

**CITY OF JACKSON, TENNESSEE**  
**RULES AND REGULATIONS FOR THE**  
**CONTROL OF SOIL EROSION AND STORMWATER**

**SECTION 1. AUTHORITY**

These Rules and Regulations are promulgated pursuant to City of Jackson Code of Ordinances, Title 14, Chapter 5, titled “EROSION AND STORMWATER CONTROL”.

**SECTION 2. PURPOSE**

Within the City of Jackson, stormwater runoff from disturbed land sites convey high volumes of sediment and other pollutants into receiving waters, degrading water quality and land surfaces, contributing to the impairment of the flood plain, increasing street and storm sewer maintenance cost, and increasing flooding and dusty conditions. The removal of existing trees and vegetation can compound and aggravate the aforementioned conditions.

The purpose of these rules and regulations is to establish stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within the City of Jackson. The objective of these rules and regulations are:

- 1) To reduce erosion and sedimentation resulting from the development of land within the City of Jackson.
- 2) To attenuate the stormwater runoff from developed land.
- 3) To integrate measures to reduce practices that adversely affect the natural vegetative cover within the City of Jackson.

**SECTION 3. DEFINITIONS**

For the purpose of these rules and regulations, the following shall mean:

303(d) Waterbody. A list of lakes, rivers, and streams that have been designated as impaired or threatened by a pollutant(s) for which one or more TMDLs are needed. Impaired means that the water is not meeting state water quality standards.

Board. Also referred to as the Environmental Advisory/Appeals Board.

Buffer. A designated area adjacent to or a part of a stream or wetland that is an integral part of the stream or wetland ecosystem.

Channel. The portion of a natural stream which conveys normal flows of water.

City. Also referred to as the City of Jackson.

Detention basin. - A structure or facility, natural or artificial, which stores stormwater on a temporary basis and releases it at a controlled rate.

Disturbed area. An area of land subjected to erosion due to the removal of vegetative cover and/or earthmoving activities, including filling.

Drainage. The interception and removal of groundwater or surface water by natural or artificial means.

Erosion and Drainage Control Plan. A plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

Impervious Cover. Surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc).

Land Disturbance Activity. Any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation,, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

Maintenance Agreement. A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

Person. Any and all persons, including individuals, firms, partnerships, associations, public or private institutions, state or federal agencies, municipalities or political subdivisions or public or private corporations.

Pollution. - Degradation of water quality, preventing the use of water for some specific purpose, caused by a natural or human-made substance.

Retention basin. - A wet or dry stormwater holding area, either natural or manmade, which does not have an outlet to adjoining watercourses or wetlands other than an emergency spillway.

Sediment. Mineral or organic solid particulate matter that has been removed from its site of origin by (a) soil erosion; (b) suspension in water; and/or (c) wind or water transport.

Site. - Any tract, lot, or parcel of land or combination of tracts, lots or parcels of land proposed for development.

Soil erosion. - The wearing away of land by the action of wind, water, gravity or a combination thereof.

Stop Work Order. An order issued which requires that all construction activity on a site be stopped.

Stormwater. Runoff water resulting from precipitation.

Stormwater runoff. Waters from rains falling within a tributary drainage basin, flowing over the surface of the ground or collected in channels, watercourses, or conduits, measured in depth of inches.

Stream. A blue-line on a U.S.G.S. TOPO map that has not been determined to be a wet-weather conveyance by the Tennessee Department of Environment and Conservation (TDEC) Division of Water Pollution Control.

Total Maximum Daily Load (TMDL). The maximum amount of pollutants which can be released into a water body without adversely affecting the water quality.

Vegetative cover. - Grasses, shrubs, trees, and other vegetation, which hold and stabilize soils.

Wetland. Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

#### **SECTION 4. SITE DEVELOPMENT PERMIT REQUIREMENTS**

##### **A. General**

A Site Development Permit is required for any activity(s) within the City of Jackson that will involve any clearing, grading, or any form of land disturbance caused by the movement of earth or that will increase stormwater runoff due to a decrease of soil permeability. No land shall be disturbed within the City of Jackson unless a Site Development Permit has been issued in accordance with these regulations.

For the purpose of this policy, clearing shall include but not be limited to, activities that change the natural character of the existing vegetative cover such as clear cutting, grubbing and selective tree removal (i.e. logging).

