

# **MINUTES OF THE MARTIN BOARD OF MAYOR AND ALDERMEN**

**February 10, 2003      7:00 PM      City Hall Chambers**

BE IT REMEMBERED the Regular Meeting of the Board of Mayor and Aldermen for the City of Martin, Tennessee, was held Monday, February 10, 2003, at 7:00 PM in the City Hall Chambers, when the following was held to wit:

MEMBERS PRESENT:      HONORABLE RANDY BRUNDIGE, MAYOR  
                                 HONORABLE BILL HARRISON, WARD I  
                                 HONORABLE DANNY NANNEY, WARD I  
                                 HONORABLE DAVID BELOTE, WARD II  
                                 HONORABLE STAN JOHNSON, WARD II  
                                 HONORABLE NATALIE D. BOYD, WARD III  
                                 HONORABLE PHILLIP MERRYMAN, WARD III

MEMBERS ABSENT:      NONE

## **CALL TO ORDER AND INVOCATION**

Mayor Brundige called the February 10, 2003, meeting of the City of Martin Board of Mayor and Aldermen to order. Alderman Belote gave the invocation.

## **PLEDGE OF ALLEGIANCE**

Mayor Brundige led the group in the Pledge of Allegiance to the Flag.

## **PRESENTATION OF AWARD - MARTIN LIONS CLUB**

Director of Martin Economic Development Hollie Vowell welcomed several Lions Club members to the meeting and read the following Proclamation honoring the Martin Lions Club. Mayor Brundige presented the proclamation to the Martin Lions Club and thanked the club for the unique contributions they make to the City of Martin.

WHEREAS, the Martin Lions Club has sought, since its founding on February 14, 1949, to contribute to the morale and well being of the citizens of Martin, Tennessee; and

WHEREAS, the Martin Lions Club Basketball Tournament has been held annually for thirty-eight years, the longest, continually running tournament in Tennessee, bringing competitors and spectators from both the local

area and afar providing a positive impact on the local economy and raising funds for philanthropic endeavors throughout the community; andPage 2 of 59

WHEREAS, the Martin Lions Club has actively supported programs such as the WPSD-TV Lions Club Telethon, eye exams and spectacles for indigents, the Mid-South Sight Service, the Leader Dog Program for the blind, as well as providing scholarship support for local students and missions of the Southern School of Optometry.

NOW, THEREFORE the Board of Mayor and Alderman of Martin, Tennessee do hereby proclaim our deep appreciation for the humanitarian efforts of the Martin Lions Club and extend a heartfelt thanks from all citizens of the City of Martin and surrounding area for your unselfish and dedicated service.

## **NAMING 43 BYPASS - SKY HAWK PARKWAY**

Mayor Brundige explained, the City has been in the process of selecting a name for the 43 Bypass. The City asked for name nominations for the Bypass from the Citizens of Martin. There was a great response with some 15 names recommended, with over one hundred and fifty citizens voting. The name selected was *Sky Hawk Parkway*. It was recommended by Aaron Ward. Mayor Brundige asked if there was a motion from the Board to approve this selection.

Alderman Harrison made the motion to name the 43 By Pass, *Sky Hawk Parkway*, seconded by Alderman Nanney.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

## **CERTIFICATE OF APPRECIATION - MR. AARON WARD**

Director Hollie Vowell explained, last month the Mayor approached me with what I thought was a fabulous idea. And the idea was to rename or personalize the 43 Bypass. The Martin Economic Development Corporation geared up the renaming campaign and the community and university showed great support and tremendous evolvment, as well as our local media. Fifteen name nominations were submitted and well over 150 votes were cast. Those topping the list were University Parkway, Cookie Cow Lane and Soybean Pass. But the name that received the most votes and gained final approval, just now, from our Board of Mayor and Aldermen is *Sky Hawk Parkway*. I would like to take this time to recognize the summiteer of the name *Sky Hawk Parkway*, Mr. Aaron Ward.

Director Vowell presented Mr. Ward with a Certificate of Appreciation and thanked him for his involvement in the community.

## **APPROVAL OF MINUTES**

Alderman Merryman made the motion to approve the January 13, 2003, minutes as written, seconded by Aldermen Nanney.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

## **DEPARTMENT REPORTS**

Reports were given to the board prior the meeting, copies are attached to the minutes.

## **COMMITTEE REPORTS**

No committees reports.

Mr. Tidwell reminded the Board the Finance Committee will meet February 20, 2003 at 6:30 pm..

## **MARCH MEETINGS:**

Mayor Brundige set the March Meetings:

March 04	Public Works and Cemetery Committee	6:00 PM
	Informal City Board Meeting	7:00 PM
March 10	Formal City Board Meeting	7:00 PM
March 17 & 18	TML Legislative Meeting	
March 18	Citizen Police Academy starts	
March 24	Dinner at American Legion	6:00 PM

**SECOND AND FINAL READING AND PUBLIC HEARING OF ORDINANCE O2003-01: AN ORDINANCE TO ANNEX CERTAIN TERRITORY AND INCORPORATE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MARTIN, TENNESSEE: AN AREA REFERRED TO AS PAYNE**

**SUBDIVISION ON THE WEST SIDE OF HARRISON ROAD NORTH OF STELLA RUTH ROAD. Published in the Weakley County Press January 23, 2003.**

Mayor Brundige presented for the Second and Final Reading and Public Hearing Ordinance O2003-01: An Ordinance to annex certain territory and incorporate same within the corporate boundaries of the City of Martin, Tennessee: An area referred to as Payne Subdivision on the west side of Harrison Road north of Stella Ruth Road. This is a recommendation from the Planning Commission and the owner of property. Published in the Weakley County Press January 23, 2003.

Mr. Tidwell read O2003-01. A copy follows:

**ORDINANCE O2003-01**

**AN ORDINANCE TO ANNEX CERTAIN TERRITORY AND INCORPORATE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MARTIN, TENNESSEE: AN AREA REFERRED TO AS PAYNE SUBDIVISION ON THE WEST SIDE OF HARRISON ROAD AND NORTH OF STELLA RUTH ROAD.**

WHEREAS, pursuant to *Tennessee Code Annotated* 6-51-102, the Martin Municipal-Regional Planning Commission has recommended for such annexation and recommended a plan of services for said annexed property; and

WHEREAS, pursuant to *Tennessee Code Annotated* 6-51-102, the Martin Board of Mayor and Aldermen has approved the plan of services for the annexed territory; and,

WHEREAS, pursuant to *Tennessee Code Annotated* 6-51-102, a public hearing was held, the time and place of which was published with fifteen days advance notice; and,

WHEREAS, the Martin Board of Mayor and Aldermen has deemed such an annexation to be in the interest of the public welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MARTIN, TENNESSEE:**

Section 1. Pursuant to authority conferred by *Tennessee Code Annotated*, Sections 6-51-101 through 6-51-117, there is hereby annexed to the City of Martin, Tennessee and incorporated within the corporate boundaries thereof, the following described territory adjoining the present corporate boundaries:

Being all of Weakley County Tax Map 93, Parcel 01900, located on the west side of Harrison Road north of Stella Ruth Road.

Section 2. BE IT FURTHER ORDAINED that this Ordinance shall take effect 30 days from and after its passage, THE WELFARE OF THE CITY REQUIRING IT.

Passed First Reading \_\_\_\_\_

Passed Second Reading \_\_\_\_\_

Public Hearing Date \_\_\_\_\_

\_\_\_\_\_  
Richard L. Tidwell, City Administrator

\_\_\_\_\_  
Randy Brundige, Mayor

Alderman Johnson made the motion to approve on the second and final reading Ordinance O2003-01: An Ordinance to annex certain territory and incorporate same within the corporate boundaries of the City of Martin, Tennessee: An area referred to as Payne Subdivision on the west side of Harrison Road north of Stella Ruth Road, seconded by Alderman Merryman.

**Public Hearing:**

Mayor Brundige asked if there was anyone present wishing to speak for or against Ordinance O2003-01. No one spoke. There were no questions from the Board.

VOTE:	FOR:	HONORABLE MERRYMAN HONORABLE BOYD HONORABLE JOHNSON HONORABLE BELOTE HONORABLE HARRISON HONORABLE NANNEY
	AGAINST:	NONE

Mayor Brundige declared O2003-01 approved on the second and final reading.

**SECOND AND FINAL READING AND PUBLIC HEARING OF ORDINANCE  
02003-02: AN ORDINANCE TO PROVIDE ZONING SERVICES FOR A  
CERTAIN TERRITORY WITHIN THE CORPORATE BOUNDARIES OF THE**

**CITY OF MARTIN, TENNESSEE, TO RECEIVE A ZONING DESIGNATION OF R-1 (LOW DENSITY RESIDENTIAL): AN AREA REFERRED TO AS PAYNE SUBDIVISION ON THE WEST SIDE OF HARRISON ROAD NORTH OF STELLA RUTH ROAD. Published in the Weakley County Press, January 23, 2003.**

Mayor Brundige introduced for the Second and Final Reading and Public Hearing Ordinance O2003-02: An Ordinance to provide Zoning Services for a certain territory within the corporate boundaries of the City of Martin, Tennessee, to receive a zoning designation of R-1 (Low Density Residential): An area referred to as Payne Subdivision on the west side of Harrison Road north side of Stella Ruth Road. This is a recommendation from the Planning Commission and the owner of property. Published in the Weakley County Press, January 23, 2003.

