Jan. 2010, and deleted by Ord. #2012-4, March 2012)

2-608. [Deleted.] (as added by Ord. #2010-3, Jan. 2010, and deleted by Ord. #2012-4, March 2012)

2-609. [Deleted.] (as added by Ord. #2010-3, Jan. 2010, and deleted by Ord. #2012-4, March 2012)

CHAPTER 7

HEALTH, EDUCATIONAL AND HOUSING FACILITY BOARD

SECTION

- 2-701. Establishment and purpose.
- 2-702. Organization and membership.
- 2-703. Duties and functions.
- 2-704. [Deleted.]
- 2-705. [Deleted.]
- 2-706. [Deleted.]

2-701. Establishment and purpose. There is hereby established a health, educational and housing facility board, an independent corporation organized under the state to provide low-rate bond financing to health and educational facilities in the town and to promote health and higher education to the citizens of the town. (as added by Ord. #2008-9, July 2009, and replaced by Ord. #2009-7, May 2009, Ord. #2010-3, Jan. 2010, and Ord. #2012-4, March 2012)

2-702. Organization and membership. (See title 2, chapter 1, "General Board and Commission Requirements," §§ 2-101--12-107.) The board is comprised of seven (7) residents of the town appointed by the town council. The terms of appointment shall be six (6) years. Annual meetings shall be held the second Tuesday in May. Other meetings may be scheduled as necessary. (as added by Ord. #2008-9, July 2009, and replaced by Ord. #2009-7, May 2009, Ord. #2010-3, Jan. 2010, and Ord. #2012-4, March 2012)

2-703. Duties and functions. Pursuant to article V of the certificate of incorporation of the health, educational and housing facility board, the board is responsible for promoting the health and higher education of the people of the Town of Signal Mountain, Hamilton County, Tennessee, and surrounding areas, and to exercise the authority and pursue the objectives of health and education corporations as provided in Tennessee Code Annotated, and particularly chapter 3, part 3, of Tennessee Code Annotated, title 48 thereof, including amendments. (as added by Ord. #2008-9, July 2009, and replaced by Ord. #2009-7, May 2009, Ord. #2010-3, Jan. 2010, and Ord. #2012-4, March 2012)

2-704. [Deleted.] (as added by Ord. #2008-9, July 2008, repealed by Ord. #2010-3, Jan. 2010, and deleted by Ord. #2012-4, March 2012)

2-705. [Deleted.] (as added by Ord. #2008-9, July 2008, repealed by Ord. #2010-3, Jan. 2010, and deleted by Ord. #2012-4, March 2012)

2-706. [Deleted.] (as added by Ord. #2008-9, July 2008, repealed by Ord. #2010-3, Jan. 2010, and deleted by Ord. #2012-4, March 2012)

CHAPTER 8

HISTORICAL COMMITTEE

SECTION

2-801. Establishment and purpose.

2-802. Organization and membership.

2-803. Duties and functions.

2-801. Establishment and purpose. There is hereby established a historical committee to maintain a historical archive of the Town of Signal Mountain and Walden's Ridge. (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012)

2-802. Organization and membership. (See title 12, chapter 1, "General Board and Commission Requirements," §§ 2-101--2-107.) The committee shall be comprised of up to seven (7) Signal Mountain residents, at least five (5) who shall reside in the town. (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012)

2-803. Duties and functions. The historical committee will research, record, copy and maintain all photographs, printed materials, and artifacts that reference the Town of Signal Mountain and/or Walden's Ridge in the Town of Signal Mountain Archive, currently located at the Signal Mountain Library. The committee may also solicit, accept and recommend gifts and memorials consistent with the donation policy (title 20, chapter 6, "Signal Mountain Donation Policy," §§ 20-601--20-607). (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012)

CHAPTER 9

SIGNAL MOUNTAIN PUBLIC LIBRARY BOARD OF DIRECTORS

SECTION

2-901. Public library board of directors established.

2-902. Appointment and terms of board members.

2-903. Removal from office; filling of vacancies.

2-904. Authority and responsibility of library board.

2-901. Public library board of directors established. (1) There is hereby established a public library board of directors which shall consist of eleven (11) members, of whom at least nine (9) shall be residents of the Town of Signal Mountain. The members shall serve without compensation.