##### **B. Exceptions**

No Site Development Permit shall be required for:

1. Accepted land management practices as identified in the “Tennessee Right to Farm Act” (Section 43-26-101, TCA)
2. Home gardens, home landscaping, or lawn preparation at existing residential houses unless the possibility for erosion or alteration of drainage patterns or structures is such that adjacent properties or waterways may be affected.
3. The installation, maintenance and repair of any public utility as well as roadway and storm drainage construction and maintenance by government agencies and their agents, provided, however that such land disturbing activities shall comply fully with the Rules and Regulations set forth by the Tennessee Department of Environment and Conservation (TDEC).

## **SECTION 5. REQUIREMENTS FOR EROSION AND DRAINAGE CONTROL PLANS (EDCP)**

### **A. Applicability & Responsibility**

For purposes of obtaining a Site Development Permit for residential subdivisions and commercial subdivisions/establishments, an Erosion and Drainage Control Plan (EDCP) meeting the requirements established in Section B below, shall be submitted for approval to the City by the owner/developer. This information shall be supplied for the entire tract of land whether or not the property will be developed in stages. If the development is to occur in stages, all phases will be left in the natural/undisturbed state except for those phases under active construction.

The EDCP must be approved by the City Engineer or Authorized Representative prior to commencement of land disturbance activities. The owner/developer shall implement the requirements of the approved EDCP and shall be responsible for continuous maintenance of the erosion and sediment control measures during construction. For residential & commercial subdivision of land, the owner/developer shall be responsible for implementation of the entire plan including drainage improvements and erosion control measures that go through or across several lots/sites in the subdivision. The subsequent owner of each building lot/site shall also be required to obtain a Site Development Permit that shall be obtained concurrently with the building permit. No formal EDCP is required for a single residence on a parcel of 2 acres or less. However, the Homebuilder shall provide and maintain erosion and drainage control measures to meet the terms & conditions established in his/her Site Development Permit.

An amended EDCP must be submitted to the City Engineer if site plans or conditions change during land disturbance activities.

### **B. Minimum Requirements for the EDCP**

1. The EDCP shall be prepared and stamped by a Professional Engineer (P.E.) registered in the State of Tennessee. The City Engineer may waive the P.E. requirement if the EDCP requires no engineering design calculations.
2. The EDCP shall specify erosion and sediment control measures that are in accordance with the Erosion and Sediment Control Handbook produced by the Tennessee Department of Environment and Conservation (TDEC), and dated March 2002, or subsequent editions produced by TDEC.
3. The EDCP must provide documentation that all required permits have been obtained from Federal and State regulatory agencies or provide a written waiver of such permits.
4. The EDCP shall be drawn at a scale of 1" = 100' (or larger) and will include (a) a site location (key map) as well as the adjacent properties and (b) identification of any structural or natural feature of the land which has a significant impact on drainage or siltation controls. Grading limits shall be shown.

5. Special flood hazard areas shall be identified by Floodway and Flood Fringe boundary lines as shown by the Federal Emergency Management Agency scientific and engineering reports, with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps and any revision(s). Floodway data shall be plotted on the plans from scaled information obtained from FEMA studies. Flood Fringe data shall be plotted on the plans from scaled information and then refined by adjusting this line to existing contours relative to the hydraulic profile of the stream for the 100-Year Frequency Flood.
6. The EDCP shall show property boundary bearings and distances for the site on which the work is to be completed.
7. The EDCP shall contain a reasonable estimate of the anticipated starting and completion dates of the development. The timing schedule shall include the sequence and application of erosion and sediment control measures.
8. The EDCP shall show existing and proposed topography of the site at two (2) foot contour intervals except on slopes exceeding 20% grade. In such conditions, contour intervals shall not exceed five (5) feet.
9. The EDCP shall show the elevation, dimension, location, extent and slope of all existing and proposed ditch lines.
10. The EDCP shall show the location and identification of all existing and proposed site features and/or structures (either manmade or natural) that could have a significant impact on drainage or siltation controls.
11. The EDCP shall contain plans and specifications for all drainage provisions, retaining walls, cribbing, planting, anti-erosion devices or other protective devices (whether temporary or permanent) to be constructed in connection with, or as a part of the proposed work.
12. The EDCP shall contain a map showing the drainage area of land tributary to the site and calculations of estimated runoff used to determine the design characteristics of any drainage device(s). Development of property upstream shall be considered in design calculations. Downstream improvements may also be required of the developer if such improvements are required to handle additional stormwater runoff generated by the proposed development.
13. The EDCP shall document that the post-development maximum stormwater flow rate from the site will not exceed the pre-development maximum stormwater flow rate for the 2, 5 and 10-year frequency rainfall events. Generally accepted engineering methods shall be used to calculate stormwater runoff rates and volumes. The EDCP shall show plans and specifications for structures necessary to limit post-development runoff to pre-development rates.