Mr. Tidwell read Ordinance O2003-02. A copy follows:

**ORDINANCE O2003-02**

**AN ORDINANCE TO PROVIDE ZONING SERVICES FOR A CERTAIN TERRITORY WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MARTIN, TENNESSEE, TO RECEIVE A ZONING DESIGNATION OF R-1 (LOW DENSITY RESIDENTIAL): AN AREA REFERRED TO AS PAYNE SUBDIVISION ON THE WEST SIDE OF HARRISON ROAD NORTH OF STELLA RUTH ROAD.**

WHEREAS, pursuant to *Tennessee Code Annotated*, Sections 13-7-201 through 13-7-210, a municipal zoning ordinance has been adopted for the City of Martin; and,

WHEREAS, the Martin Municipal-Regional Planning Commission has recommended the following amendment to the Zoning Map of Martin, Tennessee to zone said property R-1 (Low Density Residential); and,

WHEREAS, pursuant to *Tennessee Code Annotated*, Section 13-7-203, a public hearing was held, the time and place of which was published with fifteen days advance notice.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MARTIN, TENNESSEE:

Section 1. That the Zoning Map of Martin, Tennessee be amended by providing zoning services in the form of an R-1 (Low Density Residential) designation to an annexed area referred to as Payne Subdivision on the west side of Harrison Road north of Stella Ruth Road and more fully described as follows:

Being all of Weakley County Tax Map 93, Parcel 01900, located on the west side of Harrison Road north of Stella Ruth Road.

Section 2. BE IT FURTHER ORDAINED that this Ordinance shall take effect 30 days from and after its passage, THE WELFARE OF THE CITY REQUIRING IT.

Passed First Reading \_\_\_\_\_

Passed Second Reading \_\_\_\_\_

Public Hearing Date \_\_\_\_\_

ATTEST:

APPROVED:

\_\_\_\_\_

\_\_\_\_\_

Richard L. Tidwell, City Administrator

\_\_\_\_\_  
Randy Brundige, Mayor

**Public Hearing:**

Mayor Brundige asked if there was anyone present wishing to speak for or against Ordinance O2003-02. No one spoke. There were no questions from the Board.

Alderman Harrison made the motion to approve on the second and final reading Ordinance O2003-02: An Ordinance to provide Zoning Services for a certain territory within the corporate boundaries of the City of Martin, Tennessee, to receive a zoning designation of R-1 (Low Density Residential): An area referred to as Payne Subdivision on the west side of Harrison Road north side of Stella Ruth Road, seconded by Alderman Nanney.

VOTE:

FOR:

HONORABLE MERRYMAN  
HONORABLE BOYD  
HONORABLE JOHNSON  
HONORABLE BELOTE  
HONORABLE HARRISON  
HONORABLE NANNEY

AGAINST:

NONE

Mayor Brundige declared O2003-02 approved on the second and final reading.

**SECOND AND FINAL READING AND PUBLIC HEARING OF  
RESOLUTION R2003-01: RESOLUTION ADOPTING A PLAN OF  
SERVICE FOR THE ANNEXATION OF PAYNE SUBDIVISION  
WEST SIDE OF HARRISON ROAD NORTH SIDE OF STELLA  
RUTH ROAD. Published in the Weakley County Press, January 23,  
2002.**

Mayor Brundige introduced for the second and final reading and public hearing Resolution R2003-01: Resolution adopting a Plan of Service for the Annexation of Payne Subdivision west side of Harrison Road north of Stella Ruth Road. This is a recommendation from the Planning Commission and the owner of the property. The Resolution was published in the Weakley County Press, January 23, 2003.

Mr. Tidwell read Resolution R2003-01. A copy follows:

**RESOLUTION R2003-01**

**A RESOLUTION ADOPTING A PLAN OF SERVICES FOR AN AREA TO BE  
ANNEXED INTO THE CITY OF MARTIN, TENNESSEE: AN AREA REFERRED  
TO AS PAYNE SUBDIVISION ON THE WEST SIDE OF HARRISON ROAD  
NORTH OF STELLA RUTH ROAD.**

WHEREAS, *Tennessee Code Annotated* 6-51-102 as amended requires that a plan of services be adopted by the governing body of a city prior to annexing an area; and,

WHEREAS, the Martin Municipal-Regional Planning Commission has recommended the following Plan of Services for the annexation of an area referred to as Payne Subdivision on the west side of Harrison Road north of Stella Ruth Road.



NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MARTIN, TENNESSEE:

SECTION 1. Pursuant to *Tennessee Code Annotated* Section 6-51-102, there is hereby adopted for the proposed annexation area the following Plan of Services:

A. Police

- (1) Patrolling, radio responses to calls, and other routine police services, using present personnel and equipment, will be provided on the effective date of annexation.
- (2) No additional personnel or equipment will be added during the first year after the effective date of annexation, but as the area develops, additional personnel and equipment will be expanded as needed.
- (3) Traffic signals, traffic signs, street markings, and other traffic control devices will be installed as the need therefore is established by appropriate study and traffic standards.

B. Fire

- (1) Fire protection by the present personnel and the equipment of the fire fighting force, within the limitations of available water and distances from fire stations, will be provided on the effective date of annexation.
- (2) No additional personnel or equipment will be added during the first year after effective date of annexation, but with the growth and development of the area

additional personnel and equipment will be expanded as needed.

C. Water

- (1) Water for domestic, commercial and industrial use will be provided at the rates presently charged by the City of Martin, on the effective date of annexation, and thereafter from new lines as extended in accordance with current policies of the city.
- (2) Water for fire protection is currently available, with additional fire hydrants to be added as development occurs.

D. Sewer

The necessary sewer lines will be installed on undeveloped property according to current city policies. Sewer is available to this area on the west side of Harrison Road adjacent to this property with the necessary sewer lines for the subject subdivision property to be installed by the owner at his expense..

E. Refuse Collection

The same regular refuse collection services now provided within the City will be extended to the annexed areas within one month after the effective date of annexation.

F. Streets

- (1) Emergency maintenance of streets (repair of hazardous chuckholes, measures necessary for traffic flow, etc.) will begin upon acceptance of the street(s) by the City of Martin but no earlier than the effective date of annexation.

- (2) Routine maintenance, on the same basis as in the present city, will begin in the annexed areas upon acceptance of the street(s) by the City of Martin but no earlier than the date when funds from the state gasoline tax based on the annexed population are received.
- (3) Reconstruction and resurfacing of streets, installation of storm drainage facilities, construction of curbs and gutters, and other such major improvements, as need therefore is determined by the governing body, will be accomplished under current policies of the city.

G. Inspection Services

Any inspection services now provided by the city will begin in the annexed areas on the effective date of annexation.

H. Planning and Zoning

The planning and zoning jurisdiction of the city will extend to the annexed areas on the effective date of annexation. City planning will thereafter encompass the annexed areas. According to an ordinance proposed by the Martin Municipal-Regional Planning Commission, the area will be zoned R-1 (Low-Density Residential).

I. Street Lighting

Streetlights will be installed in substantially developed commercial and residential areas within approximately 60 months after the effective date of annexation, under the standards currently prevailing in the city.

J. Recreation

Residents of the annexed areas may use all existing recreational facilities, parks, etc. on the effective date of annexation. The same standards and policies now used in the present city will be followed in expanding the recreational program and facilities in the enlarged City.

K. Miscellaneous

Street name signs where needed will be installed as new streets are opened in the annexed area.

SECTION 2. THAT THIS RESOLUTION shall take effect 30 days from and after the date of final reading of the annexation ordinance, THE WELFARE OF THE CITY REQUIRING IT.

First reading of Resolution\_\_\_\_\_

Second Reading of Resolution\_\_\_\_\_

-  
Adopting this \_\_\_\_ day of \_\_\_\_\_, 2003, following a Public Hearing.

\_\_\_\_\_  
\_\_\_\_\_  
Richard L. Tidwell, City Administrator  
Mayor

Randy Brundige,

**Public Hearing:**

Mayor Brundige asked if there was anyone present wishing to speak for or against Resolution R2003-01. No one spoke. There were no questions from the Board.

Alderman Merryman made the motion to approve on the second and final reading Resolution R2003-01: Resolution adopting a Plan of Service for the annexation of Payne Subdivision west side of Harrison Road north of Stella Ruth Road, seconded by Alderman Belote.

**INTRODUCTION AND FIRST READING OF ORDINANCE  
O2003-04: AN ORDINANCE TO AMEND THE OFFICIAL  
CODE OF THE CITY OF MARTIN, TENNESSEE. Mandate  
from Environment Protection Act.**

Mr. Tidwell read the ordinance. A copy follows:

AN ORDINANCE TO AMEND THE OFFICIAL CODE  
OF THE CITY OF MARTIN, TENNESSEE

WHEREAS, the Board of Mayor and Aldermen of the City of Martin deem it necessary to change the Municipal Code to implement this mandated change.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN FOR THE CITY OF MARTIN, TENNESSEE, THAT:

SECTION 1. The following shall be added to the City of Martin Municipal Code, Title 18, Stormwater Runoff Control

## CHAPTER 5

### EROSION AND STORMWATER CONTROL

Sections:	18-501	Purpose
	18-502	Permit Required
	18-503	Exemption
	18-504	Procedure
	18-505	Appeals
	18-506	Variances
	18-507	Remedies and Penalties for Violations

#### Section 18-501

Purpose: Within the City of Martin, the soil erosion and stormwater from construction sites contribute to the impairment of the flood plain, increased street maintenance costs, clogging of storm sewers, degradation of land surfaces and streams, flooding and dusty conditions. This chapter is to authorize the establishment of procedures to reduce erosion and sediment problems resulting from the development process of land within the City of Martin and the increase in urban runoff from development land.

