

CHAPTER 11

BOARD OF ZONING APPEALS**SECTION**

- 14-1101. Board of zoning appeals; composition, terms, removal, and filling vacancies.
- 14-1102. Proceedings of the board of zoning appeals.
- 14-1103. Appeals; hearing and notice.
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- 14-1105. Powers and duties of the board of zoning appeals.
- 14-1106. Decisions of the board of zoning appeals.
- 14-1107. Appeals.
- 14-1108. Duties of mayor and board of zoning appeals.

14-1101. Board of zoning appeals; composition, terms, removal, and filling vacancies. A board of zoning appeals is hereby established, which shall consist of five members serving staggered terms, to be appointed by the board of mayor and aldermen. The term of membership shall be three years, except that the initial individual appointments to the board shall be one member for one year, two members for two years, and two members for three years. Members of the board of zoning appeals may be removed from office by the board of mayor and aldermen for cause upon written charges and after public hearing. Vacancies shall be filled by resolution of the board of mayor and aldermen for the unexpired term of the member affected. (Ord. #01-01, Feb. 2001)

14-1102. Proceedings of the board of zoning appeals. The board of zoning appeals shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this title. Meetings shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The board of zoning appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the board. (Ord. #01-01, Feb. 2001)

14-1103. Appeals; hearing and notice. Appeals to the board of zoning appeals concerning interpretation or administration of this title may be taken by any person aggrieved. Such appeals shall be taken within a reasonable time, not to exceed 60 days or such lesser period as may be provided by the rules of the board, by filing with the mayor and with the board of zoning appeals a notice

of appeal specifying the grounds thereof. The mayor shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.

The board of zoning appeals shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney. (Ord. #01-01, Feb. 2001)

14-1104. Appeal stays proceedings. An appeal stays all proceedings in furtherance of the action appealed from unless the mayor certifies to the board of zoning appeals after the notice of appeal is filed with him, that by reason of facts stated in said certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by a court of record. (Ord. #01-01, Feb. 2001)

14-1105. Powers and duties of the board of zoning appeals. The board of zoning appeals shall have the following powers and duties:

(1) **Administrative review.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the mayor or his designee in the interpretation or enforcement of this title.

(2) **Special exceptions; conditions governing applications; procedures.** To hear and decide only such special exceptions as the board of zoning appeals is specifically authorized to pass on by the terms of this title; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this title, or to deny special exceptions when not in harmony with the purpose and intent of this title. A special exception shall not be granted by the board of zoning appeals unless and until:

(a) A written application for a special exception is submitted indicating the section of this title under which the special exception is sought and stating the grounds on which it is requested;

(b) Notice shall be given at least fifteen days in advance of public hearing. The owner of the property for which special exception is sought or his agent shall be notified by mail. Notice of such hearings shall be posted on the property for which special exception is sought, at the town hall, and in one other public place at least fifteen days prior to the public hearing;

(c) The public hearing shall be held. Any party may appear in person or by agent or attorney;

(d) The board of zoning appeals shall make a finding that it is empowered under the section of this title described in the application to

grant the special exception, and that the granting of the special exception will not adversely affect the public interest.

In granting any special exception, the board of zoning appeals may prescribe appropriate conditions and safeguards in conformity with this title. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this title. The board of zoning appeals shall prescribe a time limit within which any action which conditions the granting of the special exception shall be performed. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

(3) Variances; conditions governing applications; procedures. To authorize upon appeal in specific cases such variance from the terms of this title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this title would result in unnecessary hardship. A variance from the terms this title shall not be granted by the board of zoning appeals unless and until:

(a) A written application for a variance is submitted demonstrating:

(i) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to the other lands, structures, or buildings in the same district;

(ii) That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title;

(iii) That the special conditions and circumstances do not result from the actions of the applicant;

(iv) That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(b) Notice of public hearing shall be given following the same requirements of those attached to public hearings for special exceptions.

(c) The public hearing shall be held. Any party may appear in person or by agent or by attorney.

(d) The board of zoning appeals shall make findings that the requirements of this chapter have been met by the applicant for a variance.

(e) The board of zoning appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

(f) The board of zoning appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this title, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the board of zoning appeals may prescribe appropriate conditions and safeguards in conformity with this title. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this title and punishable under the general penalty clause for this code.

Under no circumstances shall the board of zoning appeals grant a variance to allow a use not permissible under the terms of this title in the district involved. (Ord. #01-01, Feb. 2001)

14-1106. Decisions of the board of zoning appeals. In exercising the above mentioned powers, the board of zoning appeals may, so long as such action is in conformity with the terms of this title, reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken.