14. The EDCP shall outline plans for post-construction care, maintenance, or final disposition of silt basins, stormwater retention/detention basins, or other structural improvements or devices included in the plan.
15. The EDCP shall list the name(s) of all stormwater receiving waters from the construction site. If the receiving waters are listed on the then current State of Tennessee 303(d) list as partially supporting or non-supporting, the project will be considered a high inspection priority site requiring a pre-construction meeting with Stormwater Management staff and the construction and grading contractors for the purpose of enhanced erosion and sediment control planning.
16. Erosion and sedimentation control measures and drainage structures shall be planned, designed, constructed, operated and maintained so as to provide effective soil erosion and drainage control from the calculated peak runoff rates using a ten-year frequency storm as a minimum.
17. The EDCP shall specify that erosion control measures shall be inspected twice weekly at intervals at least 72 hours apart and repaired as necessary. During prolonged rainfall, daily checking and repairing is necessary.
18. The EDCP shall specify that erosion control measures shall be in place and functional prior to any clearing, grading, excavating, filling or otherwise disturbing natural terrain and that these control elements must be maintained throughout the development activity.

### C. Detention/Retention Ponds

#### 1. Design standards

- a. The calculated peak flow rate of stormwater runoff resulting from a 2-year, 5-year, and a 10-year return frequency storm shall be no greater after development of the site than that which would have resulted from the same return frequency storm on the same site prior to the development of the site.
- b. The plans shall include sufficient design information to show that the facility will operate as required. This shall include the existing or pre-development peak flow discharges, the post-development flow discharges, and volumes of stormwater runoff based on the proposed development, as well as all necessary computations used to determine the reduced peak flow rates for the design storms. The capacity of the facility shall be sufficient to control the volume of stormwater runoff resulting from a 2-year, 5-year and a 10-year frequency 24-hour duration storm.
- c. Discharge from the stormwater detention pond shall be routed to an existing natural or manmade stormwater conveyance. Calculations showing

the capacity of the receiving stormwater conveyance and its capacity to convey the 2-year, 5-year and a 10-year frequency storm shall be provided.

## 2. Maintenance of Detention/Retention Facilities

A permanent maintenance agreement for stormwater detention/retention facilities will be required, including any components required for water quality control. Responsibility for maintenance of the facility(s) will be recorded as such on the plat with the appropriate notation on the particular lot unless that responsibility has been legally transferred to another person or entity by a properly recorded legal agreement. The registered professional engineer who designs the facility will develop minimum maintenance requirements to ensure that the facility is kept functional. The maintenance agreement will specify minimum maintenance requirements to be performed by the property owner(s) and the frequency of maintenance activities. Minimum maintenance requirements will include:

- a. Routine inspections
- b. Removal of accumulated trash and debris
- c. Routine cutting of grass on banks/levees
- d. Sediment removal
- e. Stabilization of eroding banks and/or pond bottom.
- f. Removal and proper disposal of oil that may accumulate in the pond
- g. Removal of willows or other large trees and shrubs from banks/bottom

The City Engineer may specify other requirements and procedures if necessary for proper maintenance or sediment disposal.

The maintenance agreement will also grant permission to the City to enter the subject property to inspect the stormwater detention/retention facilities as deemed necessary. If the facility is not being maintained, the City Engineer or his designee will notify the property owner to repair/maintain the facility within a reasonable period of time. If the property owner fails to repair/maintain the facility within the allotted time, the City Engineer shall authorize the required maintenance to be performed or paid by the City. A lien for up to double the expense to the City shall be filed against the property in addition to any other penalty assessed.

#### D. Stream Buffer Zone Requirements

For purposes of this Policy, a stream is defined as a blue-line on a U.S.G.S. TOPO map that has not been determined to be a wet-weather conveyance by the Tennessee Department of Environment and Conservation (TDEC) Division of Water Pollution Control. Stream buffer zones serve as natural boundaries between local waterways and development and help to protect resources by filtering pollutants, providing infiltration of stormwater runoff, providing riparian wildlife habitat, stabilizing stream banks and restoring and maintaining the chemical, physical and biological integrity of the water resources.

