

TITLE 14**ZONING AND LAND USE CONTROL****CHAPTER**

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. STORMWATER DETENTION AND FLOODPLAIN MANAGEMENT ORDINANCE.

CHAPTER 1**MUNICIPAL PLANNING COMMISSION****SECTION**

- 14-101. Creation and membership.
- 14-102. Organization.
- 14-103. Powers and duties.

14-101. Creation and membership. A municipal planning commission of the Town of Bell Buckle is hereby created pursuant to Tennessee Code Annotated, § 13-4-101. The planning commission shall consist of five (5) members. Two (2) of these members shall be the mayor of Bell Buckle and another member of the board of mayor and aldermen selected by the board of mayor and aldermen. The other three (3) members shall be appointed by the mayor. The terms of the appointive members shall be for three years, except that, in the appointment of the first municipal planning commission, the terms of the three appointive members shall be for one, two, and three years, respectively, so that the term of one member shall expire each year. Any vacancy in an appointive member shall be filled for the unexpired term by the mayor, who, at his pleasure, shall have the authority to remove any appointive member. The terms of the mayor and the other member selected from the board of mayor and aldermen shall run concurrently with their membership on the board of mayor and aldermen. All members of the planning commission shall serve as such without compensation. (1996 Code, § 14-101)

14-102. Organization. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with Tennessee Code Annotated, title 13. The commission shall elect its chairman from among its appointive members, and it also shall elect a vice chairman and a secretary from among its membership. The terms of all officers shall be for one year, with eligibility for reelection. The commission shall adopt such rules of procedure and organization as may be necessary to effectuate this chapter and to perform its functions as prescribed by state law and it shall keep an official public record

of its meetings, transactions, findings, and determinations. The commission may appoint such employees and staff as it may deem necessary for its work and may contract with town planners and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose of the board of mayor and aldermen. (1996 Code, § 14-102)

14-103. Powers and duties. From and after the time when the municipal planning commission shall have organized and selected its officers, together with the adoption of its rules of procedure, then the commission shall have all the powers, duties, and responsibilities as set forth in Tennessee Code Annotated, title 13 and any other laws relating to the duties and powers of municipal planning commissions. (1996 Code, § 14-103)

CHAPTER 2

ZONING ORDINANCE

SECTION

14-201. Land use to be governed by zoning ordinance.

14-201. Land use to be governed by zoning ordinance. Land use within the Town of Bell Buckle shall be governed by Ordinance Number 60, titled "Zoning Ordinance of Bell Buckle, Tennessee," and any amendments thereto.¹ (1996 Code, § 14-201)

¹Ordinance No. 60, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

CHAPTER 3

STORMWATER DETENTION AND FLOODPLAIN MANAGEMENT ORDINANCE

SECTION

- 14-301. General provisions.
- 14-302. Definitions.
- 14-303. Grading permits.
- 14-304. Stormwater system design and management standards.
- 14-305. Post construction.
- 14-306. General prohibitions.
- 14-307. Floodway/floodway fringe requirements.
- 14-308. Enforcement.
- 14-309. Penalties.
- 14-310. Appeals.
- 14-311. Variances.
- 14-312. Funding mechanisms.
- 14-313. Fee schedule.

14-301. General provisions. (1) Purpose. It is the purpose of this ordinance to:

(a) Protect, maintain, and enhance the environment of the Town of Bell Buckle and the public health, safety and the general welfare of the citizens of the town, by controlling discharges of stormwater to the town's stormwater system.

(b) Allow the Town of Bell Buckle to exercise the powers granted in Tennessee Code Annotated, § 68-221-1105 and the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR ch. 1 (10-1-04 edition).

(i) Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the municipality, whether or not owned and operated by the municipality;

(ii) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;

(iii) Establish standards to regulate the quantity of stormwater discharged as may be necessary to protect the storm water system and downstream properties;

(iv) Review and approve plans and plats for stormwater management in proposed subdivisions or commercial/industrial developments;

(v) Issue permits for grading work that has the potential to effect stormwater discharges, or for the construction, alteration, extension, or repair of stormwater facilities;

(vi) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit.

(2) Administering entity. The governing body of the Town of Bell Buckle shall administer the provisions of this ordinance. (Ord. #06-002, _____)

14-302. Definitions. For the purpose of this chapter, the following definitions shall apply: Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

(1) "As built plans" means drawings depicting conditions as they were actually constructed.