#### Section 18-502

Permit Required: Except as exempted in Chapter 3, Sewer Disposal, Sections 18-503 of this chapter, whenever development will involve only cleaning, grading, any form of land disturbance caused by movement of earth or increase in stormwater runoff due to the decrease in soil permeability, no land shall be disturbed within the City of Martin unless a grading permit has been issued by the Director of Public Works or his designee. The Director of Public Works or his designee shall collect a fee of \$25.00 for each permit issued which amount shall go into the General Fund of the City of Martin.

### Section 18-503

Exemption: No Grading Permit shall be requested for any “farm operation” as defined in the “Tennessee Right to Farm Act” (*Tennessee Code Annotated* Section 43-26-101 et. Seg.).

### Section 18-504

Procedure: Within ninety (90) days from the date of final adoption of this code, the Director of Public Works or his designee shall promulgate rules and regulations governing the issuance of grading permits. The Director of Public Works or his designee shall submit such rules and regulations to the Martin Board of Mayor and Aldermen for review and approval at a regular or special meeting of the Board. Upon such approval becoming final, Director of Public Works or his designee shall cause the rules and regulations to be published and made available to the public in his office without charge. Such rules and regulations shall be based upon sound principals of engineering, hydrology, geology, and urban planning, shall be consistent with rules and regulations governing the construction of subdivisions and shall contain appropriate provisions for the enforcement of this code and the rules and regulations, including provision for the revocation of any issued permit and the issuance of stop work orders by the Director of Public Works or his designee.

### Section 18-505 Appeals:

Whenever the Director of Public Works or his designee shall revoke or refuse to issue a grading permit for any reason, including an interpretation of the rules and regulations, any person affected by such refusal or revocation, or his duly authorized agent, may appeal from the decision of the Director of Public Works or his designee to the Public Works Committee. Notice of appeals shall be in writing and filed with the Director of Public Works within thirty (30) days after the decision of the Director of Public Works or his designee.

### Section 18-506 Variances:

Variances shall not violate any Federal, State or Local Ordinance. The Public Works Committee, when appealed to and after hearing, may vary the Provisions of the Rules

and Regulations in respect of a particular case when, in it's opinion the enforcement there of would do manifest injustice, and would be contrary to the spirit and purpose of this code, or public interest, or when, in it's opinion, the interpretation of the rules and regulations by the Director of Public Works or his designee should be modified or reversed. The Public Works Committee shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the Public Works Committee shall also include the reasons for the decision. Each decision of Public Works Committee shall be final, subject, however, to such remedy as any aggrieved party might have at law or equity.

Section 18-507     Remedies and Penalties for Violation:

Any person, firm, or corporation violating any of the rules and regulations shall required to take remedial action and subject to civil penalties as follows:

1.     If construction activities begin prior to obtaining a permit, the cost of the  
Development Permit  
shall double.
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,  
may include any reasonable expense incurred in the investigating of the violation,  
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 this ordinance shall be subject to a fine 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 a violation  
of this ordinance exists shall constitute a separate offense. In addition to the City fine,  
the violator may be subject to State and Federal penalties.
4.     In addition to the remedies and civil penalties set forth above, the City of Martin  
may bring legal action to enjoin continuing violation of this ordinance, and the existence  
of any other remedy, at law or equity, shall be no defense to such action.



5. The remedies and penalties set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted.

SECTION 3. BE THEREFORE ORDAINED, that this Ordinance shall become effective immediately upon passage after the second and final reading, THE PUBLIC WELFARE REQUIRING IT.

PASSED FIRST READING \_\_\_\_\_

PASSED SECOND READING \_\_\_\_\_

DATE OF PUBLIC HEARING \_\_\_\_\_

ATTEST:

APPROVED:

\_\_\_\_\_

\_\_\_\_\_

Richard L. Tidwell, City Administrator

Randy Brundige, Mayor

Alderman Nanney made the motion to approve on the first reading Ordinance O2003-04: An Ordinance to amend the official code of the City of Martin, Tennessee, seconded Alderman Harrison.

VOTE:

FOR: HONORABLE MERRYMAN  
HONORABLE BOYD  
HONORABLE JOHNSON  
HONORABLE BELOTE  
HONORABLE HARRISON  
HONORABLE NANNEY

AGAINST: NONE

Mayor Brundige declared Ordinance O2003-04 approved on the first reading and set the second and final reading for March 10, 2003 at 7:00 PM.

**CITY OF MARTIN, TENNESSEE POLICY FOR CONTROL OF ILLICIT DISCHARGES TO MUNICIPAL SEPARATE STORM DRAINAGE. Attachment to Ordinance O2003-04**

Mayor Brundige introduced and presented the City of Martin, Tennessee Policy for Control of Illicit Discharges to Municipal Separate Storm Drainage. This is an attachment to Ordinance O2003-04.

Mr. Tidwell read the Policy for Control of Illicit Discharges to Municipal Separate Storm Drainage. A copy follows:

**CITY OF MARTIN, TENNESSEE**

**POLICY FOR CONTROL OF ILLICIT DISCHARGES  
TO MUNICIPAL SEPARATE STORM DRAINAGE**

**OBJECTIVES**

These regulations are a part of the City of Martin stormwater management program to prevent certain non-stormwater discharges to an improper disposal of substances in the stormwater system, as to reduce, to maximum extent practicable, pollutants that may be present in discharges from stormwater system.

**DEFINITIONS**

Community Waters mean any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells, and other bodies of surface or substance water, natural, or artificial, lying within or forming a part of the boundaries of the City of Martin or the waters into which the Martin Stormwater System outfalls flow.

Stormwater means runoff from rain, snow or other forms of precipitation, resulting in surface runoff and drainage.

Stormwater System means the system of roadside drainage, roadside curbs and gutters, curb inlets, swales, catch basins, manholes, ditches, pipes, lakes, ponds, sinkholes, channels, creeks, streams, storm drains, and similar conveyances and facilities, both

natural and manmade, located within the City of Martin which are designed or used for collecting, storing, conveying Stormwater, or through which Stormwater is collected, stored, or conveyed whether owned or operated by the municipality or other person.

## NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMITS

Any person who holds an individual National Pollution Discharge Elimination System (NPDES) permit shall provide a copy of the NPDES permits to the Public Works Department no later than thirty (30) calendar days after issuance of the NPDES permit.

## ILLICIT DISCHARGE AND ILLEGAL DUMPING

A. It shall be unlawful for any person to dispose of the following materials into “Community Waters”, either directly or indirectly, except pursuant to an NPDES permitted facility:

1. Non-stormwater discharges except pursuant to a permit issued by the State of Tennessee;
2. Connecting or allowing to be connected, any sanitary sewer to the stormwater system, including any sanitary sewer connected to the storm sewer system as of the date of adoption of this ordinance;
3. Sewer dumping or dumping of sewer sludge;
4. Discharge of any polluted household wastewater, such as but not limited to laundry washwater and dishwater, except into a sanitary sewer or septic system;
5. Leaking sanitary sewers and connections;
6. Commercial, industrial or public wash discharge;
7. Garbage or sanitary waste disposal;
8. Dead animals or animal fecal waste;
9. Dredged or spoil material;

10. Solid waste;
11. Chemical waste;
12. Wrecked or discarded vehicles or equipment;

B. Subject to the provisions of subsection (C), the following activities shall not be in violation of this ordinance:

1. Water line flushing;
2. Landscaping irrigation;
3. Infiltration of uncontaminated groundwater;
4. Pumping of uncontaminated groundwater, foundation drains, irrigation waters, springs, or water from crawl spaces or footing drains.
5. Individual car washing on residential properties; or car washing of less than two consecutive days in duration for a charity, nonprofit fund raising, or similar noncommercial purpose;
6. Dechlorinated swimming pool discharges, from private pools;
7. Street washing;
8. Any activity authorized by a valid NPDES permit; and
9. Any water resulting from firefighting.

C. If the Director of Public Works or his designee finds that any allowable discharge in subsection (B) above causes or may cause prohibited wastes to enter into the stormwater system, the Director of Public Works or his designee shall notify the person performing such activities, and shall order that such activities shall be stopped or conducted in such a manner as to avoid the discharge of wastes into the stormwater system.

## NOTIFICATIONS OF SPILLS

Anyone who is directly or indirectly responsible for a discharge that is in violation of this policy shall, as soon as practicable, notify the City of Martin Public Works Department by telephone as to the location and the nature of the discharge. They shall also take immediate action to ensure the containment and cleanup of such discharge and shall confirm the telephone notification in writing to the Director of Public Works within three (3) calendar days.

