

ORDINANCE NO. 2013-296

ORDINANCE FOR THE TOWN OF WALDEN, TENNESSEE REQUIRING PROPERTY OWNERS TO OBTAIN A PERMIT TO COMPLETE CURB CUTS

WHEREAS, the Town of Walden, Tennessee (the "Town") has determined that in promoting the best interest of the Town and the safety and welfare of its citizens that it is necessary to adopt procedures, rules and regulations to govern the location of driveways on private property, specifically the location and manner in which such driveways gain access to the public right-of-ways, such access location being referred to herein as a "Curb Cut;"

NOW THEREFORE, BE IT ORDAINED, the following regulations shall govern all Curb Cuts made in the Town:

1. **Permit Required.** A "Curb Cut Permit" shall be required for any Curb Cut made to any public right-of-way within the Town and will be issued only upon the submission of a Curb Cut permit application (the "Application").
2. **Requirements.** All Curb Cuts and the location of such Curb Cuts shall be approved by the Board of Mayor and Aldermen of the Town (the "Board") or a designee of the Board that has experience in the field of traffic engineering/analysis, such designee to include without limitation a traffic engineer with the Tennessee Department of Transportation. When determining whether to approve any such Curb Cut Permit, the Board or its designee shall consider customary traffic standards and best practices and may consider without limitation the following: (i) the lot size and the adequate number of Curb Cuts; (ii) the need to locate Curb Cuts as far as practically possible from intersections; (iii) the width of the applicable driveways; (iv) the need to have driveways located perpendicular to the street line; and (v) the need to have adequate sight lines. All Curb Cuts on State roads shall require approval from the Tennessee Department of Transportation. The Board, or its designee, may impose reasonable conditions upon the issuance of a Curb Cut Permit or deny such Curb Cut Permit if it finds that the granting of the Curb Cut Permit would result in, create, or constitute a detriment to the Town and the safety and welfare of its citizens.
3. **Application Contents and Fee.** The Application shall be submitted a minimum of ten (10) days prior to any work being performed with respect to the curb cut and shall include the following:
 - a. A map identifying the location of the proposed Curb Cut.
 - b. A statement whereby the property owner agrees to defend, indemnify and hold harmless the Town from any liability arising from the permitted activity and agreeing to abide by any conditions imposed upon the Curb Cut Permit, the provisions of this Ordinance and all other laws, rules and regulations of the Town.

- c. In the case of Curb Cuts on non-residential properties, a traffic study prepared by an engineer licensed under the laws of the State of Tennessee.

4. **Exercise of Police Power.** This Ordinance is enacted as an exercise of the Town's police powers and shall not be construed to impose any duty by the Town or the Board to the property owner or to any member of the public, nor shall any Curb Cut Permit be construed as a waiver of any violation of Ordinance or any rules and regulations of the Town or the State of Tennessee.

5. **Violation; Penalties.** It shall be a misdemeanor for any person, corporation or other organization to violate any of the provisions of this Ordinance or the conditions imposed upon any Curb Cut Permit issued hereunder, which shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00).

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Board of Mayor and Alderman of the Town of Walden, Tennessee, that this Ordinance shall take affect upon its publication, the public welfare requiring it.

David Epperson, Mayor

Fern Lockhart, Recorder

PASSED ON FIRST READING:

VOTE ON FIRST READING: 3 YEA
 0 NAY

Date: 8/13/2013

PASSED ON SECOND READING:

VOTE ON SECOND READING: _____ YEA
 _____ NAY

Date: 9/10/2013

Contact Person
Fern Lockhart, Town Recorder
Telephone: (423) 886-4362

TOWN OF WALDEN, TENNESSEE

Walden Town Hall
P. O. Box 335
Walden, Tennessee 37377

APPLICATION FOR A CURB CUT PERMIT

DATE: _____

NAME OF PROPERTY OWNER: _____

ADDRESS OF PROPERTY OWNER: _____

TELEPHONE NUMBER OF PROPERTY OWNER: _____

CONTACT PERSON (Name, address and telephone, if different from address above): _____

ATTACHEMENTS: Please attach to this Application a diagram showing the location of the driveway and "curb cut" on the subject property. In cases where the use of the property is for non-residential purposes, please also include with this Application a copy of the traffic study which has been prepared by an engineer licensed in the State of Tennessee.

The undersigned represents that he/she is the property owner, and agrees that he/she will be responsible for the conduct of all contractors and/or other persons on the property in connection with the Curb Cut. Furthermore, the applicant agrees to defend, indemnify and hold harmless the Town from any liability arising from the Curb Cut and agrees to abide by the conditions imposed upon the Curb Cut Permit and all other laws, ordinances, rules and regulations of the Town.