It is the desire of the City of Jackson to protect and maintain the native vegetation in riparian and wetland areas by the implementation of specifications for the establishment, protection and maintenance of vegetated buffers along all stream systems within the City.

##### 1. Standards:

- a. The vegetated buffer zone shall begin at the top of each bank of the stream channel or at the waterline in reference to wetlands or lakes and shall extend an average of sixty (60) feet, but no less than twenty-five (25) feet, for streams that are contained on TDEC's current 303(d) list and twenty-five (25) feet for streams not contained on the 303(d) list. The buffer shall be measured generally perpendicular to the top of the bank of the stream.
- b. The vegetative target for the buffer is undisturbed native vegetation with woody vegetation (i.e. trees and shrubs) being the dominant plant form along the stream banks.
- c. There shall be no septic systems, permanent structures or impervious cover within the buffer zone.

##### 2. Buffer Zone Management and Maintenance:

The stream buffer zone shall be managed to enhance and maximize the unique value of these resources. Management includes specific limitations on alteration of the natural conditions of these resources. The following practices or activities are prohibited within the buffer zone.

- a. Removal of trees unless they are in danger of falling, causing damage to dwellings or other structures, or causing blockages in the stream.
- b. Soil disturbance by grading, stripping or other practices.
- c. Filling or dumping
- d. Use, storage or application of herbicides, except for spot spraying of noxious weeds or non-native species.



- e. Storage or operation of motorized vehicles, except for maintenance and emergency use approved by Stormwater Management.

Exclusion: Any project that has received a State or Federal Permit (including but not limited to Aquatic Resource Alteration Permits (ARAP), 401 or 404 permits) will be excluded from those requirements of this policy that are superceded by requirements of the State or Federal Permits.

3. Plat Recording of Buffer Zones:

All plats prepared for recording and right-of-way plats shall clearly show the extent of any Buffer Zone on the subject property by metes and bounds. The Buffer Zone shall be clearly labeled as “Buffer/Non-Disturbance Zone” on the Plat.

**SECTION 6. REQUIREMENTS FOR A VEGETATIVE IMPACT EVALUATION (VIE)**

A. Applicability & Responsibility

For purposes of obtaining a Site Development Permit for residential subdivisions and commercial subdivisions/establishments, a Vegetative Impact Evaluation (VIE), meeting the requirements established in Section B below, shall be submitted for approval to the City Forester by the owner/developer. No VIE shall be required for:

1. Normal lawn and tree maintenance performed in conjunction with existing residential uses, or performed on public right of ways;
2. Activities performed for the health, safety and welfare of the public due to a natural catastrophe such as an ice storm, flood, or other acts of God;
3. Site preparation on an individual lot for the purpose of constructing a single family or two family dwelling provided that a building permit has been issued for the construction of said dwelling;
4. Site preparation associated with an existing single family or two family residential dwelling, on an individual lot or adjacent lot under same ownership for the purpose of building a pool, deck, fence or other similar structure provided that building permit has been issued for that structure.

B. Minimum Requirements for the VIE

1. The VIE must be prepared by a qualified individual that has been pre-certified by the City as possessing the skills and experience to prepare the VIE. The certification shall consist of a certification form to be filled out by the

individual wishing to be certified. The certification form will consist of a set of questions designed to gather information concerning an individual's educational background, employment history, skills and licenses for determining qualifications.

2. The VIE shall contain a description of the property that shall include a general property location description, the acreage of property, the proposed use of the property, and the name, address, and telephone number of the property owner/developer.
3. The VIE shall contain a general overview of the current condition of the property that shall include the current use of the property, recent uses, surrounding land uses, a general description of existing plant community, such as oak, hickory, forest, pasture, Savannah, etc., and any unique characteristics of the property such as specimen trees, erosion problems, drainage features, vegetative blight, etc.
4. The VIE shall contain a generalized tree survey based upon the most current available information. The survey shall show the location, extent, and type of "significant trees" upon the site, including common and scientific names of the trees.

**"Significant trees"** are those that are either historic or specimen trees or trees that are:

- a. Eight (8) inches or large in diameter, excluding pines (unless used for credit)
- b. Four (4) inches or more dbh, for valuable ornamental species such as dogwood, redbud, buckeye, paw paw, and sassafras.