## PROCEDURE

### A. Inspection

The City of Martin Director of Public Works or his designee will periodically conduct inspections of storm sewer outfalls with visual screening and field tests. Upon detection of an illicit discharge an attempt will be made to trace the discharge to its place of origin.

### B. Notification

Upon detection and determination of the origin of the illicit or improper discharge, the property owner will be notified and a specific length of time will be given to eliminate the discharge. Where there is immediate threat to public health and safety or a threat to the receiving waters, it will be sufficient for the Director of Public Works or his designee to give verbal notice to immediately correct the problem. Verbal notification shall be followed by written notice by certified mail return receipt requested, within three (3) business days.

### C. Cease and Desist Order

The Director of Public Works or his designee, may issue a Cease and Desist Order if upon inspection it is determined that illicit or improper discharges are entering the municipal storm sewer network. Definition: "Cease and Desist Order" requires the illicit discharges to be stopped such that no entry into the storm sewer network occurs.

D. Repeat Offenders

The Director of Public Works may assess a special inspection fee for repeat violators of this ordinance after three (3) separate notifications of illicit discharges. Special inspections will occur monthly or if determined necessary by Director of Public Works more frequent inspections may be required. The special inspections will continue until there are three (3) consecutive months with no further violations. The special inspection fee is One Hundred Dollars (\$100.00) per inspection. Failure by the property owner to come into compliance within time period specified by the Public Works Director will lead to additional enforcement procedures up to and including a citation into court.

E. City Correction/Collection Procedures

Should the property owner fail to remedy the above conditions within the prescribed time, the Director of Public Works may remedy the condition or cause the same to be done by an appropriate City department or by the other contracted arrangement. Upon completion of the work, the Director of Public Works or his designee shall determine the reasonable costs thereof and bill the owner of the property.

CIVIL PENALTY

Any person, firm or corporation violating any of the provisions of this policy and cited into City Court for said offence, shall be subject to the following penalties:

1. 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 attorneys fees incurred by the city as the result of enforcing violations of this ordinance.

2. In addition to the above remedial measures, any person, firm or corporation guilty of violating any of the provisions of this ordinance

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 of this ordinance exists shall constitute a separate offense.

3. The City of Martin may bring legal action to enjoin the continuing violation of this ordinance, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

4. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil, or criminal, that one or more of the remedies set forth herein has been sought or granted.

## APPEALS AND VARIANCES

Appeals and Variances shall be handled as follows, which has been specified in the Regulations for Discharges into the Storm Sewer System Ordinance.

Whenever the Director of Public Works or his designee shall issue a cease and desist order or a special inspection fee, any person affected by such order, or his duly authorized agent, may appeal the decision of the Director of Public Works to the Public Works Committee. Notice of appeals shall be in writing and filed with the Director of Public Works within thirty (30) days after the decision of the Director of Public Works. Appeals shall be on forms provided by the Director of Public Works.

The Public Works Committee may vary the provisions of the rules and regulations in respect of a particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this code, or public interest, or when, in its opinion, the interpretation of the rules and regulations by the Director of Public Works 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 requirement of state and federal law. If a decision of the board reverses or modifies an order by the Director of Public Works 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. The Director of Public Works shall immediately take action in accordance with such a decision. Every decision of the board of adjustments and appeals shall be final, subject however to such remedy as any aggrieved party might have at law or equity.

#### CONFLICT WITH OTHER POLICIES OR REGULATIONS

If provisions of this policy conflict with other applications policies or regulations the more stringent provision shall apply.

Alderman Belote made the motion to approve on the first reading City of Martin, Tennessee Policy for Control of Illicit Discharges to Municipal Separate Storm Drainage, seconded by Alderman Johnson.

VOTE:	FOR:	HONORABLE MERRYMAN HONORABLE BOYD HONORABLE JOHNSON HONORABLE BELOTE HONORABLE HARRISON HONORABLE NANNEY
	AGAINST:	NONE

Mayor Brundige declared the City of Martin, Tennessee Policy for Control of Illicit Discharges to Municipal Separate Storm Drainage approved on the first reading and set the second and final reading and public hearing for March 10, 2003, at 7:00 pm.

#### **POLICY FOR CONTROL OF EROSION AND STORMWATER, CITY OF MARTIN, TENNESSEE. This is an attachment to Ordinance O2003-04.**

Mayor Brundige presented the Policy for Control of Erosion and Stormwater, City of Martin, Tennessee, an attachment to Ordinance O2003-04.



Mr. Tidwell read the City of Martin, Tennessee Policy for Control of Erosion and Stormwater. A copy follows

## **POLICY FOR CONTROL OF EROSION AND STORMWATER**

### **CITY OF MARTIN, TENNESSEE**

#### **STANDARDS AND PROCEDURES FOR STORMWATER, EROSION, SEDIMENT CONTROL AND DRAINAGE STRUCTURES**

#### **PURPOSE:**

“Within the City of Martin, soil erosion and storm water from construction sites convey high volumes of pollutants into receiving waters, contribute to the impairment of the flood plain, increased street maintenance cost, clogging of storm sewers, degradation of land surfaces and streams, flooding and dusty conditions. In addition, the removal of existing trees and vegetation can compound the aforementioned conditions. This policy establishes procedures to: 1. Reduce pollution, erosion and sedimentation resulting from the development process of land within the City of Martin and to attenuate the urban runoff from developed land, and 2. Integrate measures to reduce practices that adversely affect the natural vegetative cover within the City of Martin which can in turn, intensify erosion and sedimentation and create other environment problems.”

#### **I. DEVELOPMENT**

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

A Development Permit is required for any activities within the City of Martin that will involve any clearing, grading, or any form of land disturbance caused by the movement of earth or that will increase stormwater run off due to decrease of soil permeability. A permit is required for altering any natural or manmade drainage system that would divert, constrict, increase or change in any manner the natural or existing

flow of any stream or natural or existing drainage. No land shall be disturbed within the City of Martin unless the Director of Public Works or his designee has issued a Development Permit. 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

1. No Development Permit shall be required for:

a. Accepted land management practices as identified in the “Tennessee Right to Farm Act” (Section 43-26-103, *Tennessee Code Annotated*)

b. Home, gardens, home landscaping or lawn preparation on existing lots or parcels unless the possibility for erosion or alteration of drainage patterns or structures is such that adjacent properties or waterways may be effected.

c. The installation, maintenance and repair of any public utility as well as roadway and storm drainage construction and maintenance by government agencies and for 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.

2. When a Development Permit is required, no formal EDCP is required for a single residence on a parcel of 2 acres or less. However, the owner, developer shall provide and maintain erosion and drainage control measures to meet the criteria established in section (IV. D) of this policy.

C. Fee

Development Permit - EDCP - \$25.00/acres or fraction of an acre

II. PROCEDURE

A. Requirements

For purposes of obtaining a Development Permit as specified in the Erosion and Stormwater Control Ordinance an Erosion and Drainage Control Plan (EDCP) meeting the requirements established in this policy, shall be submitted for approval to the Director of Public Works or his designee by the 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 occurs in stages, consideration shall be given to proposals which maintain the remainder of the property in its natural state.

The developer shall conform to the requirements of such approved plans and is responsible for continuous maintenance of the erosion and sediment control measures during the period of the construction. It is the responsibility of the developer to implement the EDCP. Concerning subdivision of land, the developer shall be responsible for implementation of the entire plan including drainage improvements or erosion and sedimentation control measures that go through or across several lots in the subdivision. The subsequent owner (homebuilder or contractor) shall be required to obtain a Development Permit (which may be obtained in conjunction with a building permit) if grading is to be done, and implement and maintain sedimentation control measures in conformation with the plan.

The developer may proceed with the construction activities upon receiving conditional approval of the ECDP plan provided a Developmental Permit has been obtained.

B. Inspection

The Director of Public Works or his designee may enter upon any site and periodically make inspection of any disturbed or graded area before, during and after construction to ensure compliance with the requirements of this article and the authorized EDCP. If the City determines 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.

C. Correction of Problems by Owner

If it is determined by the Director of Public Works or his designee that the permit holder has failed to comply with the approval Plan(s), a correction notice shall immediately be served upon the permit holder in writing, setting forth the measures needed to come into compliance and specifying time for such compliance. Where an immediate threat to public health and safety exists, verbal notice given by the Director of Public Works or his designee to immediately correct the problem shall be sufficient, but it shall be followed by written notice. Failure to comply within the time specified shall subject the permit holder to a Stop Work Order, which shall remain in effect until the work in progress is in compliance with the specifications of the approved plan.

D. “Stop Work Order”

A “Stop Work Order” may be issued by the Director of Public Works or his designee if upon periodic inspection by the Director of Public Works or his designee, it is determined that control measures are not being properly maintained or that work is not progressing in accordance with the approved plan.

E. City Correction/Collection Procedures

Should the property owner fail to remedy the above conditions within the prescribed time, the Director of Public Works or his designee 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, the Director of Public Works or his designee shall determine the reasonable costs thereof and bill the owner of the property.

### III CONFLICTS WITH OTHER POLICIES OR REGULATIONS

If provisions of this policy conflict with other applicable policies or regulations the more stringent provision shall apply.