(2) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any give year (the 100-year flood).

(3) "Base flood elevation" means the water-surface elevation associated with the base flood.

(4) "Channel" means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

(5) "Community water" means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the Town of Bell Buckle.

(6) "Design storm event" means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility.

(7) "Easement" means an acquired privilege or right to use or enjoyment that a person, party, firm, corporation, municipality or other legal entity has in the land of another.

(8) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

(9) "Floodway fringe" means the area between the floodway boundary and the 100-year floodplain boundary.

(10) "Governing body" means the Bell Buckle Board of Mayor and Aldermen.

(11) "Grading plan" means a written plan (including drawings or other graphic representations) that is designed to depict both pre and post construction contours of a site where construction activities are planned.

(12) "Grading permit" means a permit issued by the governing body to allow land disturbing activity as defined below in compliance with a grading plan as defined above.

(13) "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

(14) "Land disturbing activity" means any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, development, re-development, construction, reconstruction, grading, filling, and excavation.

(15) "Maintenance" means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.

(16) "Maintenance agreement" means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

(17) "Peak flow" means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

(18) "Person" means any and all persons, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(19) "Runoff" means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate stormwater system.

(20) "Sediment" means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from the site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

(21) "Stormwater" means stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.

(22) "Stormwater management" means the programs to maintain quality and quantity of stormwater runoff to pre-development levels.

(23) "Stormwater management facilities" means the drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated, or disposed of.

(24) "Stormwater runoff" means flow on the surface of the ground, resulting from precipitation or snow melt.

(25) "Structural BMP's" means devices that are constructed to provide control of stormwater runoff.

(26) "Surface water" includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.

(27) "Variance" is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

(28) "Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

(29) "Watershed" means all the land area that contributes runoff to a particular watercourse. (Ord. #06-002, _____)

14-303. Grading permits. (1) When required. Every person will be required to obtain a grading permit from the Town of Bell Buckle in the following cases: (The grading permit shall be obtained prior to any land disturbing activity taking place.)

(a) Land disturbing activity for subdivision development purposes;

(b) Land disturbing activity for commercial or industrial development purposes;

(c) Land disturbing activity that falls within the floodway or floodway fringe as defined in this ordinance.

(d) Land disturbing activity that, in the opinion of the Town of Bell Buckle codes enforcement officer or town engineer, has the potential to adversely affect the storm drainage system downstream.

(2) Building permit. No building permit shall be issued until the applicant has obtained a grading permit where the same is required by this ordinance.

(3) Exemptions. The following activities are exempt from the permit requirement:

(a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources;

(b) Existing nursery and agricultural operations conducted as a permitted main or accessory use.

(4) Application for a grading permit. Each application for a grading permit shall contain the following:

(a) Name of applicant;

(b) Business or residence address of applicant;

(c) Name, address and telephone number of the owner of the property of record in the office of the assessor of property;

(d) Address and legal description of subject property including the tax reference number and parcel number of the subject property;

(e) Name, address and telephone number of the contractor (if known) and any subcontractors who shall perform the land disturbing activity and who shall implement the grading plan;

(f) A statement indicating the nature, extent and purpose of the land disturbing activity including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity;

(g) Each application shall be accompanied by:

(i) A grading plan as described within this ordinance;

(ii) Permit review and inspection fees, as set by this ordinance.

(5) Review and approval of application. The Town of Bell Buckle will review each application for a grading permit to determine its conformance with the provisions of this ordinance. Within thirty (30) days after receiving an application, the governing body shall provide one of the following responses in writing:

(a) Approval of the permit application;

(b) Approval of the permit application with conditions; subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance, and issue the permit subject to these conditions; or

(c) Denial of the permit application, indicating the reason(s) for the denial.

If the Town of Bell Buckle has granted approval of the permit with conditions, the applicant shall submit a revised plan that conforms to the conditions established by the town, within fourteen (14) days of receipt of the conditional approval. However, the applicant shall be allowed to proceed with his land disturbing activity so long as it conforms to the conditions established by the town.

No development plans (or building permit, if required) will be released until the grading permit has been approved.

(6) Permit duration. Every grading permit shall expire and become null and void if substantial work authorized by such permit has not commenced within one hundred eighty (180) calendar days of issuance. The work authorized by such permit shall not be suspended or abandoned at any time after the work is commenced but shall be carried through to completion.