The concurring vote of three members of the board shall be necessary to reverse any order, requirement, decision, or determination of the codes enforcement officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this title, or to effect any variation in the application of chapters 2 through 10 of this title. (Ord. #01-01, Feb. 2001)

14-1107. Appeals. Any person or persons, or any board, taxpayer, department, board or bureau of the town aggrieved by any decision of the board of zoning appeals may seek review by a court of record of such decision, in the manner provided by the laws of the State of Tennessee. (Ord. #01-01, Feb. 2001)

14-1108. Duties of mayor and board of zoning appeals. It is the intent of chapters 2 through 10 of this title that all questions arising in connection with the enforcement or interpretation of this title (except as otherwise expressly provided herein) shall be first presented to the mayor, and that such questions shall be presented to the board of zoning appeals only on appeal from the mayor, and that from the decisions of the board of zoning appeals, recourse shall be to the courts as provided by law. (Ord. #01-01, Feb. 2001)

CHAPTER 12

TRAILER COACH PARKS

SECTION

- 14-1201. Definitions.
- 14-1202. License required.
- 14-1203. License fees.
- 14-1204. Application.
- 14-1205. Trailer coach park plan.
- 14-1206. Location.
- 14-1207. Water supply.
- 14-1208. Sanitation facilities.
- 14-1209. Laundry facilities.
- 14-1210. Sewage and refuse disposal.
- 14-1211. Garbage receptacles.
- 14-1212. Fire prevention.
- 14-1213. Animals and pets.
- 14-1214. Register of occupants.
- 14-1215. Revocation of license.
- 14-1216. Posting of license.

14-1201. **Definitions.** The following words as used in this chapter shall have the definitions ascribed to them here:

- (1) "Multiple dwellings" means any structure designated and intended to accommodate more than one family and shall include but is not limited to duplex buildings, group houses, and apartment buildings.
- (2) "Natural or artificial barrier" means any river, pond, canal, railroad, levee, embankment, fence, or hedge.
- (3) "Park" means trailer coach park.
- (4) "Person" means any natural individual, firm, trust, partnership, association, or corporation.
- (5) "Trailer coach" means any portable structure or vehicle so constructed and designed as to permit occupancy thereof for dwelling or sleeping purposes.
- (6) "Trailer coach park" means any plot of ground upon which one or more trailer coaches, occupied or unoccupied for dwelling or sleeping purposes, are located, regardless or whether or not a charge is made for such accommodation.
- (7) "Trailer coach" space means a plot of ground within a trailer coach park.
- (8) "Dependent trailer coach" means a trailer coach which does not have a toilet and a bath or shower.

(9) "Independent trailer coach" means a trailer coach that has a toilet and a bath or shower.

(10) "Dependent trailer coach space" means a trailer coach space which is designated to accommodate a dependent trailer coach and does not have sewer and water connections to accommodate a toilet and bath or shower in a trailer coach.

(11) "Independent trailer coach space" means a trailer coach space which has a sewer and water connections designated to accommodate the toilet and bath or shower contained in an independent trailer coach. (1982 Code, § 5-601)

14-1202. License required. It shall be unlawful for any person to maintain or operate within the corporate limits of the town any trailer coach park unless such person shall first obtain a license therefor. All trailer coach parks in existence upon the effective date of the provisions of this chapter shall within 90 days thereafter obtain such license.

Until full compliance therewith, no existing park is to (1) offer any additional trailer space or allow any other trailers within the existing park beyond the number located therein on the effective date of the provisions of this chapter or (2) replace or allow to be replaced any trailer within the existing park that is for any reason, either temporarily or permanently, removed, destroyed, or otherwise disposed of. (1982 Code, § 5-602)

14-1203. License fees. The annual license fee for each trailer coach park shall be \$50.00. The fee for the transfer of the license as provided in this chapter shall be \$5.00. (1982 Code, § 5-603)

14-1204. Application. Application for a trailer coach park license shall be filed with and issued by the recorder. Applications shall be in writing signed by the applicant and shall contain the following:

- (1) The name and address of the applicant.
- (2) The location and legal description of the trailer coach park.
- (3) A complete plan of the park showing compliance with § 14-1205 of this chapter.
- (4) Plans and specifications of all buildings and other improvements constructed or to be constructed within the trailer coach park.
- (5) Such further information as may be requested by the Town of Bruceton to enable it to determine if the proposed park will comply with legal requirements.

The applications and all accompanying plans and specifications shall be filed in triplicate. The city recorder and chief of police shall investigate the applicant and inspect the proposed plans and specifications. If the applicant is found to be of good moral character, and the proposed trailer coach park will be in compliance with all provisions of this chapter and all other applicable

ordinances or statutes, the recorder shall approve the application and upon completion of the park according to the plans shall issue the license.

Upon application for a transfer of the license, the recorder shall issue a transfer if the chief of police shall report that the transferee is of good moral character. (1982 Code, § 5-604)

14-1205. Trailer coach park plan. The trailer coach park shall conform to the following requirements:

(1) The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

(2) Trailer coach spaces shall be provided consisting of a minimum of 1,000 square feet for each space which shall be at least 25 feet wide and clearly defined. Trailer coaches shall be so harbored on each space that there shall be at least 15 feet clearance between trailer coaches. No trailer coach shall be located closer than 10 feet from any property line bounding the park.

(3) All trailer coach spaces shall abut upon a driveway of not less than 20 feet in width which shall have unobstructed access to a public street, alley, or highway. All driveways shall be hard, chipped, and oil surfaced, well marked in the daytime and lighted at night with 25 watt lamps at intervals of 100 feet located approximately 15 feet from the ground.

(4) Walkways not less than two feet wide shall be provided from the trailer coach spaces to the service buildings. The walkways shall be hard surfaced, well marked in the daytime and lighted at night with 25 watt lamps at intervals of 100 feet located approximately 15 feet from the ground.

(5) Each park housing dependent trailers shall provide service buildings to house toilet facilities, bathing facilities, laundry facilities, and other sanitary facilities as hereinafter more particularly prescribed.