### IV EROSION AND DRAINAGE CONTROL PLAN (EDCP)

#### A. Requirements

The EDCP shall be certified by a registered professional engineer, architect or landscape architect. The Director of Public Works or his designee may waive the certification of a professional engineer for small sites where site conditions justify and the potential for off-site damage is minimal.

Erosion and sediment control measures shall be designed and constructed in accordance with good engineering practices, the EDCP shall address all of the elements specified herein. The erosion and sediment control must comply with the Erosion and Sediment Control Handbook produced by the Tennessee Department of Environment and Conservation, dated 2002, or as amended by that organization or its successor and supplemental regulations by the Engineering Department. Innovative alternative designs may also be considered.

Disturbance activities in streams (defined by a blue line on a 7 ½ minute United States Geological Survey quadrangle), wet weather conveyances and designated floodways shall be required to provide evidence of obtaining appropriate permits from Federal and State regulatory agencies or a written waiver of such permits prior to the issuance of a permit by the city.

Upon receipt of such preliminary EDCP the Director of Public Works or his designee shall review and comment on a properly submitted EDCP plan and return it within five (5) working days after its receipt.

The following information shall be required:

1. Map Scale

An EDCP plan shall be drawn at a scale of 1"=100' (or larger) including (a) the 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.

2. Areas of special flood hazard (flood plain district) shall be clearly shown on

all site plans where applicable. Areas of special flood areas shall be identified by either 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 revision(s).

The Flood Plain data shall include but not be limited to the Floodway and Flood Fringe delineations. 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. Building elevations in areas of special flood hazard shall be set using data supplied above.

3. Boundaries

Property boundary bearings and distances for the site on which the work is to be done shall be required.

4. Timing Schedule

An appropriate timing schedule indicating the anticipated starting and completion dates of the development shall be required. The timing schedule shall include the sequence and application of erosion and sediment control measures.

5. Topography

Existing and proposed topography shall be shown at two (2) foot contour intervals except on slopes exceeding 20% grade. In such conditions, contour intervals shall not exceed five (5) feet.

6. Ditch Lines

Elevations, dimension, location, extent and slope of all existing and proposed ditch lines shall be required. Buildings adjacent to drainage ways, but not in a designated flood hazard area, shall have a minimum floor elevation set by the developer's engineer.

7. On and Off Site Feature

Location and identification of all existing and proposed site features and/or structures (either manmade or natural) which have a significant impact on drainage or siltation controls shall be included.

8. Drainage Devices

A symbol legend to be used for the protection of drainage devices is available in the office of the Director of Public Works. 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 shall be required, together with a map showing the drainage area of land tributary to the site and a statement explaining the amount of estimated run off used to determine the design characteristics of any drainage device. 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. Devices to limit post development runoff to pre-development rates may be required.

9. Structural Change

Plans for removal, contouring or other final disposition of sediment, stormwater retention basins, or other structural improvements or devices included in the plan shall be described.

B. Bond Requirements (EDCP)

When property is platted before erosion and drainage control measures are completed a performance bond for the erosion and drainage control measure shall consist of a bond as issued by a bonding company, a cashier's check, certificate of deposit, or irrevocable letter of credit (with automatic renewal) from FDIC insured financial institution payable to the City of Martin shall be submitted to the Director of Public Works to insure the installation of the erosion and drainage control measures. Such bond and/or security shall be in an amount equal to 110% of the accurate value of installation and materials.

Once the developer has completed the work specified on the plan, the developer shall request that any posted bonds be released. If upon inspection, it is determined that the construction is in compliance with



the plans, the bonds shall be released. If it is determined there has not been compliance, the developer shall correct any deficiencies before the release of the bonds. Failure to comply with the approved plans and/or failure to implement proper corrective action for the problems shall result in the forfeiture of bonds in accordance with the procedure II - B, C, D, E. If the development occurs in stages the bond shall cover the amount of work approved in the EDCP for that stage of development.

C. Standards

Development shall comply with the following standards and specifications:

Erosion and sedimentation control measures and drainage structures 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 (10) year frequency storm as a minimum. Where warranted by local controlling factors, (such as location within a drainage basin, protection of downstream structures, etc.), and based on engineering judgement, a different storm frequency and/or detention/retention may be required.

Runoff shall be calculated by using:

1. Rational formula ( $Q=CIA$ )
2. Tennessee Department of Transportation Hydrologic Area Maps and Charts
3. Computer Programs or
4. Other generally accepted engineering methods if approved by Director of Public Works.

D. Factors to be Considered in Reviewing Applications and Determining Adequacy of Control Measures

1. The EDCP shall relate to the specific on and off site conditions.
2. The plan shall keep land grading and land disturbance to a minimum under the circumstances.
3. Both surface and closed stormwater drainage systems shall be integrated to accommodate the increased runoff incurred during land grading.
4. Existing, temporary and future protective vegetative cover shall be emphasized to control soil erosion.
5. The plan shall coordinate grading operation and sediment control measures so as to minimize land exposure to erosion. Erosion and sediment control measures must be in place and functional before earth moving operations begin, and must be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the workday, but must be replaced at the end of the workday.
6. Sediment basins below high sediment producing areas shall be planned, installed, and maintained as safety devices to catch and trap excessive sediment from the development site.
7. The plan utilize available technology to keep soil erosion to a minimum level.
8. Erosion control measures shall be checked, and repaired as necessary, weekly in dry periods and within twenty-four (24) hours after a rainfall of 0.5 inches within a twenty-four (24) hour period. During prolonged rainfall, daily checking and repairing is necessary.

9. Neighborhood persons and property shall be protected from damage or loss resulting from excessive stormwater runoff, soil erosion or disposition upon private property or public streets and drainage ways appurtenances thereof.
10. The EDCP plan shall be fitted to the topography and soils so as to create the least potential for soil loss. Maximum use shall be made of vegetation to minimize inevitable soil loss through land disturbing activity. Such as:
  - a. Natural vegetation shall be retained wherever possible, especially along stream banks.
  - b. Where inadequate natural vegetation exists to restrain erosion, or where it becomes necessary to remove existing natural vegetation, temporary vegetation or mulching shall be installed promptly to minimize inevitable soil loss.
  - c. Erosion control elements shall be implemented before any clearing, grading, excavating, filling or otherwise disturbing natural terrain will be permitted.
11. The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed shall, within thirty (30) working days of completion of any phase of grading, be planted or otherwise provided with a permanent or temporary ground cover, devices or structures sufficient to restrain erosion.

12. Exposure of the soil through land disturbing activity shall be held to the smallest practicable area.
13. No land-disturbing activity shall be permitted in close proximity to a lake or water-course, unless a buffer zone is provided of sufficient width and nature to trap and hold sediments.
14. Whenever land-disturbing activity is undertaken, a permanent ground-cover sufficient to restrain erosion shall be planted or otherwise provided within thirty (30) working days in that position of the tract upon which further active construction is not being undertaken. During winter and summer seasons, temporary cover shall be provided within thirty (30) working days and properly maintained until the beginning of the next spring or fall seeding season when permanent cover shall be planted.
15. Appropriate provision shall be made to control increased stormwater runoff and consequent soil loss occasioned by changed soil and surface conditions during and after development. In addition to the use of vegetation, such provisions may include but are not limited to:
  - a. Scheduling and installing permanent improvements, such as streets, storm sewers, curb and gutters, and other features for control of storm runoff, before removing vegetative cover from the area.
  - b. Installing and maintaining sediment basins, debris basins, desalting basins or silt traps to substantially reduce sediment from runoff water.

16. Construction wastes such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste must be properly disposed of in accordance with City Ordinance. All such refuse shall be contained on site in such a manner that it does not adversely impact water quality until properly disposed of.
17. There shall be no distinctly visible floating scum, oil or other matter contained in the storm water discharge. The stormwater discharge must not cause an objectionable color contrast in the receiving water. The stormwater discharge must result in no materials in concentrations sufficient to be hazardous or otherwise determined to humans, livestock, wildlife, plant life or fish and aquatic life in the receiving stream.

E. Detention/Retention Ponds

1. Design standards
  - a. The calculated peak flow rate of stormwater runoff resulting from a one (1) year, two (2) year, five (5) year, and ten (10) year return frequency twenty-four (24) hour duration storm shall be no greater after development of the site than that which would have resulted from the same return frequency twenty-four (24) hour duration storm on the same site prior to the development of the site.
  - b. Adequate attention must be given to safety and sanitation in the design of any detention/retention facility.

- c. The plans shall include sufficient design information to show that the facility will operate as required. This shall include the existing or predevelopment 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 for one (1) year, two (2) year, five (5) year, and ten (10) year return frequency twenty-four (24) hour duration storm.
- d. Discharge from the stormwater detention pond shall be routed to an existing natural or manmade stormwater facility. Calculations showing the capacity of the receiving stormwater facility and its capacity to convey both a two (2) year and a ten (10) year frequency storm shall be provided. The above calculations will be routed to the closer of the second street crossing or a blue line stream.
- e. Constructed wetlands may be used to deal with “first flush” pollutant loads, plans for which must be approved by the Director of Public Works.

