

APPENDIX A**ETHICS PROVISIONS PROVIDED BY STATUTE**1. Campaign finance.

All candidates for the chief administrative office (mayor), any candidates who spend more than \$500, and candidates for other offices that pay at least \$100 a month are required to file campaign financial disclosure reports. Civil penalties of \$25 per day are authorized for late filings. Penalties up to the greater of \$10,000 or 15 percent of the amount in controversy may be levied for filings more than 35 days late. It is a Class E felony for a multicandidate political campaign committee with a prior assessment record to intentionally fail to file a required campaign financial report. Further, the treasurer of such a committee may be personally liable for any penalty levied by the Registry of Election Finance (T.C.A. § 2-10-101-118).

Contributions to political campaigns for municipal candidates are limited to:

- a. \$1,000 from any person (including corporations and other organizations);
- b. \$5,000 from a multicandidate political campaign committee;
- c. \$20,000 from the candidate;
- d. \$20,000 from a political party; and
- e. \$75,000 from multicandidate political campaign committees.

The Registry of Election Finance may impose a maximum penalty of \$10,000 or 115 percent of the amount of all contributions made or accepted in excess of these limits, whichever is greater (T.C.A. § 2-10-301-310).

Each candidate for local public office must prepare a report of contributions that includes the receipt date of each contribution and a political campaign committee's statement indicating the date of each expenditure (T.C.A. § 2-10-105, 107).

Candidates are prohibited from converting leftover campaign funds to personal use. The funds must be returned to contributors, put in the volunteer public education trust fund, or transferred to another political campaign fund, a political party, a charitable or civic organization, educational institution, or an organization described in 26 U.S.C. 170(c) (T.C.A. § 2-10-114).

2. Conflicts of Interest.

Municipal officers and employees are permitted to have an "indirect interest" in contracts with their municipality if the officers or employees publicly

acknowledge their interest. An indirect interest is any interest that is not "direct," except it includes a direct interest if the officer is the only supplier of goods or services in a municipality. A "direct interest" is any contract with the official himself or with any business of which the official is the sole proprietor, a partner, or owner of the largest number of outstanding shares held by any individual or corporation. Except as noted, direct interests are absolutely prohibited (T.C.A. § 6-2-402, T.C.A. § 6-20-205, T.C.A. § 6-54-107-108, T.C.A. § 12-4-101-102).

3. Disclosure conflict of interests.

Conflict of interest disclosure reports by any candidate or appointee to a local public office are required under T.C.A. §§ 8-50-501 et seq. Detailed financial information is required, including the names of corporations or organizations in which the official or one immediate family member has an investment of over \$10,000 or 5 percent of the total capital. This must be filed no later than 30 days after the last day legally allowed for qualifying as a candidate. As long as an elected official holds office, he or she must file an amended statement with the Tennessee Ethics Commission or inform that office in writing that an amended statement is not necessary because nothing has changed. The amended statement must be filed no later than January 31 of each year (T.C.A. § 8-50-504).

4. Consulting fee prohibition for elected municipal officials.

Any member or member-elect of a municipal governing body is prohibited under T.C.A. § 2-10-124 from "knowingly" receiving any form of compensation for "consulting services" other than compensation paid by the state, county, or municipality. Violations are punishable as Class C felonies if the conduct constitutes bribery under T.C.A. § 39-16-102. Other violations are prosecuted as Class A misdemeanors. A conviction under either statute disqualifies the offender from holding any office under the laws or Constitution of the State of Tennessee.

"Consulting services" under T.C.A. § 2-10-122 means "services to advise or assist a person or entity in influencing legislative or administrative action, as that term is defined in § 3-6-301, relative to the municipality or county represented by that official." "Consulting services" also means services to advise or assist a person or entity in maintaining, applying for, soliciting or entering into a contract with the municipality represented by that official. "Consulting services" does not mean the practice or business of law in connection with representation of clients by a licensed attorney in a contested case action, administrative proceeding or rule making procedure;

"Compensation" does not include an "honorarium" under T.C.A. § 2-10-116, or certain gifts under T.C.A. § 3-6-305(b), which are defined and prohibited under those statutes.

The attorney general construes "Consulting services" to include advertising or other informational services that directly promote specific legislation or specifically target legislators or state executive officials. Advertising aimed at the general public that does not promote or otherwise attempt to influence specific legislative or administrative action is not prohibited. Op. Atty.Gen. No. 05-096, June 17, 2005.

5. Bribery offenses.

a. A person who is convicted of bribery of a public servant, as defined in T.C.A. § 39-16-102, or a public servant who is convicted of accepting a bribe under the statute, commits a Class B felony.

b. Under T.C.A. § 39-16-103, a person convicted of bribery is disqualified from ever holding office again in the state. Conviction while in office will not end the person's term of office under this statute, but a person may be removed from office pursuant to any law providing for removal or expulsion existing prior to the conviction.

c. A public servant who requests a pecuniary benefit for performing an act the person would have had to perform without the benefit or for a lesser fee, may be convicted of a Class E felony for solicitation of unlawful compensation under T.C.A. § 39-16-104.

d. A public servant convicted of "buying and selling in regard to offices" under T.C.A. § 39-16-105, may be found guilty of a Class C felony. Offenses under this statute relevant to public officials are selling, resigning, vacating, or refusing to qualify and enter upon the duties of the office for pecuniary gain, or entering into any kind of borrowing or selling for anything of value with regard to the office.

e. Exceptions to 1, 3, and 4, above include lawful contributions to political campaigns, and a "trivial benefit" that is "incidental to personal, professional, or business contacts" in which there is no danger of undermining an official's impartiality.

6. Official misconduct, official oppression, misuse of official information.

a. Public misconduct offenses under Tennessee Code Annotated § 39-16-401 through § 39-16-404 apply to officers, elected officials, employees,

candidates for nomination or election to public office, and persons performing a governmental function under claim of right even though not qualified to do so.

b. Official misconduct under Tennessee Code Annotated § 39-16-402 pertains to acts related to a public servant's office or employment committed with an intent to obtain a benefit or to harm another. Acts constituting an offense include the unauthorized exercise of official power, acts exceeding one's official power, failure to perform a duty required by law, and receiving a benefit not authorized by law. Offenses under this section constitute a Class E felony.

c. Under Tennessee Code Annotated § 39-16-403, "Official oppression," a public servant acting in an official capacity who intentionally arrests, detains, frisks, etc., or intentionally prevents another from enjoying a right or privilege commits a Class E felony.

d. Tennessee Code Annotated § 39-16-404 prohibits a public servant's use of information attained in an official capacity, to attain a benefit or aid another which has not been made public. Offenses under the section are Class B misdemeanors.

e. A public servant convicted for any of the offenses summarized in sections 2-4 above shall be removed from office or discharged from a position of employment, in addition to the criminal penalties provided for each offense. Additionally, an elected or appointed official is prohibited from holding another appointed or elected office for ten (10) years. At-will employees convicted will be discharged, but are not prohibited from working in public service for any specific period. Subsequent employment is left to the discretion of the hiring entity for those employees. Tennessee Code Annotated § 39-16-406.

