

**AN ORDINANCE TO AMEND THE OFFICIAL CODE OF
THE CITY OF JACKSON**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JACKSON:

Section 1. The following provisions of Chapter 5 of the Official Code of the City of Jackson being the Erosion and Stormwater Control Section is hereby amended by added the following provisions set forth below in *italics*:

CHAPTER 5

Erosion and Stormwater Control

SECTION

14-501.Purpose.

14-502.Permit required

14-503.Exemption.

14-504.Procedure.

14-505.Appeals.

14-506.Variances.

14-507. Remedies and Penalties for Violation.

14-501. Purpose. Within the City of Jackson, soil erosion and stormwater from construction sites contribute to the impairment of the flood plain, increased street maintenance cost, clogging of storm sewers, degradation of land surfaces and streams, flooding and dusty conditions. This chapter is to authorize the establishment of procedures to reduce erosion and sediment problems resulting from the development process of land within the City of Jackson and the increase in urban runoff from developed land. (Ord. No. 1989-24, § 1)

14-502. Permit required. Except as exempted in section 3 of this chapter, whenever development will involve any clearing, grading, any form of land disturbance caused by movement of earth or increase in storm water runoff due to the decrease in soil permeability, no land shall be disturbed within the City of Jackson unless a grading permit has been issued by the City Engineer. The City Engineer shall collect a fee for each permit issued which amount shall go to the general fund of the city. *Said fee shall be in accordance with a fee schedule established by the Environmental Advisory/Appeals Board.* (Ord. No. 1989-24, § 1)

14-503. Exemption. No grading permit shall be required for any “farm operation” as defined in the “Tennessee Right to Farm Act” (Tennessee Code Annotated, section 43-26-101 et seq). (Ord. No. 1989-24, § 1)

14-504. Procedure. Within ninety (90) days from the date of final adoption of this code, the City Engineer shall promulgate rules and regulations governing the issuance of

grading permits. The City Engineer shall submit such rules and regulations to the Jackson-Madison County Regional Planning Commission for review and approval at a regular or special meeting of the commission, on such approval becoming final, the City Engineer shall cause the rules and regulations to be published and made available to the public in *the engineering* office without charge. Such rules and regulations shall be based upon sound principles of engineering, hydrology, geology and urban planning, shall be consistent with rules and regulations governing the construction of subdivisions, and shall contain appropriate provisions for the enforcement of this code and the rules and regulations, including provision for the revocation of any issued permit and the issuance of stop work orders by the City Engineer. *Amendments to these rules and regulations shall be made by the Environmental Advisory/Appeals Board as needed to conform to federal and state environmental policies and regulations. These amendments shall become part of the rules and regulations upon adoption by the Board.* (Ord. No. 1989-24, § 1)

14-505. Appeals. Whenever the city engineer shall revoke or refuse to issue a grading permit for any reason, including an interpretation of the rules and regulations, any person affected by such refusal or revocation, or *their* duly authorized agent, may appeal from the decision of the City Engineer to the Environmental Advisory/Appeals Board. Notice of appeals shall be in writing and filed with the City Engineer within thirty (30) days after the decision of the City Engineer. Appeals shall be on forms provided by the City Engineer. (Ord. No. 1989-24, § 1)

14-506. Variiances. Variances shall not violate any Federal, State or Local Ordinance. The Environmental Advisory/Appeals Board, when appealed to and after hearing, may vary the provisions of the rules and regulations in respect of a particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this code, or public interest, or when, in its opinion, the interpretation of the rules and regulations by the City Engineer should be modified or reversed. The Board shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the Board shall also include the reasons for the decision. Every decision of the Environmental Advisory/Appeals Board shall be final, subject however to such remedy as any aggrieved party might have at law or equity. (Ord. No. 1989-24, § 1)

14-507. Remedies and Penalties for Violation. Any person, firm, or corporation violating any of the provisions of the rules and regulations shall be required to take remedial actions and be subject to civil penalties as follows:

1. If construction activities begin prior to obtaining a permit, the cost of the Development Permit shall double.
2. The City shall have the right to recover the lesser of \$450.00 per day for each day that the violation exists or all damages proximately caused by the violation to the municipality, which may include any reasonable expenses incurred in

investigating the violations, expenses involved in rectifying any damages, costs and attorney fees incurred by the City as the result of enforcing violations of this ordinance.

3. In addition to the above remedial measures, any person, firm or corporation guilty of violating any of the provisions of this ordinance shall be subject a fine of up to Fifty Dollars (\$50.00) per day for each day the violation exists, beginning the first day of the violation and continuing each day thereafter until the violation is corrected. Each day that a violation of this ordinance exists shall constitute a separate offense. In addition to the City fine, the violator may be subject to State and Federal penalties.
4. In addition to the remedies and civil penalties set forth above, The City of Jackson may bring legal action to enjoin continuing violation of this ordinance, and the existence of any other remedy, at law or equity, shall be no defense to any such action.
5. The remedies and penalties 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 or more of the remedies set forth herein has been sought or granted.

Section 2. This Ordinance shall take effect from and after its adoption the public welfare requiring it.

INTRODUCED: _____

ADOPTED: _____

MAYOR