2. Maintenance of Detention/Retention Facilities

A permanent maintenance agreement for stormwater detention/retention facilities will be required, including those components required for water quality control. Maintenance will be the responsibility of the property

owner on which the facility is located and 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 of the water quality for such facility to ensure that the facility is kept functional. The maintenance agreement will specify minimum maintenance requirements and intervals to be performed by the proper owner. Minimum maintenance requirements will include:

- a. Conduct routine inspections.
- b. Remove any trash that may have accumulated.
- c. Two cuttings per growing season by bush hog or mower.
- d. Sediment removal when necessary.
- e. Make sure the pond's bank and bottom are stable. There should be no active erosion in the pond.
- f. Remove and properly dispose of any pollutants such as oil that may have been trapped in the pond.
- g. Excessive vegetation such as willows or other large trees and shrubs should be removed unless they serve some part of your treatment plan.

The Director of Public Works or his designee may designate 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 and to inspect the stormwater detention/retention facilities as deemed necessary. If the facility is not being maintained, the Director of Public Works 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 Director of Public Works or his designee shall authorize the required maintenance to be preformed 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.

F. Penalty for violation of EDCP

Any person, firm, or corporation violating any of the provisions of this policy or the rules and regulations relative to this policy, shall be subject to civil penalties as follows:

1. If construction activities begin prior to obtaining a permit, the cost of the Development Permit shall double.
2. In addition to the above penalty any person, firm or corporation violating any of the provisions of this policy shall be subject to a fine of up to \$500.00 per day for each day the violation exists, beginning with the first day of the violation and continuing each day thereafter until the violation is corrected. In addition to the City fine, the violator may be subject to State and Federal penalties.



3. In addition to the civil penalty the City may recover 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 results of enforcing violations of this ordinance.

## V. APPEALS AND VARIANCES

Appeals and Variances shall be handled as follows, which has been specified in the Erosion and Stormwater Ordinance.

Whenever the Director of Public Works or his designee shall revoke or refuse to issue a Development Permit for any reason, including an interpretation of the Rules and Regulations, any person affected by such refusal or revocation, or his duly authorized agent, may appeal from the decision of the Director of Public Works or his designee to the Public Works Committee. Notice of appeals shall be in writing and filed with the Director of Public Works within thirty (30) days after the decision of the Director of Public Works or his designee.

The Public Works Committee, when appealed to and after hearing, may vary the provisions of the Rules and Regulations in respect of a particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this policy, or public interest, or when, in its opinion, the interpretation of the Rules and Regulations by the Director of Public Works or his designee should be modified or reversed. The Board shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the Board shall also include the reasons for the decision. If a decision of the Board reversed or modifies a revocation or refusal to issue a Development Permit by the Director of Public Works or varies the application of any provision of this Code, the

Director of Public Works shall immediately take action in accordance with such decision. Every decision of the Public Works Committee shall be final, subject however to such remedy as any aggrieved party might have at law or equity.

Alderman Merryman made the motion to approve on the first reading the Policy for Control of Erosion and Stormwater, City of Martin, Tennessee, an attachment to Ordinance O2003-04, seconded by Alderman Belote.

VOTE:	FOR:	HONORABLE MERRYMAN HONORABLE BOYD HONORABLE JOHNSON HONORABLE BELOTE HONORABLE HARRISON HONORABLE NANNEY
	AGAINST:	NONE

Mayor Brundige declared the Policy for Control of Erosion and Stormwater, City of Martin, Tennessee, an attachment to Ordinance O2003-04 approved on the first reading and set the second and final reading for March 10, 2003, at 7:00 pm.

## **ANNEXATION OF AREA 1: WEST SIDE OF DOE DRIVE**

**ORDINANCE O2003-05: AN ORDINANCE TO ANNEX CERTAIN TERRITORY AND INCORPORATE WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MARTIN, TENNESSEE: AN AREA REFERRED TO AS AREA 1 ON THE WEST SIDE OF DOE DRIVE. This is a recommendation from the Planning Commission.**

Mayor Brundige introduced and presented for the first reading Ordinance O2003-05: An Ordinance to annex certain territory and incorporate within the corporate boundaries of the City of Martin, Tennessee: An area referred to as Area 1 on the west side of Doe Drive. This is a recommendation from the Planning Commission.

Mr. Tidwell read the Ordinance. A copy follows:

ORDINANCE O2003-05

AN ORDINANCE TO ANNEX CERTAIN TERRITORY AND  
INCORPORATE SAME WITHIN THE CORPORATE BOUNDARIES OF  
THE CITY OF MARTIN, TENNESSEE: AN AREA REFERRED TO AS  
AREA 1 ON THE  
WEST SIDE OF DOE DRIVE.

WHEREAS, pursuant to *Tennessee Code Annotated* 6-51-102, the Martin Municipal-Regional Planning Commission has recommended for such annexation and recommended a plan of services for said annexed property; and

WHEREAS, pursuant to *Tennessee Code Annotated* 6-51-102, the Martin Board of Mayor and Aldermen has approved the plan of services for the annexed territory; and,

WHEREAS, pursuant to *Tennessee Code Annotated* 6-51-102, a public hearing was held, the time and place of which was published with fifteen days advance notice; and,

WHEREAS, the Martin Board of Mayor and Aldermen has deemed such an annexation to be in the interest of the public welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MARTIN, TENNESSEE:

Section 1. Pursuant to authority conferred by *Tennessee Code Annotated*, Sections 6-51-101 through 6-51-117, there is hereby annexed to the City of Martin, Tennessee and incorporated within the corporate boundaries thereof, the following described territory adjoining the present corporate boundaries:

Being all of Weakley County Tax Map 57M, Group B, Parcels 01800 and 01900, located on the west side of Doe Drive.

Section 2. BE IT FURTHER ORDAINED that this Ordinance shall take effect 30 days from and after its passage, THE WELFARE OF THE CITY REQUIRING IT.

Passed First Reading \_\_\_\_\_

Passed Second Reading \_\_\_\_\_

Public Hearing Date \_\_\_\_\_

\_\_\_\_\_  
Richard L. Tidwell, City Administrator

\_\_\_\_\_  
Randy Brundige, Mayor

Alderman Harrison made the motion to approve on the first reading Ordinance O2003-05: An Ordinance to annex certain territory an incorporate same within the corporate boundaries of the City of Martin, Tennessee: An area referred to as Area 1 on the west side of Doe Drive, seconded by Alderman Merryman.

VOTE:	FOR:	HONORABLE MERRYMAN HONORABLE BOYD HONORABLE JOHNSON HONORABLE BELOTE HONORABLE HARRISON HONORABLE NANNEY
	AGAINST:	NONE

Mayor Brundige declared Ordinance O2003-05 approved on the first reading and set the second and final reading for March 10, 2003, at 7:00 pm.

**INTRODUCTION AND FIRST READING OF ORDINANCE  
O2003-06: AN ORDINANCE TO PROVIDE ZONING  
SERVICES FOR A CERTAIN TERRITORY WITHIN THE  
CORPORATE BOUNDARIES OF THE CITY OF MARTIN,**

**TENNESSEE, TO RECEIVE A ZONING DESIGNATION OF R-1 (LOW DENSITY RESIDENTIAL): AN AREA REFERRED TO AS AREA 1 ON THE WEST SIDE OF DOE DRIVE. This is a recommendation from the Planning Commission.**

Mayor Brundige introduced and presented Ordinance O2003-06: An Ordinance to provide Zoning Services for a certain territory within the corporate boundaries of the City of Martin, Tennessee, to receive a zoning designation of R-1 (Low Density Residential): An area referred to as Area 1 on the west side of Doe Drive. This is a recommendation from the Planning Commission.

Mr. Tidwell read Ordinance O2003-06. A copy follows:

**ORDINANCE O2003-06**

**AN ORDINANCE TO PROVIDE ZONING SERVICES FOR A CERTAIN TERRITORY WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MARTIN, TENNESSEE, TO RECEIVE A ZONING DESIGNATION OF R-1 (LOW DENSITY RESIDENTIAL): AN AREA REFERRED TO AS AREA 1 ON THE WEST SIDE OF DOE DRIVE.**

WHEREAS, pursuant to *Tennessee Code Annotated*, Sections 13-7-201 through 13-7-210, a municipal zoning ordinance has been adopted for the City of Martin; and,

WHEREAS, the Martin Municipal-Regional Planning Commission has recommended the following amendment to the Zoning Map of Martin, Tennessee to zone said property R-1 (Low Density Residential); and,

WHEREAS, pursuant to *Tennessee Code Annotated*, Section 13-7-203, a public hearing was held, the time and place of which was published with fifteen days advance notice.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MARTIN, TENNESSEE:

Section 1. That the Zoning Map of Martin, Tennessee be amended by providing zoning services in the form of an R-1 (Low Density Residential) designation to an annexed area referred to as Area 1 on the west side of Doe Drive and more fully described as follows:

Being all of Weakley County Tax Map 57M, Group B, Parcels 01800 and 01900, located on the west side of Doe Drive.

Section 2. BE IT FURTHER ORDAINED that this Ordinance shall take effect 30 days from and after its passage, THE WELFARE OF THE CITY REQUIRING IT.