(2) One (1) member of the Signal Mountain Town Council shall serve on the board. Such member shall not be eligible to serve as an officer of the board.

(3) Tennessee's Standards for Non-Metropolitan Public Libraries call for diversity among library board members. At least one (1) member should have work experience in a technology management related field, and at least one (1) member should be a board member of a key community service organization. (as added by Ord. #2010-3, Jan. 2010, replaced by Ord. #2012-4, March 2012, and Ord. #2017-08, Oct. 2017, and amended by Ord. #2021-01, Feb. 2021 **Ch20_06-28-21**)

2-902. Appointment and terms of board members. (1) Members shall be appointed by the Signal Mountain Town Council. Terms shall be staggered so that no more than three (3) terms expire in any given year. Board members may serve no more than two (2) consecutive three (3) year terms but may be reappointed after a minimum three (3) year break in service.

(2) Board members appointed to fill vacated positions for a partial term pursuant to § 2-903 of this chapter may additionally serve two (2) consecutive terms after completing the unexpired vacated term to which they were appointed. (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012, and Ord. #2017-08, Oct. 2017)

2-903. Removal from office; filling of vacancies. Any member of the library board may be removed from office by majority vote of the town council if they do not attend at least seventy percent (70%) of the meetings of the board, for any neglect of duty by such member, or for any misconduct in office. Vacancies on the library board, occurring otherwise than by normal expiration of a term, shall be filled by the town council for the remaining portion of the unexpired term being vacated. (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012, and Ord. #2017-08, Oct. 2017)

2-904. Authority and responsibility of library board. (1) The members of the library board shall organize by electing officers and adopting by-laws and regulations. The board has the authority to direct all the affairs of the library, including the authority to appoint a library administrator. The administrator shall direct the internal affairs of the library, including hiring and directing such assistants or employees as may be necessary. The board may make and enforce rules and regulations and establish branches of service at its discretion.

(2) The board may expend funds for the special training and formal education of library personnel; provided that such personnel shall agree to work in the library for at least two (2) years after completing such training and education.

(3) The board may receive donations, devises and bequests to be used by it directly for library purposes.

(4) The board may hold and convey realty and personal property and negotiate leases for and on behalf of the library.

(5) The board shall furnish to the state library agency such statistics and information as may be required, and shall make annual reports to the town council.

(6) The board may extend the privileges and facilities of the library to persons residing outside of the Town of Signal Mountain upon such terms as it may deem proper.

(7) The board has the power to make and enforce rules providing penalties for the loss of or injury to library property. The board may establish reasonable fines for late-returned library materials and fees for special services including, but not limited to, the loan of equipment and the use of photocopiers.

(8) The title to all property acquired by a library board operating under this chapter shall be taken in the name of the Town of Signal Mountain for the use and benefit of the public library, and the proceeds from all activities conducted by the library board or from any disposition of its assets shall be taken in the name of the Town of Signal Mountain for the use and benefit of the public library.

(9) The board shall have the authority and responsibility to reasonably restrict the access of any person listed on the sexual offender registry in accordance with Tennessee Code Annotated, § 40-39-216. Such authority may be delegated by the board to the library administrator.

(10) The operation of the Signal Mountain Public Library shall be in accordance with all applicable federal and state laws and regulations and, except as otherwise provided, the charter, codes and policies of the Town of Signal Mountain including, but not limited to, purchasing and budget guidelines and personnel policies. (as added by Ord. #2017-08, Oct. 2017)

CHAPTER 10

MOUNTAIN ARTS COMMUNITY CENTER BOARD

SECTION

2-1001. Establishment and purpose.

2-1002. Organization and membership.

2-1003. Duties and functions.