7. Ouster law.

Some Tennessee city charters include ouster provisions, but the only general law procedure for removing elected officials from office is judicial ouster. Cities are entitled to use their municipal charter ouster provisions, or they may proceed under state law.

The judicial ouster procedure applies to all officers, including people holding any municipal "office of trust or profit." (Note that it must be an "office" filled by an "officer," distinguished from an "employee" holding a "position" that does not have the attributes of an "office.") The statute makes any officer subject to such removal "who shall knowingly or willfully misconduct himself in office, or who shall knowingly or willfully neglect to perform any duty enjoined upon such officer by any of the laws of the state, or who shall in any public place be in a state of intoxication produced by strong drink voluntarily taken, or who shall

engage in any form of illegal gambling, or who shall commit any act constituting a violation of any penal statute involving moral turpitude" (T.C.A. § 8-47-101).

T.C.A. § 8-47-122(b) allows the taxing of costs and attorney fees against the complainant in an ouster suit if the complaint subsequently is withdrawn or deemed meritless. Similarly, after a final judgment in an ouster suit, governments may order reimbursement of attorney fees to the officer targeted in a failed ouster attempt (T.C.A. § 8-47-121).

The local attorney general or city attorney has a legal "duty" to investigate a written allegation that an officer has been guilty of any of the mentioned offenses. If he or she finds that "there is reasonable cause for such complaint, he shall forthwith institute proceedings in the Circuit, Chancery, or Criminal Court of the proper county." However, with respect to the city attorney, there may be an irreconcilable conflict between that duty and the city attorney's duties to the city, the mayor, and the rules of professional responsibility governing attorneys. Also, an attorney general or city attorney may act on his or her own initiative without a formal complaint (T.C.A. § 8-47-101-102). The officer must be removed from office if found guilty (T.C.A. § 8-47-120).

APPENDIX B

**BY-LAWS OF THE CHURCH HILL REGIONAL
PLANNING COMMISSION**

ARTICLE I

Objective

The objective and purposes of the Church Hill, Tennessee Planning Commission shall be as set forth in Title 13 of the Tennessee Code Annotated, and amendments and supplements thereto, those powers and duties delegated to the Planning Commission by the City Council by resolution on October 13, 1959, in accordance with the above-mentioned enabling law and Title 11 of the Church Hill Municipal Code.

ARTICLE II

Officers and Their Duties

Sec. 1. The officers of the Planning Commission shall consist of a Chairman, Vice Chairman, and a Secretary-Treasurer.

Sec. 2. The Chairman shall preside at all meetings and hearings of the Planning Commission and have the duties normally conferred by parliamentary usage of such officers.

Sec. 3. The Chairman shall be one of the appointive members of the Planning Commission. He shall have the privilege of discussing all matters before the Planning Commission and to vote thereon.

Sec. 4. The Vice-Chairman shall be one of the appointive members of the Planning Commission and shall act for the Chairman in his absence.

Sec. 5. The Secretary shall keep the minutes and records of the Planning Commission, prepare with the Chairman the agenda of regular and special meetings, provide notice of meetings to Planning Commission members, arrange proper and legal notice of hearings, attend to correspondence of the Commission and such other duties are normally carried out by a Secretary.

ARTICLE III
Election of Officers

Sec. 1. Nomination of officers shall be made from the floor and officers shall be elected at the annual organization meeting which shall be held on the first Monday of August in each year.

Sec. 2. The candidate for each office receiving a majority vote of the entire membership of the Planning Commission shall be declared elected.

Sec. 3. All officers shall be elected for a term of one year and all officers shall be eligible to succeed themselves.

Sec. 4. Vacancies in offices shall be filled immediately for the unexpired term by regular election procedure.

ARTICLE IV
Meetings

Sec. 1. Meetings shall be held on the first Monday of each month at 7:00 P.M. at City Hall.

Sec. 2. A majority of the membership of the Planning Commission shall be five (5) members and shall constitute a quorum. A quorum shall be present before any business is transacted.

Sec. 3. All plans, reports and recommendations of the Planning Commission must be approved by a majority of the entire membership.

Sec. 4. A record of the vote of each member on each question shall be kept as a part of the minutes except when the vote is unanimous.

Sec. 5. Special meetings may be called by the Chairman or in accordance with CHMC Title 11, Chapter 2. It shall be the duty of the Chairman to call such a meeting when requested to do so by a majority of the members of the Planning Commission. The notice of such a meeting shall specify the purposes of such meeting and no other business may be considered except by unanimous consent of the Commission. The Secretary shall notify all members of the Commission in writing not less than five (5) days in advance of such special meeting.

Sec. 6. All meetings at which official action is taken shall be open to the general public.

ARTICLE V
Order of Business

The order of business at regular meetings shall be:

- (a) Roll call;
- (b) Reading of minutes of previous meeting;
- (c) Recognition of persons having business with the Commission;
- (d) Reports of officers and committees;
- (e) Old business;
- (f) New business;
- (g) Adjournment.

ARTICLE VI
Committees

Sec. 1. The Planning Commission may appoint such employees and staff as it may deem necessary for its work and may contract with city planners and other consultants for such services as it may require.

Sec. 2. The expenditures of the Commission shall be within the amounts appropriated for the purpose by the City of Church Hill, Tennessee.

ARTICLE VII
Hearings

Sec. 1. In addition to those required by law, the Commission may at its discretion hold public hearings when it decides that such hearings will be in the public interest.

Sec. 2. Notice of such hearings shall be published in a newspaper of general circulation within the City of Church Hill at least ten (10) days prior to the date of such public hearing.

Sec. 3. The case before the Commission shall be presented in summary by the Secretary or a designated member of the Commission and parties in

interest shall have privilege of the floor. No statement shall be recorded or sworn to as evidence for any court of law without notice to the parties.

Sec. 4. A record shall be kept of those speaking before the Commission.

ARTICLE VIII
Amendments

These by-laws may be amended by a two-thirds vote of the entire membership of the Planning Commission.

APPENDIX C**SUBDIVISION REGULATIONS OF THE
CHURCH HILL, TENNESSEE REGIONAL Planning Commission
(Hereafter referred to as the Planning Commission)****ARTICLE I. PURPOSE, AUTHORITY AND JURISDICTION****A. Purpose.**

Land subdivision is the first step in the process of community development. Once land has been cut up into streets, lots and blocks and publicly recorded, the correction of defects is costly and difficult. Subdivision of land sooner or later becomes a public responsibility in that roads and streets must be maintained and various public services customary to urban areas must be provided. The welfare of the entire community is thereby affected in many important respects. It is therefore to the interest of the public, the developer, and the future owners that subdivisions be conceived, designed, and developed in accordance with sound rules and proper minimum standards.