(6) An electrical outlet supplying at least 110 volts shall be provided for each trailer coach space. (1982 Code, § 5-605)

14-1206. Location. Trailer coach parks may be located in any district in which multiple dwellings are permitted. Each boundary of the park must be at least 200 feet from any permanent residential building located outside the park unless separated therefrom by a natural or artificial barrier, or unless a majority of the property owners according to area within said 200 feet, consent in writing to the establishment of the park. (1982 Code, § 5-606)

14-1207. Water supply. An adequate supply of pure water for drinking and domestic purposes shall be supplied to meet the requirements of the park. The water supply shall be obtained from faucets only. No common drinking cups shall be permitted. Cold water supply faucets shall be located on each trailer coach space. An adequate supply of hot water shall be provided at all times in the service building for bathing, washing, and laundry facilities. (1982 Code, § 5-607)

14-1208. Sanitation facilities. Each park shall be provided with toilets, bath or showers, slop sinks, and other sanitation facilities which shall conform to the following requirements:

(1) Toilet facilities for men and women shall be either in separate buildings at least 20 feet apart or shall be separated, if in the same building, by a soundproof wall.

(2) Toilet facilities for women shall consist of not less than one flush toilet for every 10 dependent trailer coach spaces, one shower or bath tub for every 10 dependent trailer coach spaces, and one lavatory for every 20 dependent trailer coach spaces. Each toilet, shower, and bath tub shall be in a private compartment.

(3) Toilet facilities for men shall consist of not less than one flush for every 15 dependent trailer coach spaces, one shower or bath tub for every 10 dependent trailer coach spaces, one lavatory for every 10 dependent trailer coach spaces. Each toilet, shower, and bath tub shall be in a private compartment.

(4) An independent trailer coach may be parked on a dependent trailer coach space but the requirements of subsections (2) and (3) immediately hereinabove specified shall not thereby be affected.

(5) A dependent trailer coach may be parked on an independent trailer coach space, but in such event such space shall be regarded as being a dependent trailer coach space during the period of such occupancy by a dependent trailer coach for the purpose of determining compliance with the provisions of subsections (2) and (3) of this section.

(6) Service buildings housing the toilet facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, and shall be located not closer than 10 feet nor farther than 200 feet from any dependent trailer coach space.

(7) Each service building shall contain at least one slop sink for each sex located in a separate compartment.

(8) The service buildings shall be well lighted at all times of the day and night, shall be well ventilated with screen openings, shall be constructed of moisture-proof materials, including painted woodwork, and shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least 68 degrees fahrenheit during the period from October 1st to May 1st. The floors of the service building shall be of water impervious materials and shall slope to the floor drain connected with the sewage system.

(9) All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any conditions that will menace the health of any occupant or the public or constitute a nuisance. (1982 Code, § 5-608)

14-1209. Laundry facilities. The laundry facilities shall be provided in the ratio of one double laundry tub and ironing board for every 20 trailer coach spaces. An electrical outlet supplying current sufficient to operate an iron shall be located conveniently near the ironing board. Drying space shall be provided sufficient to accommodate the laundry of the trailer coach occupants. The service building housing the laundry facilities shall be a permanent structure complying with all applicable ordinances and statutes regulating buildings, electrical installations, and plumbing and sanitation systems. (1982 Code, § 5-609)

14-1210. Sewage and refuse disposal. Waste from showers, bath tubs, toilets, slop sinks, and laundries shall be discharged into a public sewer system in compliance with applicable ordinances or into a private sewer and disposal plant or septic tank system of such construction and in such a manner as will present no health hazard. All kitchen sinks, wash basins, and bath or shower tubs in any trailer coach harbored in any park may empty into a sanitary sink drain located on the trailer coach space. (1982 Code, § 5-610)

14-1211. Garbage receptacles. Tightly covered metal garbage cans shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located not farther than 200 feet from any trailer coach space. The cans shall be kept in sanitary conditions at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow. (1982 Code, § 5-611)

14-1212. Fire prevention. Every park shall be equipped at all times with one fire extinguisher in good working order for every two trailer coach spaces. The extinguisher should be located not farther than 200 feet from each trailer coach space. No open fires shall be permitted at any place which would endanger life or property. No fires shall be left unattended at any time. (1982 Code, § 5-612)

14-1213. Animals and pets. No owner or person in charge of any dog, cat, or other pet animals shall permit it to run at large or commit any nuisance within the limits of any trailer coach park. (1982 Code, § 5-613)

14-1214. Register of occupants. It shall be the duty of the licensee to keep a register containing a record of all trailer coach owners and occupants located within the park. The register shall contain the following information:

- (1) Name and address of each occupant.
- (2) Place of employment of any and all occupants of trailer coach.
- (3) The make, model, and year of all automobiles and trailer coaches.

(4) License number and owner of each trailer coach automobile by which it is towed.

(5) The state issuing such license.

(6) The dates of arrival and departure of each trailer coach.