Passed First Reading \_\_\_\_\_

Passed Second Reading \_\_\_\_\_

Public Hearing Date \_\_\_\_\_

\_\_\_\_\_  
Richard L. Tidwell, City Administrator

\_\_\_\_\_  
Randy Brundige, Mayor

Alderman Harrison made the motion to approve on the first reading Ordinance O2003-06: An Ordinance to provide Zoning Services for a certain territory within the corporate boundaries of the City of Martin, Tennessee, to receive a zoning designation of R-1 (Low Density Residential): An area referred to as Area 1 on the west side of Doe Drive, seconded by Alderman Belote.

VOTE:	FOR:	HONORABLE MERRYMAN HONORABLE BOYD HONORABLE JOHNSON HONORABLE BELOTE HONORABLE HARRISON HONORABLE NANNEY
	AGAINST:	NONE

Mayor Brundige declared Ordinance O2003-05 approved on the first reading and set the second and final reading for March 10, 2003, at 7:00 pm.

**INTRODUCTION AND FIRST READING OF RESOLUTION R2003-05: A RESOLUTION ADOPTING A PLAN OF SERVICES FOR AN AREA TO BE ANNEXED INTO THE CITY OF MARTIN, TENNESSEE: AN AREA REFERRED TO AS AREA 1 ON THE WEST SIDE OF DOE DRIVE. This is a recommendation from the Planning Commission.**

Mayor Brundige introduced and presented Resolution R2003-05: A Resolution adopting a Plan of Service for an area to be annexed into the City of Martin, Tennessee: An Area referred to as Area 1 on the west side of Doe Drive. This is a recommendation from the Planning Commission.

Mr. Tidwell read Resolution R2003-05. A copy follows:

**RESOLUTION R2003-05**

**A RESOLUTION ADOPTING A PLAN OF SERVICES FOR AN AREA TO BE ANNEXED INTO THE CITY OF MARTIN, TENNESSEE: AN AREA REFERRED TO AS AREA 1 ON THE WEST SIDE OF DOE DRIVE.**

WHEREAS, *Tennessee Code Annotated* 6-51-102 as amended requires that a plan of services be adopted by the governing body of a city prior to annexing an area; and,

WHEREAS, the Martin Municipal-Regional Planning Commission has recommended the following Plan of Services for the annexation of an area referred to as Area 1 on the west side of Doe Drive.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MARTIN, TENNESSEE:**

SECTION 1. Pursuant to *Tennessee Code Annotated* Section 6-51-102, there is hereby adopted for the proposed annexation area the following Plan of Services:

A. Police

- (1) Patrolling, radio responses to calls, and other routine police services, using present personnel and equipment, will be provided on the effective date of annexation.
- (2) No additional personnel or equipment will be added during the first year after the effective date of annexation, but as the area develops, additional personnel and equipment will be expanded as needed.
- (3) Traffic signals, traffic signs, street markings, and other traffic control devices will be installed as the need therefore is established by appropriate study and traffic standards.

B. Fire

- (1) Fire protection by the present personnel and the equipment of the fire fighting force, within the limitations of available water and distances from fire stations, will be provided on the effective date of annexation.
- (2) No additional personnel or equipment will be added during the first year after effective date of annexation, but with the growth and development of the area additional personnel and equipment will be expanded as needed.

C. Water

- (1) Water for domestic, commercial and industrial use will be provided at the rates presently charged by the City of Martin, on the effective date of annexation, and



thereafter from new lines as extended in accordance with current policies of the city.

- (2) Water for fire protection is currently available, with additional fire hydrants to be added as development occurs.

D. Sewer

The necessary sewer lines will be installed on undeveloped property according to current city policies. Sewer is available to this property.

E. Refuse Collection

The same regular refuse collection services now provided within the City will be extended to the annexed areas within one month after the effective date of annexation.

F. Streets

- (1) Emergency maintenance of streets (repair of hazardous chuckholes, measures necessary for traffic flow, etc.) will begin upon acceptance of the street(s) by the City of Martin but no earlier than the effective date of annexation.
- (2) Routine maintenance, on the same basis as in the present city, will begin in the annexed areas upon acceptance of the street(s) by the City of Martin but no earlier than the date when funds from the state gasoline tax based on the annexed population are received.

- (3) Reconstruction and resurfacing of streets, installation of storm drainage facilities, construction of curbs and gutters, and other such major improvements, as need therefore is determined by the governing body, will be accomplished under current policies of the city.

G. Inspection Services

Any inspection services now provided by the city will begin in the annexed areas on the effective date of annexation.

H. Planning and Zoning

The planning and zoning jurisdiction of the city will extend to the annexed areas on the effective date of annexation. City planning will thereafter encompass the annexed areas. According to an ordinance proposed by the Martin Municipal-Regional Planning Commission, the area will be zoned R-1 (Low-Density Residential).

I. Street Lighting

Streetlights will be installed in substantially developed commercial and residential areas within approximately 60 months after the effective date of annexation, under the standards currently prevailing in the city.

J. Recreation

Residents of the annexed areas may use all existing recreational facilities, parks, etc. on the effective date

of annexation. The same standards and policies now used in the present city will be followed in expanding the recreational program and facilities in the enlarged City.

K. Miscellaneous

Street name signs where needed will be installed as new streets are opened in the annexed area.

SECTION 2. THAT THIS RESOLUTION shall take effect 30 days from and after the date of final reading of the annexation ordinance, THE WELFARE OF THE CITY REQUIRING IT.

First reading of Resolution\_\_\_\_\_

Second Reading of Resolution\_\_\_\_\_

Adopting this \_\_\_\_ day of \_\_\_\_\_, 2003, following a Public Hearing.

\_\_\_\_\_

Richard L. Tidwell, City Administrator  
Mayor

Randy Brundige,

Alderman Nanney made the motion to approve Resolution R2003-05: A Resolution adopting a Plan of Service for an area to be annexed into the City of Martin, Tennessee: An area referred to as Area 1 on the west side of Doe Drive, seconded by Alderman Belote.

VOTE:	FOR:	HONORABLE MERRYMAN HONORABLE BOYD HONORABLE JOHNSON HONORABLE BELOTE HONORABLE HARRISON HONORABLE NANNEY
	AGAINST:	NONE

Mayor Brundige declared Resolution R2003-05 approved on the first reading and set the second and final reading and the public hearing for March 10, 2003, at 7:00 pm.

**ANNEXATION: AREA 2 ON THE WEST SIDE OF  
HARRISON ROAD NORTH OF STELLA  
RUTH ROAD**

**INTRODUCTION AND FIRST READING OF ORDINANCE  
O2003-07: AN ORDINANCE TO ANNEX CERTAIN  
TERRITORY AND INCORPORATE SAME WITHIN THE  
CORPORATE BOUNDARIES OF THE CITY OF MARTIN,  
TENNESSEE: AN AREA REFERRED TO AS AREA 2 ON  
THE WEST SIDE OF HARRISON ROAD NORTH OF  
STELLA RUTH ROAD. This is a recommendation from the  
Planning Commission.**

Mayor Brundige introduced and presented Ordinance O2003-07: An Ordinance to annex certain territory and incorporate same within the corporate boundaries of the City of Martin, Tennessee: An area referred to as Area 2 on the west side of Harrison Road north of Stella Ruth Road. This is a recommendation from the Planning Commission.

Mr. Tidwell read Ordinance O2003-07. A copy follows:

**ORDINANCE O2003-07**

**AN ORDINANCE TO ANNEX CERTAIN TERRITORY AND  
INCORPORATE SAME WITHIN THE CORPORATE BOUNDARIES OF  
THE CITY OF MARTIN, TENNESSEE: AN AREA REFERRED TO AS AREA**

2 ON THE WEST SIDE OF HARRISON ROAD NORTH OF STELLA RUTH ROAD.

WHEREAS, pursuant to *Tennessee Code Annotated* 6-51-102, the Martin Municipal-Regional Planning Commission has recommended for such annexation and recommended a plan of services for said annexed property; and

WHEREAS, pursuant to *Tennessee Code Annotated* 6-51-102, the Martin Board of Mayor and Aldermen has approved the plan of services for the annexed territory; and,

WHEREAS, pursuant to *Tennessee Code Annotated* 6-51-102, a public hearing was held, the time and place of which was published with fifteen days advance notice; and,

WHEREAS, the Martin Board of Mayor and Aldermen has deemed such an annexation to be in the interest of the public welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MARTIN, TENNESSEE:

Section 1. Pursuant to authority conferred by *Tennessee Code Annotated*, Sections 6-51-101 through 6-51-117, there is hereby annexed to the City of Martin, Tennessee and incorporated within the corporate boundaries thereof, the following described territory adjoining the present corporate boundaries:

Being all of Weakley County Tax Map 93D, Group A, Parcels 00100 and 00200 and Weakley County Tax Map 93C, Group A, Parcel 02400.

Section 2. BE IT FURTHER ORDAINED that this Ordinance shall take effect 30 days from and after its passage, THE WELFARE OF THE CITY REQUIRING IT.

Passed First Reading \_\_\_\_\_

Passed Second Reading \_\_\_\_\_

Public Hearing Date \_\_\_\_\_

Richard L. Tidwell, City Administrator

Randy Brundige, Mayor

Alderman Merryman made the motion to approve on the first reading Ordinance O2003-07: An Ordinance to annex certain territory and incorporate same within the corporate boundaries of the City of Martin, Tennessee: An area referred to as Area 2 on the west side of Harrison Road north of Stella Ruth Road, seconded by Alderman Nanney.