The following subdivision regulations guiding the Planning Commission are designed to provide for the harmonious development of the planning region; to secure a coordinated layout and adequate provision for traffic and also to secure adequate provision for light, air, recreation, transportation, water, drainage, sewer, and other sanitary facilities.

B. Authority.

These subdivision regulations are adopted under authority granted by Sections 13-4-302 through 13-4-309 and Sections 13-3-401 through 13-3-411, Tennessee Code Annotated. The Planning Commission has fulfilled the requirements set forth in these statutes as prerequisite to the adoption of such regulations. A certified copy of the Church Hill, Tennessee Major Street and Road Plan was filed in the Office of the Register of Deeds of Hawkins County, Tennessee, on February 3, 1960.

C. Jurisdiction.

These regulations shall govern all subdivision of land within the corporate limits of Church Hill, Tennessee, as now or hereafter established and within the Church Hill, Tennessee Planning Region as established by resolution of the Tennessee State Planning Office. Within these regulations the term "subdivision" shall mean the division of a tract or parcel of land into two or more lots, sites, or divisions for the purpose, whether immediate or future, of sale or building development, and include resubdivision of the land or area subdivided.

Any prospective subdivider owning land located within the Church Hill Planning Region shall submit his subdivision plat to the Church Hill Regional Planning Commission. The plat is to be submitted according to the procedures outlined in Article II, which plat shall conform to the minimum requirements set forth in Article III. Improvements shall be installed as required by Article IV of these regulations.

ARTICLE II. PROCEDURE FOR PLAT APPROVAL.

The procedure for review and approval of a subdivision plat consists of two separate steps. The initial step is the preparation and submission of a preliminary plan of the proposed subdivision to the Planning Commission. The second step is the preparation and submission to the Planning Commission of a final plat together with required certificates. The final plat becomes the instrument to be recorded in the office of the county register of deeds when duly signed by the secretary of the Planning Commission.

A. General.

1. Any owner of land lying within the area of jurisdiction of the Planning Commission wishing to divide such land into two or more lots, sites, or divisions, for the purpose, either immediate or future, of sale or building development, or wishing to resubdivide for this purpose, shall submit a plan of such proposed subdivision to the Planning Commission for approval and shall obtain such approval prior to the filing of his subdivision plat for record. Any such plat of subdivision shall conform to the minimum standards of design for the subdivision of land as set forth in Article III of these regulations and shall be presented in the manner specified in the following section of this Article. No plat of a subdivision of land within these areas of jurisdiction shall be filed by the county register of deeds without the approval of the Planning Commission.
2. The subdivider should consult early and informally with the Planning Commission and its technical staff for advice and assistance before the preparation of the preliminary plat and its formal application for approval. This will enable him to become thoroughly familiar with these regulations, the Major Street and Road Plan and other official plans or public improvements which might affect the area. Such informal review should prevent unnecessary and costly revisions.
3. A subdivider may omit the submission of a preliminary plat, submitting only a final plat if the following conditions are met:

a. All public improvements as set forth in Article IV are already installed. Any construction, installation, or improvements of any public improvement shall require the submission of a preliminary plat as prescribed by Section B of Article II.

b. The subdivider has consulted informally with the Planning Commission technical staff for advice and assistance before the preparation of the final plat and its formal application for approval.

B. Preliminary Sketch Plat

1. At least fifteen (15) days prior to the meeting at which it is to be considered, the subdivider shall submit to the secretary of the Planning Commission twelve (12) copies of a preliminary sketch plat of the proposed subdivision in order to allow the Planning Commission technical staff and utilities heads time to review and prepare recommendations to the Planning Commission. The subdivision plan shall be drawn to a scale of not less than one inch equals one hundred (100) feet. At the time of such submission the Secretary of the Planning Commission shall issue a receipt acknowledging said submission. Neither the submission of the preliminary sketch plat to the secretary of the Planning Commission or the receipt issued by the secretary of the Planning Commission shall constitute submission of the preliminary sketch plat for consideration by the Planning Commission.

2. The sketch plat which shall meet the minimum standards of design as set forth in Article III and the general requirements for the construction of public improvements as set forth in Article IV shall give the following information insofar as possible:

a. The proposed subdivision name and location, the name and address of the owner or owners, and the name of the designer of the plat who shall be a licensed or certified engineer or surveyor approved by the Planning Commission.

b. Date, approximate north point, and graphic scale.

c. The location of existing and platted property lines, streets, buildings, water courses, railroads, sewers, bridges, culverts, drain pipes, water mains, and any public utility easements, the present zoning classification, if any, both on the land to be subdivided and on the adjoining land; and the names of adjoining property owners or subdivisions.

d. A construction plan which shall include:

(1) A complete drainage plan showing all improvements including all proposed streets, easements, storm sewers, swages, ditches, reserved areas and lot drainage.

(2) A plan and profile of all streets showing typical cross sections of proposed roadways, swages and ditches as well as both existing and proposed finished grades of paved rights-of-way and special ditches, and details of all structures which are part of the physical improvements in the subdivision. All proposed drainage structures including manholes, catch basins, junction boxes, pipe storm drainage ditches, and other drainage facilities including head-walls shall be shown on the plan and profile.

e. The distance and bearing of one of the corners of the boundary of the subdivision to the nearest intersection of existing streets or roads and to an original corner of the original survey of which it is a part or key map showing relation of subdivision to well-known streets, railroads, and water courses in all directions to a distance of at least one-half mile. Suggested scale: one inch equals 2,000 feet;

f. Plans of proposed utility layouts (sanitary and storm sewers, water, and electricity) showing feasible connections to the existing or any proposed utility systems. When such connections are not practicable, any proposed individual water supply and/or sewage disposal system, must be approved by the county health department;

g. The names, locations, widths, and other dimensions of proposed streets, alleys, easements, parks, and other open spaces, reservations, lot lines, building lines and utilities;

h. Contours at vertical intervals of not more than five feet, except when specifically not required by the Planning Commission;

i. Actual closure computations for the boundary traverses. Such boundary traverses shall close to an accuracy of at least one (1) part in five thousand (5,000);

3. Within sixty (60) days after submission of the preliminary sketch plat, the Planning Commission will review it and indicate its approval,

disapproval or approval subject to modification as a basis for the preparation of the final plat. If a plat is disapproved, reasons for such disapproval will be stated in writing. If approved subject to modifications, the nature of the required modifications will be indicated.

4. The approval of the preliminary plat by the Planning Commission will not constitute acceptance of the final plat and will not be indicated on the preliminary sketch plat.

5. Failure of the Planning Commission to act on the preliminary sketch plat within sixty (60) days after being presented at a Planning Commission meeting in accordance with subsections B-1 and B-2 of this Article will be deemed approval of this plat, and a certificate to that effect shall be issued by the commission on demand, provided, however, that the applicant may waive this requirement and consent to the extension of such period.