(7) Performance bonds. The Town of Bell Buckle may require the submittal of a performance security or performance bond prior to issuance of a permit in order to ensure that the stormwater practices are installed by the permit holder as required by the approved grading plan. The amount of the performance bond shall be the total estimated construction cost of the permanent infrastructure approved under the permit plus any reasonably foreseeable additional related costs. The town may also require the submittal of a performance bond at any point during construction in an amount sufficient

to cover all remaining items that have not yet been constructed. The performance bond shall contain forfeiture provisions for failure to complete work specified in the grading plan. The applicant shall provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment or rejection by the Town of Bell Buckle. The town shall have the right to calculate the estimated cost of construction for the purpose of determining the required performance bond amount.

The performance bond shall be released in full only upon submission of as-built plans (if requested) and written certification by a registered professional engineer licensed to practice in Tennessee that the infrastructure has been installed in accordance with the approved plan and other applicable provisions of this ordinance. Partial releases of the performance bond, based on the completion of various stages of construction, can be made at the discretion of the Town of Bell Buckle. (Ord. #06-002, _____)

14-304. Stormwater system design and management standards.

(1) General performance criteria for stormwater management. Unless judged by the Town of Bell Buckle to be exempt, the following performance criteria shall be addressed for stormwater management at all sites:

(a) All site designs shall control the peak flow rates of stormwater discharge associated with design storms specified in this ordinance and reduce the generation of post construction stormwater runoff to pre-construction levels. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.

(b) The permanent hydrologic data for each sub-area including total land area, appropriate runoff co-efficient, time of concentrations as calculated using the SCS-TR-55 method or approved equal, total runoff for the two (2), five (5), twenty-five (25), and one-hundred (100) year storm events for each area using the SCS-TR-55 method for drainage areas greater than one hundred (100) acres or rational method for drainage areas up to one-hundred (100) acres. Nashville, Tennessee intensity-duration-frequency curves shall be used for runoff calculations if local data is not available.

(c) Hydraulic capacity of existing and proposed storm water conveyance structures and channels located on the site and off-site (two structures downstream) using Mannings Formula. Each structure or channel shall be capable of passing the referenced event without surcharge:

(i) Twenty-five (25) year design storm--Residential areas, minor street culverts.

(ii) Fifty (50) year design storm--Major drainage channels (existing "blue-line" or intermittent streams), collector and minor arterial street culverts.

(iii) One hundred (100) year design storm--Major arterial street culverts.

Each drainage structure and/or channel shall be designed to not cause flooding of any structure during the one-hundred (100) year event.

(d) Net pre-construction and post construction runoff exiting the site resulting from the two (2), five (5), twenty-five (25), and one-hundred (100) year storm events using the SCS-TR-55 method for drainage areas greater than one hundred (100) acres or rational method for drainage areas up to one-hundred (100) acres. Runoff velocities shall also be determined.

(e) Detention pond inflow/outflow calculations for the two (2), five (5), twenty-five (25), and one hundred (100) years storm events. Detention calculations shall include stage-storage calculations, elevation-discharge calculations, inflow hydrograph development, routing calculations, and discharge calculations. A one (1) foot minimum freeboard shall be maintained for each design storm event in the detention basin design. The design shall ensure post-development discharge rates do not exceed pre-development discharge rates for the two (2), five (5), and twenty-five (25) year storm events. The design shall ensure that the post-development discharge for the one hundred (100) year design storm can be managed safely by the detention facility, incorporating spillways as necessary, but not necessarily equaling pre-development discharge rates.

(f) Pre-construction vegetative ground cover shall not be destroyed, removed, or disturbed more than twenty (20) calendar days prior to grading or earth moving unless the area is seeded and/or mulched or other temporary cover is installed.

(2) Grading plan requirements. The grading plan shall include sufficient information to allow the Town of Bell Buckle to evaluate the physical characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. To accomplish this goal, the grading plan shall include the following:

(a) Project description. Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.

(b) Topographic base map. A topographic base map of the site, at appropriate scale, which extends a minimum of one hundred (100) feet beyond the limits of the proposed development and indicates:

(i) Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures; floodplain and/or floodway as shown on the FEMA Flood Insurance Rate Maps (FIRM);

(ii) Current land use including all existing structures, locations of utilities, roads, and easements; proposed structures; location and identification of any proposed additional buildings, structures or development on the site;

(iii) All other existing significant natural and artificial features;

(iv) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading;

(v) A topographic map with contour intervals of five (5) feet or less showing present conditions and proposed contours resulting from land disturbing activity;

(vi) A written description of the site plan and justification of proposed changes in natural conditions may also be required.