Diameter is measured at four and a half feet above grade (diameter at breast height - dbh). If a tree is on a slope, measure from the high side of the slope. Measure above or below unusual swells in the trunk.

**Historic trees** are those that are of notable historical interest and value due to its association with the physical and cultural development of the City of Jackson. A **specimen tree** is one that is of high value due to its type, size, age and other relevant criteria.

5. The VIE shall indicate which significant trees are intended for removal and/or grubbing and which will be left undisturbed.
6. The VIE shall be prepared at the same scale as the site plan that clearly illustrates the relationships between areas of significant trees and proposed site improvements.

C. Removal of trees

Removal of a significant tree shall be allowed if the developer/owner demonstrates by specific development plans one or more of the following conditions:

1. The tree or specific trees that interfere with the reasonable use of the site may be removed to allow placement of structures such as buildings, parking, drives, signs, utility easements, etc.
2. The tree is located in such proximity to an existing or proposed structure that the safety, utility or structural integrity of the structures is materially impaired.
3. The tree materially interferes with the location, servicing, or functioning of existing utility lines or services.
4. The tree creates a substantial hazard to motor, bicycle or pedestrian traffic by virtue of physical proximity to traffic or impairment of vision.
5. The tree is diseased, insect ridden, or weakened by age, abuse, storm, or fire and is likely to cause injury or damage to people, buildings or other improvements.
6. The removal of the tree is necessary to promote the growth of surrounding significant trees. Under this provision, the applicant must demonstrate a preference for protecting historic and specimen trees.
7. Any law or regulation requires the removal.
8. Trees that impair visibility of the front of the project. It shall be demonstrated on the VIE that trees removed pursuant to this condition do indeed impair more than ten (10) percent of the visibility of the front of the project, as measured as a function of canopy width of tree(s) at widest point to linear footage of frontage. In the case of a corner lot, this would apply to both frontages.

D. Replacement of removed trees

Replacement of removed trees shall be in accordance with the following provisions:

1. Trees removed shall be replaced at the expense of the developer/owner.
2. Each removed tree shall be replaced with a new tree (s) having a total dbh equivalent to that of the removed tree, up to the level in which the

Landscape Ordinance requirements have been equally met. Ratio of species shall be the same.

3. Single-trunk replacement trees shall be a minimum of one and a half inch in diameter at a point six (6) inches above the base and a minimum of ten (10) feet in overall height.
4. A replacement tree may be a tree moved from one location to another on the site.
5. Any tree, existing or replacement, used in meeting the requirement of this chapter, which dies shall be replaced, by the owner, by either a tree of a minimum of one and a half inches in diameter and a minimum of ten (10) feet in overall height at the time of planting or a replacement tree(s) equivalent to the tree lost.

E. Bond Requirements (VIE)

A performance bond shall consist of a bond issued by a bonding company, a certificate of deposit, or irrevocable letter of credit (with automatic renewal) from a FDIC insured financial institution payable to The City of Jackson to insure the installation of the replacement trees before any certificate of occupancy is granted. Replacement trees, where specific development plans have not been submitted, that are not to be installed within twelve (12) months of the date of the Development permit must be bonded.

Such bond and/or security shall be in an amount equal to the accurate value of installation and materials plus fifty (50) percent. Accurate value will be determined by one of the following options: 1) the average of two (2) documented estimates from commercial nurseries. The estimates are the responsibility of the owner/developer and are subject to confirmation, or 2) a value determined by Staff utilizing an established and accepted value per tree.

Upon satisfactory replacement of trees (s), posted security will be released after a re-inspection. Failure to install the replacement trees within six (6) months from the date the bond is received shall result in the forfeiture of the bond.

F. Protection of trees during development activities

Trees that are to be preserved shall be protected and maintained during the development activities in accordance with the tree protection and maintenance sections of the city's "Landscape Standards and Practices".

G. Credits available for preserving trees

For trees that are preserved within commercial developments, a reduction of required parking spaces may be allowed when the reduction would result in the preservation of a significant tree as defined herein.

The reduction in required parking may be granted only if it will prevent removal of a significant tree that is located within the area of the site designated as a parking lot area. The reduction of required parking spaces shall not exceed the number of parking spaces required to prevent removal of significant trees, or the number in the following schedule, whichever is less.