6. One copy of the sketch plat will be returned to the subdivider with any notations at the time of approval or disapproval and the specific changes, if any, required.

7. The approval of the preliminary sketch plat shall lapse unless a final plat based thereon is submitted within one year from the date of such approval unless an extension of time is applied for and granted by the Planning Commission.

8. If the subdivision is going to be developed and submitted as final plats in portions of the preliminary plat, the portions must be designed and titled in alphabetical characters.

9. No subdivision shall use the name of an existing subdivision except as noted in Article II, subsection B-8.

C. Final Plat

1. The final plat shall conform substantially to the preliminary sketch plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary sketch plat which he proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations. If a proposed subdivision fronts upon an existing public road, the Planning Commission may waive the requirements for preliminary approval, and permit the developer to submit only a final plat.

2. In order to allow the Planning Commission technical staff and utilities personnel time to review and prepare recommendations to the Planning Commission, the final plat shall be submitted to the Planning Commission at least fifteen (15) days prior to the meeting at which it is to be considered. The subdivider shall submit the original drawings in black drawing ink and twelve (12) copies (black and white prints or blue line prints), together with street profiles or other plans that may be required by the Planning Commission. At the time of such submission the secretary of the Planning Commission shall issue a receipt acknowledging said submission.
3. The final plat shall be presented to the Planning Commission at its next meeting by the secretary or acting secretary of the Planning Commission for consideration for approval or disapproval.
4. The plat shall be drawn to a scale of one inch equals one hundred (100) feet on sheets eighteen (18) by twenty-four (24) inches or of an approved size to correspond to local plat book dimensions. When more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the sheets lettered in alphabetical order as a key.
5. When the final plat has been approved by the Planning Commission, one copy will be returned to the subdivider, with the approval of the Planning Commission certified thereon, for filing with the county register of deeds as the official plat of record.
6. The Planning Commission shall approve or disapprove the final plat within sixty (60) days after its submission. Failure of the Planning Commission to act on this final plat within these sixty (60) days shall be deemed approval of it. If the plat is disapproved, the grounds for disapproval shall be stated upon the records of the Planning Commission.
7. Approval of the final plat by the Planning Commission shall not constitute the acceptance by the public of the dedication of any streets or other public way or ground.
8. The final plat shall show:
 - a. The lines of all streets and roads, alley lines, lot lines, building setback lines, lots numbered in numerical order, reservations, easements, and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations;

b. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line whether curved or straight, and including north point. This shall include the radius, central angle and tangent distance for the center line of curved streets and curved property lines that are not the boundary of curved streets.

c. All dimensions to the nearest one hundredth (100th) of a foot and angles to the nearest minute;

d. Location and description of monuments;

e. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property;

f. Date, title, name and location of subdivision, graphic scale, and north point;

g. Location sketch map showing site in relation to area;

h. All boundary traverses including lot and block traverses shall close to an accuracy of at least one (1) part in five thousand (5,000).

9. The following certificates shall be presented with the final plat:

a. Certification showing that applicant is the land owner and dedicates streets, rights-of-way and any sites for public use (see Attachment B);

b. Certification by surveyor or engineer to accuracy of survey and plat and placement of monuments (see Attachment B);

c. Certification by the city or county health officer when individual sewage disposal or water systems are to be installed (see Attachment B);

d. Certification by the city engineer or other designated person that the subdivider has complied with one of the following alternatives:

1. Installation of all improvements in accordance with the requirements of the subdivision regulations; or
 2. Posting of security bond or cash bond in sufficient amount to assure such completion of all required improvements (see Attachment A).
- e. Certification of approval to be signed by the secretary of the Planning Commission (see Attachment B).

ARTICLE III.
GENERAL REQUIREMENTS AND
MINIMUM STANDARDS OF DESIGN

A. Streets

1. Conformity to the Major Thoroughfare Plan

The location width of all streets and roads shall conform to the official Major Thoroughfare Plan which includes the Major Street Plan within the municipality and the Major Road Plan within the remainder of the planning region.

2. Relation to Adjoining Street System

The proposed street system shall extend existing streets or projects at the same or greater width, but in no case less than the required minimum width.

3. Access Streets to Subdivision Boundaries

Sufficient access streets to adjoining properties shall be provided in subdivisions to permit harmonious development of the area.

4. Street Widths

The minimum width of right-of-way, measured from lot line to lot line, shall be as shown on the Major Thoroughfare Plan and shall be not less than as follows:

- a. Arterial Streets and Highways 80-150 feet,
as may be required. Arterial streets and highways are those to be used primarily for fast or heavy traffic and will be located on the Major Thoroughfare Plan.
- b. Collector Streets 60 feet
Collector streets are those which carry traffic from minor streets to the major system of arterial streets and highway and include the principal entrance streets or a residential development and streets for major circulation within such a development.
- c. Minor Residential streets 50 feet

Minor residential streets are those which are used primarily for access to the abutting residential properties and designed to discourage use by through traffic.

d. Marginal Access Streets 40 feet
Marginal access streets are minor streets which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from through traffic.

e. Dead-end Streets (Cul-de-sac) 40 feet
Cul-de-sacs are permanent dead-end streets or courts not to exceed six hundred (600) feet or fifteen (15) dwelling units, designed so that they cannot be extended in the future.

In cases where topography or other physical conditions make a street of the required minimum width impracticable, the Planning Commission may modify the above requirements.

f. Loop Streets 40 feet
Loop streets are streets open at both ends and connected to the same residential street with a maximum length twelve hundred (1200) feet or twenty-five (25) dwelling units.

g. Rural Streets 50 feet
Rural streets are those where development density is not more than one dwelling unit per acre and where minimum street frontage is one hundred fifty (150) feet per lot.

h. Alleys 20 feet
Alleys are minor public ways used primarily for service access to the back or side of properties otherwise abutting on a street.

5. Additional Width on Existing Streets

Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the above minimum street width requirements.

a. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.

b. When the subdivision is located on only one side of an existing street, one-half of the required right-of-way, measured from the center line of the existing roadway, shall be provided. In no case shall the resulting right-of-way width be less than fifty (50) feet.

6. Restriction of Access

Where a subdivision abuts or contains an existing or proposed major street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties to afford separation of through and local traffic.

7. Street Grades

Grades on major streets shall not exceed seven (7) percent. Grades on other streets may exceed seven (7) percent but shall not exceed fifteen (15) percent.

8. Horizontal Curves

Where a deflection angle of ten (10) degrees or more in the alignment of a street occurs, a curve of a reasonably long radius shall be introduced. On streets sixty (60) feet or more in width, the center line radius of curvature shall not be less than three hundred (300) feet; on other streets, not less than one hundred (100) feet.