The park shall keep the register available for inspection, at all times, by law enforcement officers, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three years following the date of registration. (1982 Code, § 5-614)

14-1215. Revocation of license. The recorder may revoke any license to maintain and operate a park when the licensee fails to comply with any provision of this chapter and is found guilty thereof by a court of competent jurisdiction. After such conviction, the license may be reissued by complying with §§ 14-1203 and 14-1204 of this chapter if the circumstances leading to conviction have been remedied and the park is being maintained and operated in full compliance with the law. (1982 Code, § 5-615)

14-1216. Posting of license. The license certificate shall be conspicuously posted in the office or on the premises of the trailer coach park at all times. (1982 Code, § 5-616)

ORDINANCE NO. 06- 01
TOWN OF BRUCETON, TENNESSEE

AN ORDINANCE AMENDING TITLE 14, CHAPTER 12,
OF THE BRUCETON MUNICIPAL CODE
RELATIVE TO TRAILER COACH PARKS

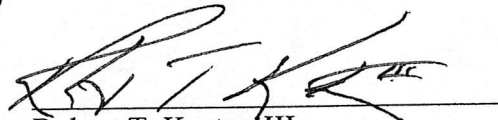
**BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF
THE TOWN OF BRUCETON THAT:**

Section 1. Chapter 12 of Title 14 of the Bruceton Municipal Code be amended by the addition of a new section denoted as Section 1217, to wit:

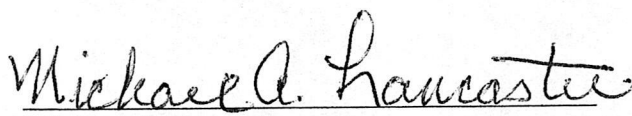
14-1217. Limitation or Occupancy. No trailer coach nor dependent trailer coach shall remain at the trailer coach park for more than fourteen (14) consecutive days.

Section 2. This Ordinance shall take effect upon final passage, the public welfare requiring it.

DATED this 14TH day of May 2006.


Robert T. Keeton III
Mayor

ATTEST:


Michael Anthony Lancaster
Town Recorder

Passed First Reading: 5-9-06

Passed Second Reading: 5-16-06

CHAPTER 13

FLOOD DAMAGE PREVENTION ORDINANCE**SECTION**

14-1301. Flood damage control to be governed by flood damage prevention ordinance.

14-1301. **Flood damage control to be governed by flood damage prevention ordinance.** Regulations governing flood damage control within the Town of Bruceton shall be governed by Ordinance #87-26, titled "Flood Damage Prevention Ordinance" and any amendments thereto.¹

¹Ordinance #87-26, and any amendments thereto, are published as separate documents and are of record in the office of the town recorder.

STATE OF TENNESSEE
COUNTY OF CARROLL
TOWN OF BRUCETON

ORDINANCE 04-03

AN ORDINANCE TO OPT OUT OF THE
REQUIRED TRAINING AND CONTINUING
EDUCATION FOR THE TOWN OF BRUCETON
PLANNING COMMISSION AND BOARD OF
ZONING APPEALS

WHEREAS, Section 13-3-101, 13-4-101 and 13-7-205, Tennessee Code, were amended by Public Chapter 862 dated 2002; and

WHEREAS, Public Chapter 862 mandates that Planning Commissions and Boards of Zoning Appeals receive four (4) hours of training and continuing education annually on planning and zoning related topics; and

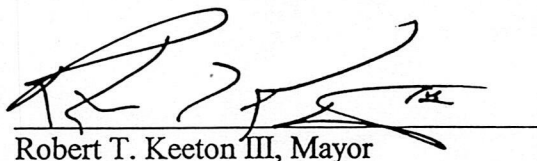
WHEREAS, Public Chapter 862 also states that the legislative body of a municipality may, at any time, opt out of the required training and continuing education by passage of an ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town of Bruceton Board of Mayor and Aldermen that the required four (4) hours of training and continuing education, mandated to the Planning Commission and the Board of Zoning Appeals, be opted out of in accordance with the Tennessee Code, Sections 13-3-101, 13-4-101, and 13-7-205.

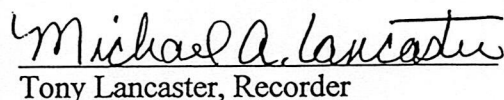
PASSED ON FIRST READING: 8-16-04

PASSED ON SECOND READING: 9-14-04

APPROVED:


Robert T. Keeton III, Mayor

ATTESTED:


Tony Lancaster, Recorder

ORDINANCE NO. 19-05
TOWN OF BRUCETON, TENNESSEE

**AMENDMENT TO THE TOWN OF BRUCETON ZONING ORDINANCE
RELATIVE TO THE CONSTRUCTION OF PONDS**

A public hearing having been held prior to the final passage of this Zoning Ordinance. Said public hearing was held on the 9th day of July, 2019, at 6:55 pm, in the Town of Bruceton City Hall.

This is an Ordinance to preserve, promote and protect the health, safety and general welfare of the citizens and to protect the environment and natural resources of the Town of Bruceton. The creation and expansion of ponds and similar man-made or altered bodies of water accessory to farming, residential or recreational uses shall be subject to the following:

**SECTION I. BE IT ORDAINED BY THE MAYOR AND THE BOARD OF
ALDERMEN of the Town of Bruceton, Tennessee, that:**

Title 14 of the Bruceton Municipal Code be amended by inserting Chapter 14 of the Town of Bruceton Zoning Ordinance as follows:

CHAPTER 14

PONDS

14-101. Purpose

A. The purpose of this Ordinance is to:

1. Encourage the use of land to its fullest extent for the purpose for which it was zoned, for the preservation of land value, safety, and beautification.
2. Prohibit land misuse in any form which would contribute to devaluation of property within the Town.
3. Meet the needs of recreation and the natural surroundings such as wildlife, forestry, and the general atmosphere.
4. Prevent and prohibit any form of contamination or use of toxic materials and to maintain the goals of the zoning ordinance.