(c) Calculations. Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in § 14-304(1) of this chapter will be required. These calculations must show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this ordinance. Such calculations shall include:

(i) A description of the design storm frequency, duration, and intensity where applicable;

(ii) Time of concentration;

(iii) Soil curve numbers or runoff coefficients including assumed soil moisture conditions;

(iv) Peak runoff rates and total runoff volumes for each watershed area;

(v) Infiltration rates, where applicable;

(vi) Culvert, stormwater sewer, ditch and/or other stormwater conveyance capabilities;

(vii) Flow velocities;

(viii) Data on the increase in rate and volume of runoff for the design storms referenced in § 14-304(1); and

(ix) Documentation of sources for all computational methods and field test results.

(d) Maintenance easements. The applicant must ensure access to the site for the purpose of inspection and repair by securing all the maintenance easements needed. These easements must be binding on

the current property owner and all subsequent owners of the property and must be properly recorded in the land record.

(e) Maintenance agreement. (i) The Town of Bell Buckle may require the owner of property to be served by an on-site stormwater management facility to execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners.

(ii) The maintenance agreement shall:

(A) Assign responsibility for the maintenance and repair of the stormwater facility to the owner of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.

(B) Provide for a periodic inspection by the property owner for the purpose of documenting maintenance and repair needs and ensure compliance with the purpose and requirements of this ordinance. It shall also grant permission to the town to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.

(C) Provide that the minimum maintenance and repair needs include, but are not limited to: removal of silt, litter and other debris, the cutting of grass, the replacement of landscape vegetation, and all additional maintenance and repair needs consistent with the needs and standards outlined in this ordinance.

(D) Provide that maintenance needs must be addressed in a timely manner.

(E) Provide that if the property is not maintained or repaired within a timely manner, the Town of Bell Buckle shall have the right to perform the maintenance and repair at its expense, and bill the same to the property owner.

(Ord. #06-002, _____)

14-305. Post construction. (1) As built plans. The Town of Bell Buckle may require a permittee to submit actual as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer licensed to practice in Tennessee. As built plans will generally only be required when approved changes were made to stormwater management facilities during the construction process. No changes shall be made at any point after the approval and issuance of a grading plan without prior approval from the Town of Bell Buckle.

(2) Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least five (5) years. These records shall be made available to the Town of Bell Buckle upon request.

(3) Failure to meet or maintain design or maintenance standards. If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this ordinance, the Town of Bell Buckle, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the Town of Bell Buckle shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible party shall effect maintenance and repair of the facility in an approved manner in a time period set by the Town of Bell Buckle. In the event that corrective action is not undertaken within that time, the Town of Bell Buckle may take necessary corrective action. The cost of any action taken by the Town of Bell Buckle under this section shall be charged to the responsible party. (Ord. #06-002, _____)

14-306. General prohibitions. (1) Blockage of watercourses or drains. It shall be unlawful for any person to dump refuse of any nature (including grass clippings, leaves, brush, garbage, scrap, or any other refuse) into a stream, ditch, storm sewer, or any other drain within the town or to place such refuse or cause such refuse to be placed in a manner in which it is likely to enter into any stream, ditch, storm sewer, or other drain either by natural or other means. It shall be unlawful to block a watercourse or drain by constructing a fence over the drain in any manner that restricts flow or that can catch debris, thus restricting flow.

(2) Alteration of watercourses or drains. It shall be unlawful for any person to cause, permit, or allow the alteration of any stream, ditch, storm sewer or any other drain without written approval from the Town of Bell Buckle and the acquisition of any state permits that may be necessary for the performance of the alterations. Alterations may include, but not be limited to, a change in direction of flow, the addition of a structure such as a culvert or a bridge, or a change in size of a channel or pipe.

(3) Construction site waste. It shall be unlawful for construction site operators to discard waste, including building materials, concrete truck washout, chemicals, litter, sanitary waste, or any other potential pollutants in a manner that may cause adverse impacts to the stormwater management system of the Town of Bell Buckle. (Ord. #06-002, _____)

14-307. Floodway/floodway fringe requirements. (1) Purpose. It is the purpose of this section to promote the public health, safety, and the general welfare, and to minimize public and private losses due to flood conditions in specific areas. This section is designed to:

(a) Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which cause damaging increases in erosion, flood heights, or flow velocities;

(b) Control filling, grading, dredging and other development which may increase erosion or flood damage;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate flood waters;

(d) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards.