VOTE:	FOR:	HONORABLE MERRYMAN HONORABLE BOYD HONORABLE JOHNSON HONORABLE BELOTE HONORABLE HARRISON HONORABLE NANNEY
	AGAINST:	NONE

Mayor Brundige declared Ordinance O2003- 07 approved on the first reading and set the second and final reading and the public hearing for March 10, 2003, at 7:00 pm.

**INTRODUCTION AND FIRST READING OF ORDINANCE  
O2003-08: AN ORDINANCE TO PROVIDE ZONING  
SERVICES FOR A CERTAIN TERRITORY WITHIN THE  
CORPORATE BOUNDARIES OF THE CITY OF MARTIN,  
TENNESSEE, TO RECEIVE A ZONING DESIGNATION OF  
R-1 (LOW DENSITY RESIDENTIAL): AN AREA REFERRED  
TO AS AREA 2 ON THE WEST SIDE OF HARRISON ROAD  
NORTH OF STELLA RUTH ROAD.**

Mayor Brundige presented and introduced Ordinance O2003-08: An Ordinance to provide zoning services for a certain territory within the corporate boundaries of the City of Martin, Tennessee, to receive a Zoning Designation of R-1 (Low Density

Residential): An area referred to as Area 2 on the west side of Harrison Road north of Stella Ruth Road. This is recommendation from the Planning Commission.

Mr. Tidwell read Ordinance O2003-08. A copy follows:

ORDINANCE O2003-08

AN ORDINANCE TO PROVIDE ZONING SERVICES FOR A CERTAIN TERRITORY WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MARTIN, TENNESSEE, TO RECEIVE A ZONING DESIGNATION OF R-1 (LOW DENSITY RESIDENTIAL): AN AREA REFERRED TO AS AREA 2 ON THE WEST SIDE OF HARRISON ROAD NORTH OF STELLA RUTH ROAD.

WHEREAS, pursuant to *Tennessee Code Annotated*, Sections 13-7-201 through 13-7-210, a municipal zoning ordinance has been adopted for the City of Martin; and,

WHEREAS, the Martin Municipal-Regional Planning Commission has recommended the following amendment to the Zoning Map of Martin, Tennessee to zone said property R-1 (Low Density Residential); and,

WHEREAS, pursuant to *Tennessee Code Annotated*, Section 13-7-203, a public hearing was held, the time and place of which was published with fifteen days advance notice.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MARTIN, TENNESSEE:

Section 1. That the Zoning Map of Martin, Tennessee be amended by providing zoning services in the form of an R-1 (Low Density Residential) designation to an annexed area referred to as Area 2 on the west side of Harrison Road north of Stella Ruth Road and more fully described as follows:

Being all of Weakley County Tax Map 93D, Group A, Parcels 00100 and 00200 and Weakley County Tax Map 93C, Group A, Parcel 02400.

Section 2. BE IT FURTHER ORDAINED that this Ordinance shall take effect 30 days from and after its passage, THE WELFARE OF THE CITY REQUIRING IT.

Passed First Reading \_\_\_\_\_

Passed Second Reading \_\_\_\_\_

Public Hearing Date \_\_\_\_\_

\_\_\_\_\_  
Richard L. Tidwell, City Administrator

\_\_\_\_\_  
Randy Brundige, Mayor

Alderman Boyd made the motion to approve on the first reading Ordinance O2003-08: An Ordinance to provide zoning services for a certain territory within the corporate boundaries of the City of Martin, Tennessee, to receive a Zoning Designation of R-1 (Low Density Residential): An area referred to as Area 2 on the west side of Harrison Road north of Stella Ruth Road, seconded by Alderman Harrison.

VOTE:	FOR:	HONORABLE MERRYMAN
		HONORABLE BOYD
		HONORABLE JOHNSON
		HONORABLE BELOTE
		HONORABLE HARRISON
		HONORABLE NANNEY
	AGAINST:	NONE

Mayor Brundige declared Ordinance O2003- 08 approved on the first reading and set the second and final reading and the public hearing for March 10, 2003, at 7:00 pm.

**INTRODUCTION AND FIRST READING OF RESOLUTION  
R2003-06: A RESOLUTION ADOPTING A PLAN OF  
SERVICES FOR AN AREA TO BE ANNEXED INTO THE  
CITY OF MARTIN, TENNESSEE: AN AREA REFERRED**



**TO AS AREA 2 ON THE WEST SIDE OF HARRISON ROAD NORTH OF STELLA RUTH ROAD. This is a recommendation from the Planning Commission.**

Mayor Brundige introduced and presented for the first reading Resolution R2003-06: a Resolution adopting a Plan of Services for an area to be annexed into the City of Martin, Tennessee: An area referred to as Area 2 on the west side of Harrison Road north side of Stella Ruth Road. This is a recommendation from the Planning Commission.

Mr. Tidwell read Resolution R2003-06. A copy follows:

**RESOLUTION R2003-06**

**A RESOLUTION ADOPTING A PLAN OF SERVICES FOR AN AREA TO BE ANNEXED INTO THE CITY OF MARTIN, TENNESSEE: AN AREA REFERRED TO AS AREA 2 ON THE WEST SIDE OF HARRISON ROAD NORTH OF STELLA RUTH ROAD.**

WHEREAS, *Tennessee Code Annotated* 6-51-102 as amended requires that a plan of services be adopted by the governing body of a city prior to annexing an area; and,

WHEREAS, the Martin Municipal-Regional Planning Commission has recommended the following Plan of Services for the annexation of an area referred to as Area 2 on the west side of Harrison Road north of Stella Ruth Road.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MARTIN, TENNESSEE:

SECTION 1. Pursuant to *Tennessee Code Annotated* Section 6-51-102, there is hereby adopted for the proposed annexation area the following Plan of Services:

A. Police

- (1) Patrolling, radio responses to calls, and other routine police services, using present personnel and equipment, will be provided on the effective date of annexation.
- (2) No additional personnel or equipment will be added during the first year after the effective date of annexation, but as the area develops, additional personnel and equipment will be expanded as needed.
- (3) Traffic signals, traffic signs, street markings, and other traffic control devices will be installed as the need therefore is established by appropriate study and traffic standards.

B. Fire

- (1) Fire protection by the present personnel and the equipment of the fire fighting force, within the limitations of available water and distances from fire stations, will be provided on the effective date of annexation.
- (2) No additional personnel or equipment will be added during the first year after effective date of annexation, but with the growth and development of the area additional personnel and equipment will be expanded as needed.

C. Water

- (1) Water for domestic, commercial and industrial use will be provided at the rates presently charged by the City of Martin, on the effective date of annexation, and thereafter from new

lines as extended in accordance with current policies of the city.

- (2) Water for fire protection is currently available, with additional fire hydrants to be added as development occurs.

D. Sewer

The necessary sewer lines will be installed on undeveloped property according to current city policies. Sewer is available to this property.

E. Refuse Collection

The same regular refuse collection services now provided within the City will be extended to the annexed areas within one month after the effective date of annexation.

F. Streets

- (1) Emergency maintenance of streets (repair of hazardous chuckholes, measures necessary for traffic flow, etc.) will begin upon acceptance of the street(s) by the City of Martin but no earlier than the effective date of annexation.
- (2) Routine maintenance, on the same basis as in the present city, will begin in the annexed areas upon acceptance of the street(s) by the City of Martin but no earlier than the date when funds from the state gasoline tax based on the annexed population are received.

- (3) Reconstruction and resurfacing of streets, installation of storm drainage facilities, construction of curbs and gutters, and other such major improvements, as need therefore is determined by the governing body, will be accomplished under current policies of the city.

G. Inspection Services

Any inspection services now provided by the city will begin in the annexed areas on the effective date of annexation.

H. Planning and Zoning

The planning and zoning jurisdiction of the city will extend to the annexed areas on the effective date of annexation. City planning will thereafter encompass the annexed areas. According to an ordinance proposed by the Martin Municipal-Regional Planning Commission, the area will be zoned R-1 (Low-Density Residential).

I. Street Lighting

Streetlights will be installed in substantially developed commercial and residential areas within approximately 60 months after the effective date of annexation, under the standards currently prevailing in the city.

J. Recreation

Residents of the annexed areas may use all existing recreational facilities, parks, etc. on the effective date

of annexation. The same standards and policies now used in the present city will be followed in expanding the recreational program and facilities in the enlarged City.

K. Miscellaneous

Street name signs where needed will be installed as new streets are opened in the annexed area.

SECTION 2. THAT THIS RESOLUTION shall take effect 30 days from and after the date of final reading of the annexation ordinance, THE WELFARE OF THE CITY REQUIRING IT.

First reading of Resolution\_\_\_\_\_

Second Reading of Resolution\_\_\_\_\_

Adopting this \_\_\_\_ day of \_\_\_\_\_, 2003, following a Public Hearing.

\_\_\_\_\_  
\_\_\_\_\_

Richard L. Tidwell, City Administrator  
Mayor

Randy Brundige,

Alderman Belote made the motion to approve on the first reading Resolution R2003-06: a Resolution adopting a Plan of Services for an area to be annexed into the City of Martin, Tennessee: An area referred to as Area 2 on the west side oaf Harrison Road north side of Stella Ruth Road, seconded by Alderman Harrison.