5. Keep the site free from devaluating neighboring properties by not allowing the site to be used for a purpose which violates the Zoning Ordinance and to ensure the general peace or well-being of the community.

6. Provide regulation of the land use to ensure that all Town residents and properties are protected from misuse in any form contributing to or causing devaluation or harm.

14-102. Definitions

A. Landscape Pond: A small man-made body of water developed for the personal use of the property owner and maintained by surface water runoff, ground water or a public or private water distribution system. This ordinance exempts landscape ponds of 500 square feet or less with a depth of 3.5 feet or less, except that no such landscaping pond shall be constructed within 25 feet of the property line.

B. Farm or recreational pond: Any open and substantially earthen artificial, man-made, or natural impoundment of water created, altered, or enhanced by any excavation, cutting, stripping, grading, digging, filling, removal, or movement of any soil matter or earth material, or by the installation of any dam, levy, or other retention device or structure which diverts the natural flow of water to or from an area thus creating, altering or enhancing an impounded body of water. Pond size is from 501 square feet or up to 20 percent of the proposed parcel. A pond may not exceed 5 acres per parcel. Pond size is defined as surface area including slopes.

14-103. General Requirements

A. An approved site plan for any pond is required as directed by this section, prior to issuance of permit for a pond construction. Review and inspection fees set by resolution of the Town shall apply and must be paid along with the application. General requirements are as follows:

1. The pond must be located on a parcel of at least five (5) acres in size.
2. The pond must be set back a minimum of 50 feet from property lines and 25 feet from dwellings.
3. The pond must conform to Tennessee's natural flow rule. The drainage design of the pond shall not alter the natural flow of water, increase the natural volume of water flow, or increase the natural velocity of the water flow.
4. Life saving measures, warnings signs and safety equipment shall be shown on the site plan drawing. The Town may suggest life saving stations based upon the size and location of the proposed pond. The life saving station shall, at a minimum, have a flotation device attached to a safety rope. And each such safety station shall have an approved U.S. Coast Guard life ring with 100 feet of rope and a ten-foot pole on a wooden post extending four feet above grade on which a deep water warning sign shall be mounted. The maintenance of life saving equipment is the sole responsibility of the Owner.

5. In reviewing a request for a pond, the Mayor or his designee, as the Town's designated codes enforcement officer, shall take into consideration the proximity of housing on the surrounding properties.

6. No pond created under the provisions of this Ordinance, except for ponds incidental to the development of a golf course or public park facility, shall be utilized for any commercial or public use.

7. Excavation for ponds and resulting spoils shall not be placed within 50 feet of the area of a designated 100-year flood plain; floodplain perimeter must be shown on submitted drawing. Flood plain delineation within 500' of flood plain delineation must be validated by the Tennessee Department of Environment and Conservation (TDEC) and U.S. Army Corps of Engineers. Additionally, construction that disturbs more than one acre of soil or ground will require a permit from TDEC. Applicants must have obtained all necessary permits from TDEC and the U.S. Army Corp of Engineers prior to filing his/her application.

8. The property, as situated at the time the application for a pond permit is made, shall not subsequently be split, divided or partitioned in a manner that would result in nonconformance with the requirements contained herein. The applicant must have a deed restriction that the parcel will not have future splits that violates the Town Zoning Ordinance.

11. No pond shall be located upon, across, or extended beyond existing lot boundaries. Pond should be located to minimize chance of pollution from sources such as feedlots, corrals or septic systems.

12. Pond construction shall not commence earlier than 7:00 a.m. and shall not continue after 9:00 p.m.

13. The cleaning and maintenance of any pond shall not be considered a new pond application unless the pond owner also intends to enlarge said pond. However, a pond cleaning permit must be obtained from the Town prior to commencement of any pond cleaning project. Cleaning shall not result in a pond of greater size or depth than that permitted in the original permit application. The fee for the permit shall be determined by resolution of the Town. Dredging and spoils must stay on site and cannot be spread or stock piled within 50 feet of property lines.

14-104. Application Process

A. A permit application and submitted site plan must conform to BMC Section 14-1004 Site Plan Regulations, and must include the following information:

1. The names, addresses and telephone numbers of the Owners, professional engineer and contractor on paper and designed by a professional engineer licensed in the State of Tennessee.

2. A location map showing the site of the proposed pond, as well as its relationship to roads, adjacent properties, and structures within 100 feet of the property lines of the parcel to contain the proposed pond, including the area of the parcel, the area of the portion to be graded, excavated or disturbed, and the area of the resultant pond.

3. Identification of all existing lakes streams, open ditch drains, ponds, detention basins, water courses, flood plains, enclosed storm drains, field tile and sanitary drains, and any official wetlands as designated by TDEC on the proposed property.

4. Provide the legal description and tax parcel number(s) of the parcel(s) to contain the proposed pond, and note the name(s), address, and tax parcel number(s) of all adjacent parcels to the subject location.

5. Indicate the location and designation of all existing and proposed buildings, structures, drives, roads, streets, right-of-ways, easements, above ground and below ground utilities, poles, wells, septic tanks and leach beds, water lines and hydrants, sanitary, field tile and storm drains, culverts, manholes, catch basins, areas where livestock are kept, or any other structure or natural feature on the parcel to contain the proposed pond, and within 100 feet of the pond's perimeter, including the distance between the proposed pond and each such structure, underground utility, or use.