(2) Flood districts. The Town of Bell Buckle shall recognize two (2) distinct flood districts within the boundaries of the municipality. The two (2) flood districts are described as follows:

(a) Floodway district. The floodway shall be described as that area including the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation. The floodway district shall be defined in one (1) of the two (2) following ways:

(i) Most streams within the Town of Bell Buckle have not been mapped by the Federal Emergency Management Agency (FEMA) to show the floodway and other flood districts. Where FEMA has established the floodway on official community panel maps, then the town shall use the floodway designation provided by FEMA.

(ii) For those streams where the floodway has not been mapped by FEMA, the floodway shall be defined as an area on each side of the stream that is equal to two widths of the stream. The floodway area shall be measured from the edge of water when the stream is at normal flow conditions.

(b) Floodway fringe district. The floodway fringe district shall be described as the area between the floodway boundary and the 100-year floodplain boundary. The flood fringe district shall be defined in one (1) of the two (2) following ways.

(i) Most streams within the Town of Bell Buckle have not been mapped by FEMA to show the 100-year floodplain boundary and the floodway. Where FEMA has established the 100-year floodplain boundary on official community panel maps, then the town shall use the flood fringe designation provided by FEMA.

(ii) Areas designated as Zone A on the community panel maps are an approximation of the 100-year floodplain boundary, but no base flood elevation has been established. For those areas designated on the community panel maps as zone A, the 100-year floodplain shall be designated as an area that extends one hundred (100) feet, in every direction, beyond the zone A area shown.

(iii) The area designated as floodway fringe on unmapped streams may be challenged by the applicant for any grading permit. The applicant may choose to determine a base flood elevation for the area using one of the methods described in FEMA Manual 265, titled "Managing Floodplain Development in Approximate Zone A Areas--A Guide for Obtaining and Developing Base Flood Elevations," dated April 1995. All data utilized to obtain the base flood elevation shall be submitted to the Town of Bell Buckle for review and approval.

(3) Generally acceptable uses in flood prone districts. All land disturbing activities require that a permit application be submitted to the Town of Bell Buckle, but in general, the following types of activities will be considered for approval within flood prone districts:

(a) Floodway district. Land use activities are highly restricted within floodway districts. Only land use activities that do not result in a restriction to the flows of the floodway will be accepted. Typical uses that can be approved within the floodway district include projects such as sidewalks, underground utilities, and certain types of recreational facilities.

(b) Flood fringe district. Land disturbance activities are much less restricted within the flood fringe district but will require that certain conditions be met as a part of the development. Land use activities in the flood fringe district can include the construction of structures, including those that are intended for housing purposes.

(4) Permit requirements. All proposed land disturbance activities within either of the flood districts will require that a grading permit be issued prior to the start of construction. In addition to the requirements of § 14-304(2) of this chapter, the following information shall be provided with the permit application:

(a) Floodway district. For proposed developments within the floodway district to be considered, the application must satisfactorily demonstrate that the project will have no effect on the base flood elevations of the floodway either during or after construction. Developments that include above ground structures or fill material will not generally be accepted.

(b) Flood fringe district. For proposed developments within the flood fringe district, the application shall demonstrate how the following conditions will be met:

(i) All fill material that is placed in the flood fringe at or below the base flood elevation must be offset by an equal volume of cut material removed from the same elevation as the fill and must be removed from the flood fringe area completely.

(ii) No building or structure shall be erected and no existing building or structure shall be extended or moved unless the main floor of said building or structure is placed at least one (1) foot above the base flood elevation. An elevation certificate shall be submitted and approved. If the base flood elevation is unknown, then the main floor shall be at least three (3) feet above the highest adjacent grade. No basement floor or other floor shall be constructed below or at a lower elevation than the main floor. Foundations of all structures shall be designed and constructed to withstand flood conditions at the site.

(iii) Fill material placed for a structure shall extend twenty-five (25) feet beyond the limits of any structure erected thereon. Minimum fill elevation shall be to at least the base flood elevation. Fill shall consist of soil or rock materials only and shall be thoroughly compacted to prevent excessive settlement and shall be protected from erosion. Fill slopes shall not be steeper than one (1) foot vertical to two (2) feet horizontal unless steeper slopes are justified and approved by the Town of Bell Buckle.