9. Vertical Curves

All changes in grade shall be connected by vertical curves of minimum length in feet equal to fifteen (15) times the algebraic difference in rates of grade for major streets and one half this minimum length for other streets. Profiles of all streets showing natural and finished grades drawn to a scale of not less than one inch equals one hundred (100) feet horizontal, and one inch equals ten (10) feet vertical, may be required by the Planning Commission.

10. Intersection

Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than sixty (60) degrees.

To permit the construction of a curb having a desirable radius, property line radii at all street intersections shall not be less than twenty (20) feet. Where the angle of the street intersection is less than ninety (90) degrees, the Planning Commission may require a greater radius.

11. Tangents

A tangent of at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.

12. Street Jogs

Street jogs with center line offsets of less than one hundred twenty-five (125) feet shall not be allowed.

13. Dead-end Streets

a. Minor terminal streets or courts designed to have one end permanently closed shall be no more than five hundred (500) feet long unless necessitated by topography. They shall be provided at the closed end with a turn-around having an outside roadway diameter of at least eighty (80) feet and a street right-of-way diameter of at least one hundred (100) feet or the Planning Commission may approve an alternate design such as the T or Y background.

b. Where, in the opinion of the Planning Commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended to the boundary of such property. Such dead-end streets shall be provided with a temporary turn-around having a roadway diameter of at least eighty (80) feet.

14. Private Streets and Reserve Strips

There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the appropriate governmental entity under conditions approved by the Planning Commission.

15. Drainage

All streets and roads must be so designed as to provide for the discharge of surface water from the right-of-way of all streets and roads by grading and drainage as shall be approved by the Planning Commission. Where it is the opinion of the Planning Commission that

water cannot be adequately discharged by surface drainage, the Planning Commission may require the installation of a storm sewer system.

16. Street Name

Proposed streets which are obviously in alignment with others already existing and named, shall bear the names of existing street. In no case shall the name for proposed streets duplicate existing street names, irrespective of the use of suffix street, avenue, boulevard, driveway, place, or court. Through its index list of street names on file, the Planning Commission can assist the subdivider in avoiding duplication.

17. Alleys

Alleys shall be provided to the rear of all lots used for business purposes, and shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the Planning Commission of the need for alleys.

B. Blocks

1. Length

Blocks shall not be less than four hundred (400) nor more than twelve hundred (1,200) feet in length, except as the Planning Commission considers necessary to secure efficient use of land or desired features of street pattern. In blocks over eight (800) feet in length the Planning Commission may require one or more public crosswalks of not less than ten (10) feet in width to extend entirely across the block and at locations deemed necessary.

2. Width

Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on major streets or prevented by topographical conditions or sale of the property, in which case the Planning Commission will approve a single tier of lots of minimum depth.

C. Lots

1. Arrangement

Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot must front for a minimum of forty (40) feet upon a public street or road which is not less than forty (40) feet in width.

2. Minimum Size

The size, shape and orientation of lots shall be such as the Planning Commission deems appropriate for the type of development and use contemplated. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect with such sewer and provide a connection to each lot. Where a public sewer is not accessible, an alternate method of sewage disposal may be used, when meeting all applicable public health regulations.

a. Residential lots served by a public sewerage system shall not be less than sixty (60) feet wide at the building setback line nor less than seventy-five hundred (7,500) square feet in area.

b. Residential lots not served by a public sewerage system shall not be less than forty (40) feet wide at the street right-of-way line and a minimum of eighty (80) feet wide at the building setback line and shall provide a minimum area of fifteen thousand (15,000) square feet.

Greater area may be required for private sewage disposal if, in the opinion of the county health officer there are factors of drainage, soil condition or other conditions to cause potential health problems. The Planning Commission may require that data from percolation tests be submitted as a basis for passing upon subdivisions dependent upon septic tanks as a means of sewage disposal.

c. The minimum size of residential lots to be served by a private source of water supply shall be determined by the county health officer after investigations of soil conditions, proposed sewerage system, and depth of ground water.

d. Size of properties reserved or laid out for commercial or industrial properties shall be adequate to provide for the off-street

service and parking facilities required by the type of use and development contemplated. Platting of individual lots should be avoided in favor of an overall design of the land to be used for such purposes.

e. The size and widths of lots shall in no case be less than the minimum requirements of any zoning ordinance in effect.

3. Building Setback Lines and Yard Requirements

a. The minimum depth of building setback lines from the street right-of-way line shall not be less than thirty (30) feet from minor residential and collector streets and forty (40) feet from all others. In case of corner lots, one must provide a setback of fifteen (15) feet from the side street right-of-way line unless a lower standard is allowed by the existing zoning ordinance. A minimum side yard of eight (8) feet on one side for all lots and a total minimum side yard setback of fifteen (15) feet is required for interior lots.

b. In the case of electric transmission lines where easement widths are not definitely established there shall be a minimum building setback line from the center of the transmission line of fifty (50) feet.

4. Corner Lots

Corner lots shall be sufficiently wider and larger to permit the additional side yard requirements of the zoning ordinance or building setback lines as outlined above.

D. Public Use and Service Areas

Due consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds and parks for local or neighborhood use as well as public service areas.

1. Public Open Spaces

Where a school, neighborhood park or recreation area or public access to water frontage, shown on an official map or in a plan made and adopted by the Planning Commission, is located in part in the applicant's subdivision, the Planning Commission may require the dedication or reservation of such open space within the subdivision up to a total of ten

(10) percent of the gross area of water frontage of the plat, for park, school, or recreation purposes.

2. Easements for Utilities

a. Drainage and utility easements shall be provided on each side and rear lot line where deemed necessary by the Planning Commission. The easements shall be designed to adequately provide utilities and drainage for all lots in the proposed subdivision. Where drainage is proposed to cross any lot at any point other than the side or corner of the lot, the plat shall indicate the size of the pipe necessary to carry the proposed run-off. Each cul-de-sac shall have provisions for a fifteen (15) foot utility easement extending therefrom to prevent dead-end water mains. Easements of the same or a greater width may be required along the lines of or across lots where necessary for the extension of existing or planned utilities.

b. Storm Sewers

Where in the opinion of the Planning Commission the flow of water cannot be accommodated with surface drainage, storm sewers may be required. The Planning Commission shall determine, on the basis of the watershed and the probable run-off, the size of the storm sewers. In ascertaining the size of the storm sewers, the Planning Commission may call up its technical staff or any public or private agency to assist it in its determinations.

3. Water Supply and Sewerage Connections

Where a public water supply or public sewerage system is reasonably accessible, the subdivider shall indicate a connection with such water supply or sewerage system and a water and sewerage connection for each lot with such material and to such size and length as shall be approved by the Planning Commission. Where a public water supply or public sewerage system is not reasonably accessible or not planned for in the future, an alternate method of water supply and sewerage disposal may be indicated and shall be approved in writing by the county health officer.