6. Indicate the existing and proposed ground elevations with contour lines of no more than ten foot intervals and/or such other topographic information satisfactory to the Town Planning Commission. Include all elevations of the parcel's lot corners and property lines.

7. Cross section drawings of the pond indicating the depth, slopes, length, width, height or other grading of the pond and placement of excavated spoils.

8. A certified statement, signed and sealed by the registered professional that did the original design, is required to list the quantity of excavation and/or fill proposed.

9. The benchmark description and location used for establishing existing and proposed grades.

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11. Shoreline berms shall not exceed a maximum height of six (6) feet and a maximum slope of one (1) foot vertical incline to each four (4) feet of horizontal distance. Escape ramps with shallower slopes shall be provided to allow adequate means for climbing out of the pond.

12. All areas disturbed during construction shall be seeded with grasses and maintained in good condition to prevent erosion.

13. Pond excavation and the relocation of excavated materials shall not affect the natural drainage pattern of the area, and shall not cause or exacerbate the drainage of surface water onto adjacent lots or towards any existing structures. Ponds shall be designed and maintained to prevent overflow, spillage or seepage from encroaching upon adjacent lots.

15. Each permittee shall be responsible for the clean up of any spillage of materials, such as dirt, rock, mud, sand, or any debris hauled by vehicles over the designated travel routes as approved by the Town of Bruceton. Any such material shall be removed within 24 hours of spillage or receipt of notice from the Town's zoning codes enforcement officer or his designee.

16. The loading and removal of excavated materials shall be limited to between the hours of 7:00 a.m., and 6:00 p.m., Monday through Friday, and 7:00 a.m., and 12:00 noon on Saturdays. Loading and removal of excavated materials shall be prohibited on Sundays or legal holidays.

17. A map showing truck routes to and from the site; as approved by the Town's zoning codes enforcement officer or his designee.

14-105. Approval Process

A. The approval process will include:

1. The final approval of the site plans will rest with the Town's zoning codes enforcement officer. The zoning codes enforcement officer may approve, deny, or send the plans back to the applicant with recommendations;

2. If using a contractor, contractor must have a current state of Tennessee excavator license in order to obtain any necessary permits. License must remain current through the entire project. During the permit application process the contractor must provide license with expiration date to the office issuing the permit. If expiration occurs during the duration of the project, renewal of the license must take place and certification of renewal is to be presented to the Town's zoning codes enforcement officer for the project to continue;

3. If using a contractor, contractor must have current workman's compensation and liability insurance in force before a permit can be issued. As with the licensing requirement, insurance certificate must be presented and be current through the entire duration of the project. A certificate of insurance, using industry standard form, must be forwarded to the Town from the contractor's insurance carrier before permit will be issued;

4. As a condition of approval of the proposed site plan, the Town's zoning codes enforcement officer or his designee shall, in his discretion, require the Applicant to post a performance bond payable to the Town in the amount of the estimated cost of the creation of the proposed pond and ancillary work. Said bond may be used for penalty fees for failure to complete the work on schedule as specified in the permit. The performance bond may be a cash bond, certified check, or an irrevocable letter of credit. Every letter of credit

shall include, and every cash or certified check deposit shall be subject to, the conditions that the Applicant shall comply with all the provisions of state statutes, rules, regulations, this Ordinance and the special conditions of the approval granted by the Town of Bruceton, and shall complete all the work contemplated within 365 days after the date of approval, and shall undertake the installation and completion of all protective and corrective measures as may be required. The Applicant and the person issuing the instrument of credit or making a cash deposit shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended in causing any and all of such work to be properly performed and completed. In the case of a cash deposit, any unused portion thereof shall be refunded to the Applicant after completion of all work covered by the permit, upon final inspection, and issuance of documentation that the pond has complied with the site plan as approved by the Town. By applying for and being granted a permit, the Applicant agrees to indemnify and save harmless the Town, its elected officials, appointed officers, employees and agents, against an and all claims, actions, suits, proceedings, demands, assessments, judgments, costs, taxes, charges, and expenses, costs and attorney fees incidental to any of the foregoing, in consequence of any injuries to persons or damages to property which arise out of the operations authorized under this Ordinance;

5. A 90-day inspection will be performed by the Town and if during the 90-day inspection by the Town it is determined that any excavation, embankment, fill, grading, or other activity regulated by this Ordinance, has or may become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation, embankment, fill, grading or other regulated activity is located, or other person or agent in control of said property, upon receipt of a notice in writing from the Town, shall within the period specified therein, repair or eliminate such hazard.

Upon completion of work in accordance with the approved site plan, a set of an as-built plans prepared by a professional engineer, licensed in the State of Tennessee, shall be submitted to the zoning codes enforcement officer or his designee. Said as-built site plan shall indicate all of the final as-built information, locations, and elevations as required for the original proposed site plan review, all marked as "AS-BUILT." The Town review the site for conformance with the approved site plan and the accuracy of the as-built plans. If all the work has been completed in accordance with the approved site plan, the zoning codes enforcement officer shall issue a Certificate of Completion. If all work is not completed in accordance with the approved site plan, the zoning codes enforcement officer shall provide notice of specific revisions or site modifications which must be made by the Applicant as a condition of approval.