(5) General standards. In all flood prone areas the following provisions are required:

(a) New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(b) Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

(c) New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage;

(e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance; and

(j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this ordinance, shall be undertaken only if said non-conformity is not further extended or replaced. (Ord. #06-002, _____)

14-308. Enforcement. (1) Enforcement authority. The Governing Body of the Town of Bell Buckle or their designees shall have the authority to issue stop work orders and to impose the civil penalties provided in this section.

(2) Stop work orders. Where there is work in progress that causes or constitutes in whole or in part, a violation of any provision of this ordinance, the town is authorized to issue a stop work order that requires construction activity to stop immediately so as to prevent further or continuing violations or adverse effects. All persons to whom the stop work order is directed, or who are involved in any way with the work or matter described in the stop work order shall fully and promptly comply therewith. The town may also undertake or cause to be undertaken, any necessary or advisable protective measures so as to prevent violations of this ordinance or to avoid or reduce the effects of noncompliance herewith. The cost of any such protective measures shall be the responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work, and such cost shall be a lien upon the property. (Ord. #06-002, _____)

14-309. Penalties. (1) Violations. Any person who shall commit any act declared unlawful under this ordinance, who violates any provision of this ordinance, who violates the provisions of any permit issued pursuant to this ordinance, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the Town of Bell Buckle, shall be guilty of a civil offense.

(2) Penalties. Under the authority provided in Tennessee Code Annotated, § 68-221-1106, the municipality declares that any person violating the provisions of this ordinance may be assessed a civil penalty by the governing

body of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.

(3) Measuring civil penalties. In assessing a civil penalty, the governing body may consider the following:

- (a) The harm done to public health or the stormwater management system;
- (b) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
- (c) The economic benefit, if any, gained by the violator;
- (d) The amount of effort put forth by the violator to remedy the violation;
- (e) Any unusual or extraordinary enforcement costs incurred by the municipality.

(4) Recovery of damages and costs. In addition to the civil penalty, the municipality may recover all damages proximately caused by the violator to the municipality, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this ordinance, or any other actual damages caused by the violation.

(5) Remedies cumulative. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted. (Ord. #06-002, _____)

14-310. Appeals. Pursuant to Tennessee Code Annotated, § 68-221-1106(d), any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this ordinance may appeal said penalty or damage assessment to the governing body.

(1) Appeals to be in writing. The appeal shall be in writing and filed with the town recorder within thirty (30) days after the civil penalty and/or damage assessment is served in any manner authorized by law.

(2) Public hearing. Upon receipt of an appeal, the governing body shall hold a public hearing within thirty (30) days. At least ten (10) days prior notice of the time, date, and location of said hearing shall be published in a newspaper of general circulation. Ten (10) days notice by registered mail shall also be provided to the aggrieved party, such notice to be sent to the address provided by the aggrieved party at the time of appeal. The decision of the governing body shall be final.

(3) Appealing decisions of the governing body. Any alleged violator may appeal a decision of the governing body pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8. (Ord. #06-002, _____)

14-311. Variances. The governing body may grant variances from the requirements of this ordinance where it is determined that the variance will not

pose a risk to public health and will not substantially increase the flooding potential of the Town of Bell Buckle. Requests for variances shall accompany the grading permit application and shall generally include a description of the need for the variance and any supporting data that is required to demonstrate that the variance will not cause increased hazards. Variances shall be issued in compliance with the guidelines of Section 60.6 of the Federal Insurance Administration Regulations found at 44 CFR ch. 1 (latest edition). (Ord. #06-002, _____)

14-312. Funding mechanisms. Funding for the stormwater management activities described in this ordinance may include, but not be limited to, the following:

- (1) Permit and inspection fees;
- (2) Civil penalties and damage assessments.

To the extent that the above listed revenues are insufficient to construct needed stormwater drainage facilities, the cost of the same may be paid from such town funds as may be determined by the municipality's governing body. (Ord. #06-002, _____)

14-313. Fee schedule. (1) Permit review and inspection fees. A fee shall be assessed for each grading permit as set forth in the town's fee schedule.

The review and inspection fees are based on acreage to be disturbed during the construction of the project. If a proposed acreage of disturbance is not provided, the fee will be based on the total project acreage. (Ord. #06-002, _____)