4. Community Assets

In all subdivisions due regard shall be shown for all natural features such as large trees, water courses, historical sites, and similar

community assets which, if preserved, will add attractiveness and value to the property.

E. Suitability of the Land

The Planning Commission shall not approve the subdivision of land, if from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed.

Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate erosion. Such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

Fill may not be used to raise land in areas subject to flood unless the fill proposed does not restrict the flow of water and unduly increase flood heights.

F. Large Tracts of Parcels

When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further reusability.

G. Group Housing Developments

A comprehensive group housing development, including large scale construction of housing units and mobile home sites together with necessary drives and ways of access, may be approved by the Planning Commission, although the design of the project does not include standard street, lot and subdivision arrangements, if departure from the foregoing standards can be made without destroying their intent.

1. Mobile Home Parks

All mobile home parks within the corporate limits shall comply with Title 11, Chapter 5, Church Hill Municipal Code and/or these regulations. When conflicting, the most restrictive regulation shall apply. Proposed mobile home park developments shall be submitted to the Planning Commission for preliminary and final approval.

- a. Any mobile home park development within the Church Hill Planning Region must be submitted to the Church Hill Regional Planning Commission for approval. A mobile home park shall

mean any plot of ground upon which two or more mobile homes are located or are intended to be located, but does not include sites where unoccupied mobile homes are on display for sale. No mobile home park shall contain less than two (2) acres if located outside the corporate limits or five (5) acres if located inside the corporate limits.

b. The owner or lessee of the land parcel proposed for a mobile home park shall submit a plan for development to the Church Hill Regional Planning Commission for approval. The plans shall show:

- (1) The park plan drawn to scale;
- (2) The area and dimensions of the proposed park;
- (3) The location and width of all roadways;
- (4) The location and dimensions of any proposed service buildings and structures;
- (5) The location of all water and sewer lines;
- (6) The location of all equipment and facilities for refuse disposal and other park improvements;
- (7) A plan for drainage of the park;
- (8) A certificate of accuracy signed by the surveyor or engineer that the engineering work is correct;
- (9) Certificate of signature of the health officer;
- (10) A certificate for Planning Commission approval; and
- (11) Any other information deemed pertinent by the Planning Commission.

c. The site shall meet the following minimum standards:

- (1) The site shall be located on a well drained and flood free site with proper drainage.

- (2) The site shall not be exposed to objectionable smoke, noise, odors, insect or rodent harborage or other adverse influences.
- (3) The site shall be located with direct access to an open public street.
- (4) There shall be buffer strips along side and rear lot lines of the park. Buffer strip shall mean a plant material which will provide a screen not less than six feet in height.
- (5) The mobile home park shall have a maximum density of 10 mobile home units per gross acre. All mobile home units shall abut on a driveway with unobstructed access to an open approved public street. Each mobile home shall be set back a minimum of ten (10) feet from property lines, and there shall be a minimum distance of 20 feet between mobile homes.
- (6) Each mobile home space shall be provided with a 200 square foot vehicular parking area.
- (7) No service building shall be located less than 20 feet from any mobile home space. Service buildings shall be of permanent construction, adequately ventilated and lighted and built in conformity to all city codes and ordinances.
- (8) Municipal water supply or an alternate source and sanitary sewer facilities approved by the county health officer shall be provided to each mobile home space.
- (9) Each mobile home park shall provide a common area for playgrounds, and leisure time pursuits totaling a minimum of 500 square feet for each mobile home space exclusive of roadways, mobile home spaces, and parking spaces.
- (10) All service buildings shall be convenient to the spaces which they solely serve and shall be maintained in a clean and sanitary condition.
- (11) The drives, walks, and parking areas shall be paved with a hard surface material which shall be not less than a double bituminous surface.

(12) Driveways shall be a minimum of 20 feet in width.

(13) Any part of the park area not used for buildings or other structures, parking, or access ways shall be landscaped with grass, trees, shrubs, and pedestrian walks.

(14) The park shall be adequately lighted.

2. Planned Unit Developments

Planned unit subdivisions may be approved by the Planning Commission provided they are connected to a publicly approved sewerage system and conform to the overall intent of these regulations.

H. Mobile Home Subdivisions

The Planning Commission may approve a subdivision with lots designed and established exclusively for mobile homes. A mobile home is a detached single family dwelling unit with the following characteristics: (a) designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; (b) designed to be transported after fabrication on its own wheels, or on a flat-bed or other trailers or detachable wheels; and (c) arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like. Mobile home subdivisions shall meet the following standards.

1. The minimum lot sizes, setbacks, and yard requirements shall be the same as those established in this Article.

I. Variances

Variances may be granted under the following conditions:

1. Where the subdivider can show that strict adherence to these regulations would cause unnecessary hardship; or

2. Where the Planning Commission decides that there are topographical or other conditions peculiar to the site, and a departure from these regulations will not destroy their intent. Any variance thus authorized and the reasons therefore shall be stated in writing in the minutes of the Planning Commission.

J. Zoning or Other Regulations

No final plat of land within the force and effect of an existing zoning ordinance will be approved unless it conforms with such ordinance.

Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in zoning regulations, building code, or other official regulations, the highest standard shall apply.

Article IV. Development Prerequisite to Final Approval

A perfectly prepared and recorded subdivision or plat means little to a prospective lot buyer until he can see actual physical transformation of raw acreage into lots suitable for building purposes and human habitation. Improvements by the subdivider spare the community from a potential tax liability. The following tangible improvements are required before final plat approval in order to assure the physical reality of a subdivision which approval and recordation will establish legally.

A. Required Improvements

Every subdivision developer shall be required to grade and improve streets and alleys, and to install curbs, monuments, sewers, storm water inlets and water mains, in accordance with specifications established by the Church Hill Regional Planning Commission. Where specifications adopted by local authorities conflict with standards as set forth in these subdivision regulations, the higher set of standards, as determined by the Planning Commission, shall govern.

1. Monuments

a. Concrete monuments four (4) inches in diameter or square, three (3) feet long, with a flat top, shall be set at all street corners, at all points where the street lines intersect the exterior boundaries of the subdivision, and at angle points and points of curve in each street. The top of the monuments shall have an indented cross to identify properly the location and shall be set flush with the finished grade.

b. All other corners and points shall be marked with iron pipe or solid steel rod not less than one-half ($\frac{1}{2}$) inches in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade.

2. Grading

All street, roads and alleys shall be graded or filled horizontally to the full width of their rights-of-way by the subdivider or developer. Due to special topographical conditions, deviation from the above will be allowed only with special approval of the Planning Commission.

a. Preparation. Before grading is started the entire right-of-way area shall be cleared of all trees, stumps, roots, brush and other objectionable materials.

b. Cuts. All tree stumps, boulders and other obstructions shall be removed to a depth of two (2) feet below the subgrade. Rock, when encountered, shall be scarified to a depth of twelve (12) inches below subgrade.

c. Fill. All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places needed. Excess materials including organic materials, soft clays, etc., shall be removed from the development site. The fill shall be spread in layers not to exceed six (6) inches loose and compacted by a sheep's foot roller. Unless another method of preparation of the subgrade is approved by Planning Commission, the subgrade shall be constructed as specified in Section 203 Standard Specifications for Road and Bridge Construction, Tennessee Department of Highways and Public Works - January 1, 1968, and latest revision thereto. The filling of utility trenches and other places not accessible to a roller shall be mechanically tamped, and where water is used to assist compaction the water content shall not exceed the optimum of moisture.