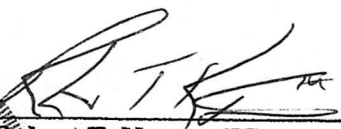
A pond not complete with the 365 day permit cycle, shall be inspected by the Town's zoning codes enforcement officer or his designee who will issue a report of status of construction with recommendations for completion. At that time, a project shall not be allowed to continue more than an additional 180 days for completion from the original permit completion date.

SECTION II. Be it further ordained that this ordinance shall be in full force and effect after the date of passage, the public welfare requiring it.

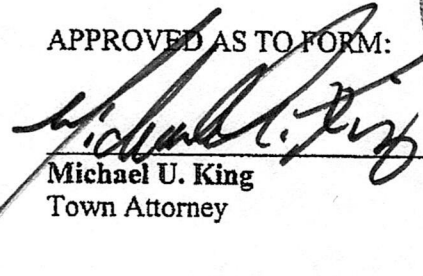
PASSED on First Reading 14th June 2019

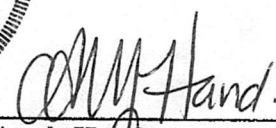
PASSED on Second Reading 9th July 2019




Robert T. Keeton, III
Mayor

APPROVED AS TO FORM:


Michael U. King
Town Attorney


Annie Hand
Town Recorder

RESOLUTION NO. 190709C

TOWN OF BRUCETON, TENNESSEE

RESOLUTION SETTING PERMIT FEES FOR PONDS

WHEREAS, it appearing to the Town of Bruceton that a resolution is needed to set the fees charged for permits for the inspection, construction and maintenance of ponds, and that the municipal code requires that fees be set by resolution.

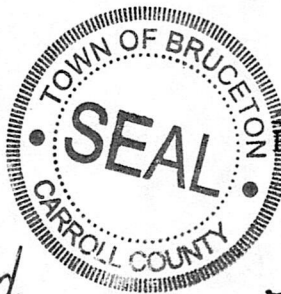
NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Bruceton that the permit application fees for the construction, maintenance, and inspection of ponds charged by the Town of Bruceton shall be as follows:

\$100.00 minimum	Application for approval of site plan for construction of a new pond.
\$100.00	Cleaning and maintenance permit

The Town's zoning codes enforcement officer, as a condition of approval, may require the Applicant to post a performance bond payable to the Town in the amount of the estimated cost of the creation of the proposed pond and ancillary work.

BE IT FURTHER RESOLVED by the Mayor and Board of Aldermen of the Town of Bruceton that an additional \$50.00 fee shall be charged for each inspection of the pond construction, along with the actual cost associated with any engineering services or inspection fees incurred by the Town of Bruceton.

The public welfare requiring it, it is so resolved and adopted, this 9th day of July, 2019.



ATTEST:

Annie Hand.
Annie Hand, Town Recorder

Robert T. Keeton, III
Robert T. Keeton, III, Mayor

Michael U. King
Michael U. King, Town Attorney
(approved as to form)

ORDINANCE NO. 19-05
TOWN OF BRUCETON, TENNESSEE

AMENDMENT TO THE TOWN OF BRUCETON ZONING ORDINANCE
RELATIVE TO THE CONSTRUCTION OF PONDS

A public hearing having been held prior to the final passage of this Zoning Ordinance. Said public hearing was held on the 9th day of July, 2019, at 6:55 pm, in the Town of Bruceton City Hall.

This is an Ordinance to preserve, promote and protect the health, safety and general welfare of the citizens and to protect the environment and natural resources of the Town of Bruceton. The creation and expansion of ponds and similar man-made or altered bodies of water accessory to farming, residential or recreational uses shall be subject to the following:

SECTION I. BE IT ORDAINED BY THE MAYOR AND THE BOARD OF

ALDERMEN of the Town of Bruceton, Tennessee, that:

Title 14 of the Bruceton Municipal Code be amended by inserting Chapter 14 of the Town of Bruceton Zoning Ordinance as follows:

CHAPTER 14

PONDS

14-101. Purpose

A. The purpose of this Ordinance is to:

1. Encourage the use of land to its fullest extent for the purpose for which it was zoned, for the preservation of land value, safety, and beautification.
2. Prohibit land misuse in any form which would contribute to devaluation of property within the Town.
3. Meet the needs of recreation and the natural surroundings such as wildlife, forestry, and the general atmosphere.
4. Prevent and prohibit any form of contamination or use of toxic materials and to maintain the goals of the zoning ordinance.

5. Keep the site free from devaluating neighboring properties by not allowing the site to be used for a purpose which violates the Zoning Ordinance and to ensure the general peace or well-being of the community.

6. Provide regulation of the land use to ensure that all Town residents and properties are protected from misuse in any form contributing to or causing devaluation or harm.

14-102. Definitions

A. Landscape Pond: A small man-made body of water developed for the personal use of the property owner and maintained by surface water runoff, ground water or a public or private water distribution system. This ordinance exempts landscape ponds of 500 square feet or less with a depth of 3.5 feet or less, except that no such landscaping pond shall be constructed within 25 feet of the property line.

B. Farm or recreational pond: Any open and substantially earthen artificial, man-made, or natural impoundment of water created, altered, or enhanced by any excavation, cutting, stripping, grading, digging, filling, removal, or movement of any soil matter or earth material, or by the installation of any dam, levy, or other retention device or structure which diverts the natural flow of water to or from an area thus creating, altering or enhancing an impounded body of water. Pond size is from 501 square feet or up to 20 percent of the proposed parcel. A pond may not exceed 5 acres per parcel. Pond size is defined as surface area including slopes.

