

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.

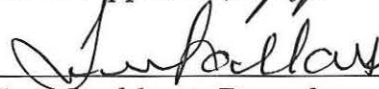
(b) The reimbursements required under this chapter are not deemed to be a tax, but are to offset actual expenses incurred by the Town related to an owner, developer, and applicant seeking development of lands within the Town.

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.

A handwritten signature in blue ink, appearing to read 'David Epperson', written over a horizontal line.

David Epperson, Mayor

A handwritten signature in blue ink, appearing to read 'Fern Lockhart', written over a horizontal line.

Fern Lockhart, Recorder

PASSED ON FIRST READING:

YEA 3

NAY 0

Date: December 11, 2013

PASSED ON SECOND READING:

YEA 3

NAY 0

Date: January 14, 2014