3. Storm Drainage

An adequate drainage system, including storm sewers, necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for proper drainage of all surface water. Cross drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall be determined by Talbot's formula and in no case shall the pipe be less than twelve (12) inches. Cross drains shall be built on straight line and grade and shall be laid on a firm base but not on rock. Pipes shall be laid with spigot end pointing in the direction of the flow and with the ends fitted and matched to provide tight joints and a smooth uniform invert. They shall be placed at

a sufficient depth below the roadbed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one foot below the roadbed.

4. Roadway Improvements

a. Base: A compacted base course six (6) inches deep and three (3) feet wider than the width of the pavement on each side of the street shall be installed on all streets, including cul-de-sacs, temporary turn arounds and access streets to adjoining properties, according to the method specified in Section 33, Standard Specifications for Road and Bridge Construction, Tennessee Department of Highways and Public Works - January 1, 1968, and latest revisions thereto. Wetting of the stone before compaction may be done at a point of origin or on the job site at the option of the contractor. In all cases the center line of a roadway shall coincide with the center line of the right-of-way dedicated for such road or street. A compaction test shall be performed at the expense of the developer by a certified laboratory to verify that all such streets comply with all appropriate standards. (Amended by Ordinance No. 255, October 19, 1993).

b. Curbs: Except for rural streets as defined above, the subdivider shall install curbs of no lower classification than machine formed concrete extruded curb, nine (9) inches wide at the base and seven and one-half (7 ½) inches high. The curb shall be installed after the prime coat is applied to the base. Back fill shall be towards the curb to insure drainage of surface water into the drainage system.

In lieu of curbs as the drainage system on cul- de-sacs and loop streets in the planning region, the Planning Commission may accept one of two alternatives:

(1) swages may be used on streets where the finished grade does not exceed two (2) percent; or

(2) street with an inverted crown may be used provided that the drainage area of the street does not exceed five (5) acres.

One-half (½) inch to three-fourths (¾) inch expansion and contraction joints for the curbs shall be placed at intervals not exceeding forty (40) feet.

c. Prime Coat: After a thoroughly compacted base has been established, a prime coat shall be applied as specified in Section 402, Standard Specifications for Road and Bridge Construction, Tennessee Department of Highway and Public Works - January 1, 1968, and latest revision thereto. In no event is the prime coat or binder to be less than two inches (2") deep. (Amended by Ordinance No. 255, October 19, 1993).

d. Wearing Surface: The wearing surface shall consist of surface course constructed with asphalt concrete, prepared with mineral aggregate, laid hot as specified under Section 411, Standard Specifications for Road and Bridge Construction, Tennessee Department of Highways and Public Works - January 1, 1968, and latest revisions thereto. It shall be constructed in one layer not less than one (1) inch thick to conform to the lines, grades and cross sections indicated on a plan approved by the inspecting engineer. (Amended by Ordinance No. 255, 10/19/1993).

5. Minimum Pavement Width

Due to the diversity of development in the Church Hill Planning Region ranging from sparsely populated agricultural areas to the densely populated urban areas, required widths for the surface treatment of roadways (by the developer) will necessarily vary with the character of building development and the amount of traffic encountered. Minimum widths for surface treatment of roads and streets shall be those indicated below.

- a. Arterial Streets (not usually paved by developer)
- b. Collector Streets 28 feet
- c. Minor Residential 26 feet
Most minor streets in residential developments involve parking and/or considerable traffic. (Amended by Ordinance No. 255, October 19, 1993)
- d. Marginal Access 20 feet
Maximum length 1200 feet or 25 dwelling units.
- e. Loop Streets 20 feet
Maximum length 1000 feet or 25 dwelling units.
- f. Dead-end Streets (cul-de-sacs) 20 feet

Maximum length 500 feet or 15 dwelling units.

- g. Rural Streets 18 to 20 feet
Without curbs - minimum of one-acre lots and 150 feet frontage.

6. Installation of Utilities

After grading is completed and approved and before any base is applied, all of the underground work - water mains, gas mains, etc., and all service connections shall be installed completely and approved throughout the length of the road and across the flat section. All driveways for houses to be built by the developer shall be cut and drained.

7. Water Supply System

Water mains properly connected with the community water supply approved by the county health officer shall be constructed in such a manner as to adequately serve all lots shown on the subdivision plat for both domestic use and fire protection. Fire hydrants are required to be installed when 6" water lines are available.

The size of water mains, the location and type of valves and hydrants, the amount of soil cover the pipes and other features of the installation shall be approved by the Planning Commission upon the recommendation of the Superintendent of Water and Light Commission or other applicable inspection agencies, and shall conform with accepted standards of good practice for municipal water systems.

8. Sanitary Sewers

a. Where lots cannot be economically connected with a sewerage system, they must contain adequate area for the installation of approved septic tank and disposal fields and must be approved in writing by the county health officer.

b. All lots connected to a sewer system shall be approved by the utility operating the system. They shall meet all requirements of the state health department and shall be approved by the Hawkins County Health Department.

c. Subdividers shall supply all data required for the installation and/or operation of the sewerage system to the

appropriate utility district, Hawkins County Health Department, and the Tennessee State Department of Health.

9. Erosion Control

The Planning Commission, shall require seeding or other conservation measures of all areas subject to erosion.

10. Street Name Signs

Appropriate street signs also add sales value to land subdivisions and enable strangers, delivery concerns and even potential lot buyers to find their way around. Street name signs, stop signs, and other traffic control signs as designated by the Planning Commission will aid the subdivider with specifications for the construction, placing, and setting of such signs.

B. Guarantee in Lieu of Completed Improvements

No final subdivision plat shall be approved by the Planning Commission or accepted for record by the County Register of Deeds until one of the following conditions has been met:

1. All required improvements have been constructed in a satisfactory manner and approved by the City of Church Hill, Tennessee.
2. The Planning Commission has accepted a security or performance bond in an amount equal to the estimated cost of installation of the required improvements, whereby improvements may be made and utilities installed without cost to the city in the event of default of the subdivider. The conditions of such security or performance bond shall provide for the installation of the improvements covered by such bond within a period of not to exceed one (1) year; provided, however that such period may be extended by the Planning Commission with the consent of the parties thereto if the Planning Commission finds that the public interest will not be adversely affected by such extension. If the Planning Commission shall decide at any time during the performance bond that the extent of the building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such performance bond, that required improvements have been installed as provided in this Section in sufficient amount to warrant reduction in the face amount of said bond, or that the character and the extent of such development require additional improvements for any or all such improvements, the face value of such performance bond shall thereupon

be reduced or increased by an appropriate amount so that the new face amount will cover the cost in full of the amended list of improvements.