14-103. General Requirements

A. An approved site plan for any pond is required as directed by this section, prior to issuance of permit for a pond construction. Review and inspection fees set by resolution of the Town shall apply and must be paid along with the application. General requirements are as follows:

1. The pond must be located on a parcel of at least five (5) acres in size.
2. The pond must be set back a minimum of 50 feet from property lines and 25 feet from dwellings.
3. The pond must conform to Tennessee's natural flow rule. The drainage design of the pond shall not alter the natural flow of water, increase the natural volume of water flow, or increase the natural velocity of the water flow.
4. Life saving measures, warnings signs and safety equipment shall be shown on the site plan drawing. The Town may suggest life saving stations based upon the size and location of the proposed pond. The life saving station shall, at a minimum, have a flotation device attached to a safety rope. And each such safety station shall have an approved U.S. Coast Guard life ring with 100 feet of rope and a ten-foot pole on a wooden post extending four feet above grade on which a deep water warning sign shall be mounted. The maintenance of life saving equipment is the sole responsibility of the Owner.

5. In reviewing a request for a pond, the Mayor or his designee, as the Town's designated codes enforcement officer, shall take into consideration the proximity of housing on the surrounding properties.

6. No pond created under the provisions of this Ordinance, except for ponds incidental to the development of a golf course or public park facility, shall be utilized for any commercial or public use.

7. Excavation for ponds and resulting spoils shall not be placed within 50 feet of the area of a designated 100-year flood plain; floodplain perimeter must be shown on submitted drawing. Flood plain delineation within 500' of flood plain delineation must be validated by the Tennessee Department of Environment and Conservation (TDEC) and U.S. Army Corps of Engineers. Additionally, construction that disturbs more than one acre of soil or ground will require a permit from TDEC. Applicants must have obtained all necessary permits from TDEC and the U.S. Army Corp of Engineers prior to filing his/her application.

8. The property, as situated at the time the application for a pond permit is made, shall not subsequently be split, divided or partitioned in a manner that would result in nonconformance with the requirements contained herein. The applicant must have a deed restriction that the parcel will not have future splits that violates the Town Zoning Ordinance.

11. No pond shall be located upon, across, or extended beyond existing lot boundaries. Pond should be located to minimize chance of pollution from sources such as feedlots, corrals or septic systems.

12. Pond construction shall not commence earlier than 7:00 a.m. and shall not continue after 9:00 p.m.

13. The cleaning and maintenance of any pond shall not be considered a new pond application unless the pond owner also intends to enlarge said pond. However, a pond cleaning permit must be obtained from the Town prior to commencement of any pond cleaning project. Cleaning shall not result in a pond of greater size or depth than that permitted in the original permit application. The fee for the permit shall be determined by resolution of the Town. Dredging and spoils must stay on site and cannot be spread or stock piled within 50 feet of property lines.

14-104. Application Process

A. A permit application and submitted site plan must conform to BMC Section 14-1004 Site Plan Regulations, and must include the following information:

1. The names, addresses and telephone numbers of the Owners, professional engineer and contractor on paper and designed by a professional engineer licensed in the State of Tennessee.

2. A location map showing the site of the proposed pond, as well as its relationship to roads, adjacent properties, and structures within 100 feet of the property lines of the parcel to contain the proposed pond, including the area of the parcel, the area of the portion to be graded, excavated or disturbed, and the area of the resultant pond.

3. Identification of all existing lakes streams, open ditch drains, ponds, detention basins, water courses, flood plains, enclosed storm drains, field tile and sanitary drains, and any official wetlands as designated by TDEC on the proposed property.

4. Provide the legal description and tax parcel number(s) of the parcel(s) to contain the proposed pond, and note the name(s), address, and tax parcel number(s) of all adjacent parcels to the subject location.

5. Indicate the location and designation of all existing and proposed buildings, structures, drives, roads, streets, right-of-ways, easements, above ground and below ground utilities, poles, wells, septic tanks and leach beds, water lines and hydrants, sanitary, field tile and storm drains, culverts, manholes, catch basins, areas where livestock are kept, or any other structure or natural feature on the parcel to contain the proposed pond, and within 100 feet of the pond's perimeter, including the distance between the proposed pond and each such structure, underground utility, or use.

6. Indicate the existing and proposed ground elevations with contour lines of no more than ten foot intervals and/or such other topographic information satisfactory to the Town Planning Commission. Include all elevations of the parcel's lot corners and property lines.

7. Cross section drawings of the pond indicating the depth, slopes, length, width, height or other grading of the pond and placement of excavated spoils.

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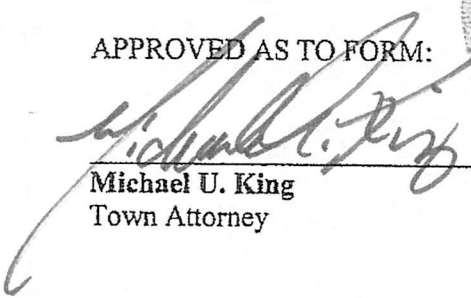
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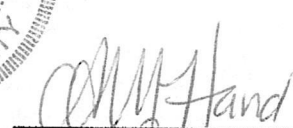
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