Required Parking Spaces	Maximum Reduction
1-4	0
5-9	1
10-19	2
20 or more	15 percent

Preserved trees also qualify for credit under the landscape requirement of the Zoning Ordinance. The credit would be granted in accordance with the following schedule:

Any tree six (6) inches or greater dbh:	1 : 3
Any tree twelve (12) inches or greater dbh:	1 : 5
Any tree eighteen (18) inches or greater dbh:	1 : 10

The City Forester or designee may grant additional credit for saving historic and specimen trees.

**SECTION 7. DEVELOPMENT PERMIT FEE SCHEDULE**

The Site Development Permit Fee shall be the sum of the EDCP and VIE Fees, but a minimum of \$25.00.

The EDCP Fee shall be \$25.00 for each acre of land to be disturbed or fraction of an acre of land to be disturbed.

The VIE Fee shall be \$50.00.

**SECTION 8. CONFLICTS WITH OTHER RULES AND REGULATIONS**

If provisions of these rules and regulation conflict with other applicable laws, rules or regulations, the more stringent provision shall apply.

**SECTION 9. SITE DEVELOPMENT PERMIT ENFORCEMENT PROCEDURES**

A. Inspection

The City Engineer, City Forester or designee (Authorized Personnel) may enter upon any site and periodically make inspection of any disturbed area before, during and after construction to ensure compliance with the approved EDCP, VIE and Site Development Permit. If Authorized Personnel determine that significant problems are occurring on the site despite compliance with approved protective practices, the permit holder shall be required to take additional corrective actions to protect the adversely affected area. The specifications of the additional measures shall be part of an amendment to the EDCP and/or VIE.

B. “Stop Work” order

A “Stop Work” order may be issued by Authorized Personnel if upon inspection, it is determined that control measures are not being properly maintained or that work is not progressing in accordance with the approved EDCP, VIE or Site Development Permit. A “Stop Work” order requires that all work on a site be halted until such time as Authorized Personnel lift the Stop Work order upon a passing inspection. Authorized Personnel shall set a compliance deadline in conjunction with the Stop Work order.

D. City Correction/Collection Procedures.

Should the Site Development Permit holder fail to remedy the above conditions by the compliance deadline, Authorized Personnel may remedy the condition or cause the same to be done by an appropriate City department or by other contractual arrangement. Upon completion of work, Authorized Personnel shall determine the reasonable costs thereof and bill the owner of the property.

**SECTION 10. PENALTY FOR VIOLATIONS**

Any person, firm, or corporation violating any of the provisions of these rules and regulations shall be subject to the following administrative and legal penalties:

1. If site work begins prior to the owner/developer obtaining a Site Development Permit, the Permit Fee shall double and if the exact number of trees lost cannot be determined, the number of replacement trees shall be twice the required number of trees specified in Article VI, Section 23 Landscaping Requirements within the Zoning Ordinance of the City of Jackson, Tennessee.
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 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 these rules and regulations shall be subject to 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 exists shall constitute a separate offense.

## **SECTION 11. APPEALS AND VARIANCES**

### **A. Appeals**

Whenever Authorized Personnel shall revoke or refuse to issue a Site Development Permit for any reason, including an interpretation of these rules and regulations, any person affected by such refusal or revocation, or his duly authorized agent, may appeal that decision to the Environmental Advisory/Appeals Board (hereinafter, the "Board"). Appeals shall be in writing on forms provided by the City Engineer and shall be submitted to the City Engineer within thirty (30) days after the decision of the Authorized Personnel.

### **B. Variances**

The Board may vary the provisions of the Rules and Regulations in respect to a particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of these rules & regulations, or public interest, or when, in its opinion, the interpretation of the Rules and Regulations by Authorized Personnel should be modified or reversed. Variances shall not violate any Federal, State or Local Ordinance. The Board shall, in every case, reach a decision without unreasonable or unnecessary delay. In reaching a decision, the Board must consider the specific requirements of state and federal law. If a decision of the Board reverses or modifies an decision or order by Authorized Personnel or varies the application of any provision of this code, the minutes of the meeting of the Board must be specific as to the reasons for the reversal, modification or change in application by the Board. Authorized Personnel shall immediately take action in accordance with such a decision. Every decision of the Board shall be final, subject however to such remedy as any aggrieved party might have at law or equity.