Performance bonds which are submitted in lieu of the installation of required improvements shall be in cash or made by a surety company authorized to do business in the State of Tennessee. In the case of a surety company, the performance bond shall be prepared according to the form as shown in Attachment A, said Attachment A is made a part of these subdivision regulations.

Article V. Enforcement and Penalties for Violations

The enforcement of these regulations and penalties for the unapproved recitation or transfer of land is provided by state law in the authority granted by public acts of the State of Tennessee.

A. Enforcement

1. No plat or plan of a subdivision of land into two or more lots located within the Church Hill Planning Region shall be admitted to the land records of the county or received or recorded by the County Register of Deeds until said plat or plan has received final approval in writing by the Planning Commission as provided in Title 13, Tennessee Code Annotated.

B. Penalties

1. No county register shall receive, file, or record a plat of a subdivision within the planning region without the approval of the Planning Commission as required in Section 13-3-402, Tennessee Code Annotated, and any county register so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

2. Sections 13-4-307 and 13-3-406, Tennessee Code Annotated, provides that "Whoever being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the Planning Commission and obtained its approval as required by this Act and before such plat be recorded in the office of the county register, shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties." In this case of the

regional Planning Commission, Section 13-3-410 provides that the county through its county attorney, or other official designated by the county commission may enjoin such transfer or sale or agreement by action of injunction.

3. Any building or structure erected or to be erected in violation of the subdivision regulations shall be deemed an unlawful building or structure, and the building commissioner or the solicitor of the municipality or other official designated by the chief legislative body and/or the county attorney or other official designated by the county commission may bring action to enjoin such erection or cause it to be vacated or removed as provided in Section 13-3-411, Tennessee Code Annotated.

Article VI. Adoption and Effective Date

A. Before adoption of these subdivision regulations or any amendment thereof, a public hearing thereon shall be held by the Planning Commission, thirty (30) days notice of the time and place of which shall be given by one publication in a newspaper of general circulation in each county lying wholly or partly in the planning region.

Adopted April 5, 1973

Effective _____

Signed _____

Secretary
Church Hill Regional Planning Commission

ATTACHMENT A
PERFORMANCE BOND FORM

KNOW ALL MEN By these presents;

WHEREAS _____ Principal herein is the owner and developer of the _____ Subdivision located in Church Hill, Tennessee and _____, a surety company authorized to do business in the State of Tennessee (hereinafter called the "surety") and

WHEREAS, the plans and specifications of said subdivision showing the location, construction and installation of streets, roads, curbs and utilities and other improvements therein have been filed with the Church Hill Regional Planning Commission for final approval, and which are referred to and made a part of this instrument, as if fully copied and set forth herein, and

WHEREAS, the Principal herein does hereby obligate itself and does agree to complete the construction and installation of all streets, roads, sidewalks, curbs, and utilities, and all other improvements in the said subdivision in accordance with the plans and specifications attached hereto and made a part of this bond.

NOW, THEREFORE, the _____, as Principal and _____, as Surety, do hereby firmly bind ourselves, our heirs, executors, administrators and successors unto the Church Hill Regional Planning Commission for and on behalf of Church Hill, Tennessee in the sum of _____ conditioned upon the performance by the Principal of its undertaking herein, and its completion of said _____ subdivision in the construction of all the streets, sidewalks, roads, curbs, and all other improvements therein called for by the plans and specifications attached hereto, the same to be completed on or before the _____ day of _____, 20 _____, and, upon the completion thereof, this obligation to be null and void, otherwise to remain in full force and effect.

If the principal fails to complete the construction, and the improvements of said subdivision as shown and provided for by said plans and specifications attached hereto, within the time by order duly made and entered by the said commission for a period of up to 90 days, said extension to be granted in writing and certified by the Secretary of the Church Hill Planning Commission.

WITNESS our hands this the _____ day of _____ 20____.

WITNESS:

Principal

Surety

I, _____, do hereby certify
(Agent of the Surety Company)

that the _____ is authorized
(Name of the Surety Company)

to do business in the State of Tennessee as of the last date hereinabove set out.

(Agent of the Surety Company)

ATTACHMENT B

FORMS FOR FINAL PLAT CERTIFICATIONS

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines, and dedicate all streets, alleys, walks, parks, and other open space to public or private use as noted.

_____, 20_____

Date

Owner

Owner

CERTIFICATE OF ACCURACY

I hereby certify that the plan shown and described herein is a true and correct survey to the accuracy required by the Church Hill Regional Planning Commission and that the monuments have been placed as shown hereon, to the specifications of the subdivision regulations.

_____, 20_____

Registered Engineer or Surveyor

CERTIFICATION OF THE APPROVAL OF WATER AND SEWERAGE SYSTEMS

I hereby certify that the private water supply and/or sewage disposal utility system or systems installed, or proposed for installation, fully meet the requirements of the Tennessee State Health Department, and are hereby approved as shown.

_____, 20_____

County Health Officer or His
Authorized Representative

CERTIFICATION OF THE APPROVAL OF STREETS AND UTILITIES

I hereby certify: (1) that streets, utilities and _____ have been installed in an acceptable manner and according to specifications or, (2) that a surety bond in the amount of \$_____ has been posted with the Planning Commission to assure completion of all required improvements in case of default.

_____, 20_____

County Engineer or County Road
Commissioner

CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown here has been found to comply with the Subdivision Regulations for Church Hill, Tennessee, with the exception of such variance, if any, as are noted in the minutes of the Planning Commission and that it has been approved for recording in the office of the county register.

_____, 20_____

Secretary, Planning Commission

ATTACHMENT C

SUBDIVISION INSPECTION PROCEDURES

In order to insure the proper development of subdivisions within the Church Hill Planning Region, a subdivision inspection system has been established. The Planning Commission has appointed a committee to inspect the progress of all developing subdivisions within its jurisdiction. The committee will inspect each developing subdivision three (3) times.

1. There will be an inspection immediately following clearance of the right-of-way;
2. Immediately following the laying and compacting of the 6" stone base; and
3. Before final approval is requested in order to insure that curbing, paving, backfilling, seeding, etc., have been accomplished.

The developer of a subdivision will be responsible for notifying the committee during each of the above mentioned steps. The committee will make its inspection promptly to insure a minimum of delay of the developer.

Inspection committee contacts are listed below. Failure to notify the committee of completion of each step mentioned above could delay final approval of a subdivision.

Committee contacts:

Tennessee State Planning Office
Johnson City, Tennessee 37601
928-8176

City of Church Hill
Recorder's Office
357-6161