2-1001. Establishment and purpose. There is hereby established a Mountain Arts Community Center Board to act in an advisory capacity to the MACC director, the town manager, and the town council to provide and facilitate artistic, cultural, civic, and educational activities that foster personal growth and benefit the community. (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012)

2-1002. Organization and membership. (See title 2, chapter 1, "General Board and Commission Requirements," §§ 2-101--2-107.) The board shall consist of seven (7) members, at least five (5) who shall reside in the town. (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012)

2-1003. Duties and functions. The MACC board is a working board. Its duties and functions shall include but not be limited to providing and recommending policies, general improvements, programs, and other functions that will benefit the advancement and success of the MACC as an active, viable arts and cultural center for the Signal Mountain community. The board shall also solicit, accept and recommend gifts and memorials consistent with the donation policy (title 20, chapter 6, "Signal Mountain Donation Policy," §§ 20-601--20-607). (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012)

CHAPTER 11

MUNICIPAL PLANNING COMMISSION

- 2-1101. Establishment and purpose.
- 2-1102. Organization and membership.
- 2-1103. Duties and functions.

2-1101. Establishment and purpose. As directed by the town charter, Private Acts, chapter 126, article II, "Powers," section 1, (30) there is hereby established a municipal planning commission under the provisions of Tennessee Code Annotated, title 13, chapter 4, section 101, "Municipal Planning," hereinafter referred to as the planning commission, to maintain the town as a predominantly single-family residential community by protecting existing and future land areas from encroachment by incompatible land uses and endeavoring to prevent commercial, industrial and multi-family development from impairing the property values of single-family residential areas within the town in accordance with the "comprehensive land use plan." (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012)

2-1102. Organization and membership. (See title 2, chapter 1, "General Board and Commission Requirements," §§ 2-101--2-107.) The planning commission shall consist of nine (9) residents of the town; two (2) who shall be the mayor and a councilmember, as appointed by a majority of the town council. The terms of the mayor and the councilmember shall run concurrently with their terms of office, and they shall serve as contributing, voting members of the planning commission. The mayor may appoint another councilmember to serve in his place if approved by a majority of the town council.

From among its membership, the planning commission shall appoint a secretary who shall have the custody of its books and records. The secretary shall keep a proper record of planning commission proceedings, recording the vote of each member upon each question or if a member is absent or fails to vote. The secretary or a designated representative of the commission shall sign off on final plats prior to their recording.

The secretary on behalf of the planning commission shall make an annual report to the town council giving a summary of the commission's work during the preceding year to include recommendations for future projects and recommendations for public improvements that, in its judgment, should be undertaken. The secretary shall serve at the will and pleasure of the commission.

The planning commission shall meet at the beginning of each year for the purpose of electing officers, and it shall thereafter meet not less than once every three (3) months and at such times and places as it may fix by resolution. Its

chairman or secretary may call special meetings from time to time. (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012)

2-1103. Duties and functions. In accordance with Tennessee Code Annotated, § 13-4-101, et seq., "Municipal Planning," and town code, Appendix A, "Town of Signal Mountain, Tennessee Zoning Regulations and Amendments," articles I-XXIV), the planning commission's duties and functions shall include but not be limited to the following:

(1) Collect data and keep informed. Each member of the planning commission shall be required to stay current in the art of municipal planning and zoning by completing four (4) hours of training per year to remain qualified to act on matters that affect the present and future movements of traffic, the convenience and safety of persons and property, the health, recreation and general welfare and the use of buildings, structures and land for trade, industry, residence, recreation, public activities and all other needs of the town that are dependent upon a town plan.

(2) Work in cooperation with town departments and employees. The various departments of the government of the town and the employees thereof shall give the planning commission all possible assistance, advice and cooperation consistent with the performance of the other duties required of them by law or assigned to them by the town manager.

(3) Make maps and plans of the whole or any portion of the town or any land outside of the town, which bears a relation to the planning and future growth of the municipality and to make changes in the plans and maps as necessary. The plans shall show the planning commission's recommendations for any streets, alleys, ways, viaducts, bridges, subways, railroads, terminals, transit lines, parkways, parks, playgrounds or any other public grounds or public improvements and the removal, relocation of, widening or extension of such public works then existing.

(4) Certify to the town council a zoning plan, in accordance with Tennessee Code Annotated, § 13-4-201, which shall include both a full text of a proposed zoning ordinance and maps, representing the recommendations of the planning commission for the regulation by districts or zones of the location, height, bulk, number of stories and size of buildings and other structures, the size of yards, courts and other open spaces, the density of population and the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes. In making such recommendations, the planning commission shall take into consideration the present character of the district, the value of the land therein and the character of the building thereon, the peculiar suitability of the district for a particular use and other considerations which will promote the public health, safety, convenience and general welfare.

