

**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 Title 14, Chapter 5 of the Official Code of the City of Jackson being the Environmental Advisory/ Appeals Board Section is hereby amended by added the following provisions set forth below in *italics*:

8-01 Board Established

There is hereby established a board to be called the Environmental Advisory/ Appeals Board, which shall consist of 6 voting and two nonvoting members. The Environmental Advisory/ Appeals Board shall have all powers and duties as prescribed in the codes adopted in this chapter and as otherwise described.

8-02 Qualifications of Members

The Environmental Advisory/ Appeals Board shall be appointed by the Mayor and shall be composed of individuals with the following qualifications:

- One (1) State Licensed General Contractor
- One (1) Industry representative
- One (1) Environmental advocate
- One (1) State Licensed Engineer/ Architect/ Landscape Architect
- One (1) Attorney
- One (1) Jackson Energy Authority representative
- Fire Department representative (non-voting)
- Jackson Stormwater Management representative (non-voting)

__,__ Board Expanded

Upon making and duration of an Intergovernmental Agreement between the City of Jackson, Tennessee and Madison County, Tennessee for the Jackson Stormwater Management to administer the Phase II Stormwater program for Madison County duly authorized and approved by their respective governing bodies, the Environmental Advisory/ Appeals Board shall be expanded to seven (7) voting and two (2) non-voting members for the duration of the agreement. The seventh voting board member shall be designated the Madison County Representative and shall be appointed by the County Mayor of Madison County for a term of four years or until the Intergovernmental Agreement is terminated. All other provisions of the ordinance shall remain as stated herein.

8-03 Terms of Office

Of voting members first appointed, two (2) shall be appointed for a term of 2 years, two (2) for a term of 3 years, two (2) for a term of 4 years and hereafter they shall be appointed for terms of 4 years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from regular meetings of the Board shall, at the discretion of the Mayor, render any such member liable to immediate removal from office.

8-04 Quorum

Three Voting members of the Board shall constitute a quorum. In varying the application of any provisions of any adopted Code or in modifying an order of any Official, affirmative votes of the majority present, shall be required. A Board member shall not act in a case in which he/she has a personal interest.

8-05 Secretary of Board

The Jackson Stormwater Management representative shall serve as Secretary to the Board. The secretary shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member, the absence of a member, and any failure of a member to vote.

8-06 Procedure

The Board shall adopt by-laws necessary to the conduct of its affairs not inconsistent with the provisions of this code. Every decision of the Board shall be promptly filed in the office of the City Engineer and shall be open to inspection. All decisions of the Board are final, subject however, to such remedy as any aggrieved party might have at law or in equity.

8-07 Other Duties

The Environmental Advisory/ Appeals Board shall have the responsibility to review and recommend environmental related codes for presentation to the City Council for adoption and to hear and decide appeals made by citizens of the City of Jackson arising from or related to the provisions of any environmental codes of the City including but not limited to the Erosion and Storm Water Control Code and the Illicit Discharge and Illegal Dumping of Stormwater Code of the Code of Ordinance of the City of Jackson.

8-08 Procedure for Appeal

An aggrieved citizen shall have the right to file an appeal of any action taken by the City of Jackson arising from or related to the compliance or enforcement of any environmental codes of the City including but not limited to the Erosion and Storm Water Control Code and the Illicit Discharge and Illegal Dumping of Stormwater Code of the Code of Ordinance of the City of Jackson. Upon receipt by the City Engineers Office of a notice of appeal and the appeal fee, a hearing shall be held at the next regularly scheduled meeting of the Environmental Advisory/ Appeals Board. All appeals for a given meeting must be received ten (10) working days prior to the meeting. A public notice of each meeting shall be made a minimum of seven (7) days prior to the board meeting. Upon such appeal, the board shall grant the appeal of any aggrieved citizen upon a finding that:

- 1) the applicable provisions of any environmental code in question do not apply or
- 2) the true intent and meaning of this code has been misinterpreted by the official.

The City Engineer's office shall prepare standard notice of appeal forms for use by the Board.

Section 2. That this Ordinance shall take affect from and after its adoption the public welfare requiring it.

INTRODUCED: February 4, 2003

ADOPTED: March 4, 2003

MAYOR