Signature of Applicant

Approved:

ORDINANCE NO. 2014-297

AN ORDINANCE TO AMEND THE TOWN OF
WALDEN, TENNESSEE'S MUNICIPAL CODE TO ADD
SECTIONS TO ADDRESS REIMBURSEMENT OF FEES
IN CONNECTION WITH STORMWATER PERMIT
APPROVALS AND MONITORING

WHEREAS, the Town of Walden, Tennessee (the "Town") must incur certain costs in connection with the review by the Town's Stormwater Board of permit applications under Title 14 of the Town Code (the "Stormwater Ordinance"), such costs may include without limitation fees paid to consultants and copying costs; and

WHEREAS, after a land owner and/or applicant has obtained the applicable approvals and land disturbance permit from the Town's Stormwater Board, the Town may also incur additional costs in connection with the monitoring of approved projects, such costs include without limitation fees paid to consultants for monitoring and report generation; and

WHEREAS, the Board of Mayor and Aldermen (the "Board") believes it is in the Town's best interest to amend the Stormwater Ordinance to provide for the payment of an application fee in connection with the review by the Stormwater Board of land disturbance permit applications in order to reimburse the Town for the costs incurred by the Town in connection with the stormwater permit reviews pursuant to Title 14, Chapter 3 of the Town Code; and

WHEREAS, the Board believes it is in the Town's best interest to also amend the Stormwater Ordinance to provide for the right for the Town to seek reimbursement from a land owner and/or applicant for costs incurred by the Town in connection with the continued monitoring of projects that have obtained the applicable land disturbance approvals and permits pursuant to Title 14, Chapter 3 of the Town Code.

NOW, THEREFORE, BE IT ORDAINED by the Board as follows:

1. New Section-Application Fee. Title 14, Chapter 3 of the Town Code is hereby amended to add the following as Section 14-311:

14-311. Application Fee. In connection with any review of a permit application submitted pursuant to this Title, including but not limited to land disturbance applications, the Town shall be entitled to seek reimbursement from any applicant of the actual costs incurred by the

Town in connection with the Town's review and approval of the respective application. The amount paid to the Town as reimbursement pursuant to this Section 14-311 shall not exceed \$5,000.

2. New Section-Reimbursement of Costs. Title 14, Chapter 3 of the Town Code is hereby amended to add the following as Section 14-312:

14-312. Reimbursement of Costs. In addition to the payment of the application fee as set forth more particularly in Section 14-311, the Town shall also be entitled to seek reimbursement from any land owner and/or applicant that has obtained a land disturbance permit pursuant to this Title to cover actual costs incurred by the Town in connection with the monitoring and/or inspection of any project by Town officials or consultants in order to insure compliance with the terms of the land disturbance permit and/or the requirements of this Title. The amount paid to the Town as reimbursement pursuant to this Section 14-312 shall not exceed \$5,000 in the aggregate for any single project.

3. New Section- Payment of Costs. Title 14, Chapter 3 of the Town Code is hereby amended to add the following as Section 14-313:


14-313. Payment of Costs.

- (a) All actual charges to be reimbursed to the Town pursuant to Section 14-311 or 14-312 shall be paid within fifteen (15) days from the date of billing by the Town. In the event the reimbursement charges are not paid timely, any permit issued by the Town, the Town's Stormwater Board and/or Hamilton County shall become void.
- (b) The reimbursements required under this chapter are not deemed to be a tax, but are to offset actual expenses incurred by the Town related to an owner, developer, and applicant seeking development of lands within the Town.

4. Effective Date. This Ordinance and the amendments described above shall take effect upon their adoption and publication, the public welfare requiring it.

SO ORDAINED, this 14th day of January, 2014.

David Epperson, Mayor



Fern Lockhart, Recorder

PASSED ON FIRST READING:

YEA _____

NAY _____

Date: December 11, 2013

PASSED ON SECOND READING:

YEA _____

NAY _____

Date: January 14, 2014

74047

TOWN OF WALDEN TN

ORDINANCE 2013-296

STATE OF TENNESSEE HAMILTON COUNTY

Before me personally appeared Pam Saynes who being duly sworn, that she is the Legal Sales Representative of the "CHATTANOOGA TIMES FREE PRESS" and that the Legal Ad of which the attached is a true copy, has been published in the above said Newspaper on the following dates, to-wit:

September 13, 2013

And that there is due or has been paid the "CHATTANOOGA TIMES FREE PRESS" for publication of such notice the sum of \$51.72 Dollars. (Includes \$10.00 Affidavit Charge).

Pam Saynes

Sworn to and subscribed before me, this 13th day of
September 2013.



Jessica Myers

My Commission Expires 7/20/2016

Chattanooga Times Free Press

PUBLIC NOTICE

**ORDINANCE # 2013-296
TOWN OF WALDEN, TENNESSEE**

The Town of Walden Board of Mayor and Aldermen passed on final reading on September 10, 2013, Ordinance # 2013-296, an ordinance requiring property owners to obtain a permit to complete curb cuts in the Town of Walden.

David R. Epperson, Mayor