(5) Carry out its power and authority to review plats and develop regulations for the subdivision of land within the limits of the town and decide

whether to permit or deny such plat applications. The planning commission's review shall include, but is not limited to, subdivision and right-of-way designs; access, frontage, depth and area of lots; drainage, easements, utility layout and designs; street grades; and conformity to official plans. In addition, the planning commission may require additional information and data be furnished by applicants on particular matters of concern.

(6) Hire the services of architects, engineers and contract for other professional services or appoint clerks, draftsmen and other subordinates, as it shall deem necessary for the performance of its functions with approval of the town manager.

(7) Carry out all of its powers, functions and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012)

CHAPTER 12

PARKS BOARD

- 2-1201. Establishment and purpose.
- 2-1202. Organization and membership.
- 2-1203. Duties and functions.

2-1201. Establishment and purpose. There is hereby established a parks board to act in an advisory capacity to the recreation director, the town manager, and the town council on all issues related to parks in the town. (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012)

2-1202. Organization and membership. (See title 2, chapter 1, "General Board and Commission Requirements," §§ 2-101--2-107.) The board shall consist of seven (7) members, five (5) who shall be residents of the town. (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2010-17, Oct. 2010, and Ord. #2012-4, March 2012)

2-1203. Duties and functions. The board shall provide recommendations concerning all facets of public parks including, but not limited to, recommending general park rules (title 20, chapter 5, "Signal Mountain Park Regulations and Guidelines," §§ 20-501--20-504); signage for designating, creating and maintaining trails; organizing volunteers for park activities; and organizing public activities to promote usage of parks for physical activity, education and enjoyment of nature. The board shall also solicit, accept and recommend gifts and memorials consistent with the donation policy (see title 20, chapter 6, "Signal Mountain Donation Policy," §§ 20-601--20-607). (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012)

CHAPTER 13

PERSONNEL COMMITTEE

- 2-1301. Establishment and purpose.
- 2-1302. Organization and membership.
- 2-1303. Duties and functions.

2-1301. Establishment and purpose. There is hereby established a personnel committee to serve in an advisory capacity to the town manager and the town council. (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012)

2-1302. Organization and membership. (See title 2, chapter 1, "General Board and Commission Requirements," §§ 2-101--2-107). The committee shall be composed of five (5) residents of the town with expertise in business, human resource, insurance benefits or other pertinent experience. (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012)

2-1303. Duties and functions. The personnel committee shall study and evaluate all aspects of employee personnel policy, job descriptions, pay plans, benefits, and any other personnel issues as requested by the town manager and/or the town council and make recommendations for changes or improvements in same. (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012)

CHAPTER 14

RECREATION BOARD

- 2-1401. Establishment and purpose.
- 2-1402. Organization and membership.
- 2-1403. Duties and functions.

2-1401. Establishment and purpose. There is hereby created a recreation board to serve in an advisory capacity to the recreation director, the town manager and the town council concerning all facets of recreation activities in the town. (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012)

2-1402. Organization and membership. (See title 2, chapter 1, "General Board and Commission Requirements," §§ 2-101--2-107.) The board shall consist of seven (7) members, at least five (5) who shall be residents of the town. Members of the recreation board shall not sit concurrently on any board of a Signal Mountain recreation league or organization. (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012)

2-1403. Duties and functions. The recreation board shall advance the mission of the Signal Mountain Recreation Department to provide quality recreation programs, to utilize the facilities as fully as possible, and to increase the number and diversity of recreation facilities and activities in Signal Mountain. The duties and functions of the board shall be to recommend policies and goals designed to fulfill the recreation needs and objectives of the community to the recreation director, the town manager, and the town council to include, but not limited to:

- (1) Recommending spending priorities for recreation purposes.
- (2) Recommending fee structures for all town recreation activities and leagues.
- (3) Collecting financial data from leagues.
- (4) Recommending event schedules for activities.
- (5) Reviewing the organization of participating leagues to ensure proper communication to the board and compliance with the established recreation goals of the community.
- (6) Requesting a listing from each league at the beginning and end of its season suggesting maintenance and improvements to town recreation facilities.
- (7) Entertaining suggestions, complaints, and/or comments from league representatives, interested citizens or other parties pertaining to the recreation policies of the town.

The board shall also solicit, accept and recommend gifts and memorials consistent with the donation policy (title 20, chapter 6, "Signal Mountain Donation Policy," §§ 20-601--20-607). (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012)

CHAPTER 15

STORMWATER APPEALS BOARD¹

- 2-1501. Establishment and purpose.
- 2-1502. Organization and membership.
- 2-1503. Duties and functions.
- 2-1504. Appeals.

2-1501. Establishment and purpose. A stormwater appeals board is hereby established to address citizens' appeals to stormwater determinations and fees within the town (title 18, chapter 8,² "Stormwater Utility Ordinance," § 18-802, "Creation of stormwater board and utility" and Tennessee Code Annotated, § 68-221-1011). (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012)

2-1502. Organization and membership. (See title 2, chapter 1, "General Board and Commission Requirements," §§ 2-101--2-107.) The board shall consist of eight (8) members as follows: the town manager, the town recorder, the public works director, the water department director, the police chief or his designee, the fire chief or his designee, the building official, and a citizen representative. The board shall meet only as needed and when called by the town manager. (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012)

2-1503. Duties and functions. The board shall be responsible for hearing citizens' appeals relating to stormwater violations, calculations and fees levied by the town. Appeals regarding user fees must be made within thirty (30) days from the date of the last bill. Appeals requests shall detail the grounds for the appeal and be made in writing. Additional information may be required by the town manager. (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012)

2-1504. Appeals. Adjustment to stormwater fees, either upward or downward, may be considered based on re-calculation and/or stormwater reduction rates due to improved management practices or other means (see title

¹Municipal code reference

Stormwater appeals board: § 18-742.

²Ord. #2012-4 referred to "Stormwater Utility Ordinance." The correct chapter for "Stormwater Utility Ordinance" is chapter 8 and has been corrected.

18, § 18-812, "Appeals of fees"). (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012)

CHAPTER 16

TREE BOARD

- 2-1601. Establishment and purpose.
- 2-1602. Organization and membership.
- 2-1603. Duties and functions.

2-1601. Establishment and purpose. (See title 13, chapter 2, "Municipal Landscape Ordinance," § 13-203). There is hereby established a tree board to protect the town's extensive resource of native trees as significant to the environment and as a part of the natural beauty of the town through tree advocacy and education. (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012)

2-1602. Organization and membership. (See title 2, chapter 1, "General Board and Commission Requirements," §§ 2-101--2-107.) The Signal Mountain Tree Board shall consist of seven (7) members, at least five (5) who shall be residents of the town. Members of the tree board should have some educational and/or professional experience concerning landscaping and/or trees, which may include such occupations as landscape architect, arborist, forester, gardener, master gardener, teacher, botanist or biologist. (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012)

2-1603. Duties and functions. (1) The tree board shall serve in an advisory capacity to the town manager and the town council to recommend the adoption of programs, policies, and regulations for the planting, maintenance, and protection of trees. The board shall also organize an Arbor Day celebration and re-apply each year to maintain the town's designation as a National Arbor Day Foundation "Tree City USA."

(2) Other functions of the board shall include, but are not limited to, planting trees; caring for trees; operating an honor tree program to enable donors to purchase trees and specially inscribed markers to honor individuals or groups, commemorate events or for living memorials; providing general advice and recommendations about trees, tree planting and tree maintenance to the general public, town employees, builders, and community groups through educational outreach (see title 13, chapter 2, "Municipal Landscape Ordinance," §§ 13-201--13-221).

(3) Capital needs to support the board's programs shall include fund-raising and/or soliciting gifts, memorials and donations consistent with the donation policy (title 20, chapter 6, "Signal Mountain Donation Policy," §§ 20-601--20-607). (as added by Ord. #2010-3, Jan. 2010, and replaced by Ord. #2012-4, March 2012)